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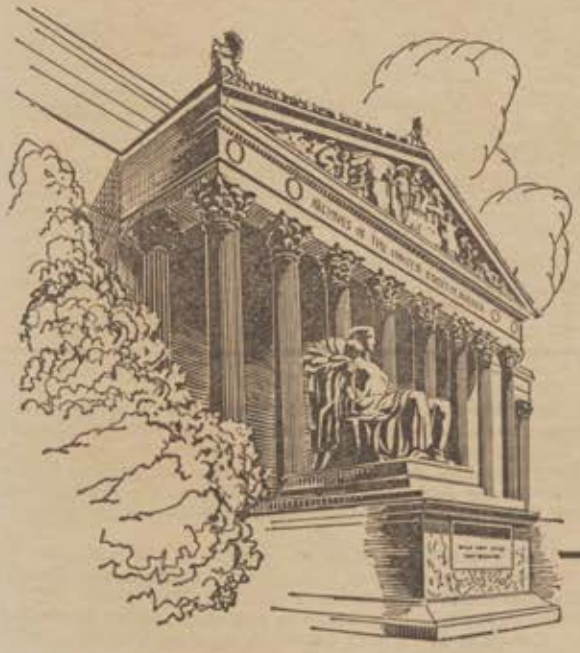

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NATIONAL VOLUNTEER FIREMEN'S WEEK

By the President of the United States of America

A Proclamation

Many communities throughout the Nation are protected from the scourge of fire only by the courage and dedication of volunteer firemen.

These men—from all walks of life—give countless hours of their time not only in preventing and fighting fires but in educating and training themselves for this purpose, in maintaining fire-fighting equipment, and in rendering other emergency services.

It is only fitting that we pay tribute to our volunteer firemen who serve their communities night and day, often at great personal risk and sacrifice. To this end, the Congress by House Joint Resolution 1154 has requested the President to issue a proclamation designating National Volunteer Firemen's Week from October 24 to October 31, 1970.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the period of October 24 to October 31, 1970, as National Volunteer Firemen's Week; and I call upon the people of the United States to observe that week with ceremonies and activities designed to honor our volunteer firemen for their contributions in safeguarding the lives and property of their fellow Americans.

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

Richard Nixon

[F.R. Doc. 70-14057; Filed, Oct. 15, 1970; 8:48 a.m.]

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Correction

In F.R. Doc. 70-13183 appearing at page 15355 in the issue for Friday, October 2, 1970, the following changes should be made in § 711.29:

1. The last county listed for Area V of Georgia, now reading "Wheller", should read "Wheeler".

2. The list of counties for Areas VII, VIII, and IX of Missouri should read as set forth below:

Area VII—Crawford, Dent, Franklin, Gasconade, Jefferson, Maries, Osage, Phelps, St. Francois, Ste. Genevieve, Texas, Washington.
Area VIII—Cape Girardeau, Dunklin, Mississippi, New Madrid, Perry, Pemiscot, Scott, Stoddard.
Area IX—Bollinger, Butler, Carter, Howell, Iron, Madison, Oregon, Reynolds, Ripley, Shannon, Wayne.

3. The counties listed for Area I of Ohio should be listed for Area II, and the counties listed for Area II should be listed for Area I.

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER H—DETERMINATION OF WAGE RATES

PART 863—SUGARCANE; FLORIDA

Fair and Reasonable Wage Rates

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and consideration of the evidence obtained at the public hearing held in Belle Glade, Fla., on May 26, 1970, the following determination is hereby issued.

The regulations previously appearing in these sections under "Determination of Wage Rates; Sugarcane; Florida" remain in full force and effect as to the crops to which they were applicable.

Sec.
863.28 Requirements.
863.29 Applicability of wage requirements.
863.30 Payment of wages.
863.31 Evidence of compliance.
863.32 Subterfuge.
863.33 Claim for unpaid wages.
863.34 Failure to pay all wages in full.
863.35 Checking compliance.

AUTHORITY: Secs. 863.28 to 863.35 issued under secs. 301, 403, 61 Stat. 929, as amended, 932; 7 U.S.C. 1131, 1153.

§ 863.28 Requirements.

A producer of sugarcane in Florida shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in production, cultivation, or harvesting work, as provided in § 863.29, shall have been paid in accordance with the following:

(a) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates required by existing legal obligations, regardless of whether those obligations resulted from an agreement (such as a labor union agreement) or were created by State or Federal legislative action, or at rates as agreed upon between the producer and the worker, whichever is higher, but not less than the following, which shall become effective on October 26, 1970, and shall remain in effect until amended, superseded, or terminated:

(1) *Work performed on a time basis.*

Class of worker:	Rate per hour
(i) Tractor drivers and principal operators of mechanical harvesting and loading equipment	$2.00
(ii) All other workers, including those employed to assist in the operation of mechanical harvesting and loading equipment such as harvester cutter blade operators	1.75

(2) *Workers 14 and 15 years of age and full-time students when employed on a time basis.* For workers 14 and 15 years of age and, where the Secretary of Labor has by certificate or order provided for the employment of full-time students 14 years of age or older on a part-time basis (not to exceed 20 hours in any workweek during the time school is in session) or on a part-time or full-time basis during school vacations, the rate shall be not less than 85 percent of the applicable hourly rate for the class of worker prescribed in subparagraph (1) of this paragraph. (The act provides that the employment of workers under 14 years of age, or the employment of workers 14 and 15 years of age for more than 8 hours per day, will result in a deduction from Sugar Act payments to the producer.)

(3) *Apprentice operators of tractors and mechanical harvesting and loading equipment when employed on a time basis.* The hourly wage rate for a learner or apprentice, who is being trained as a tractor driver or the principal operator of mechanical harvesting or loading equipment, shall be not less than $1.75. The training period for such workers shall not exceed 6 workweeks.

(4) *Handicapped workers when employed on a time basis.* The wage rate for workers certified by the Regional Director, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, 1371 Peachtree Street NE., Atlanta, Ga. 30309, to be handicapped because of age or physical or mental deficiency or injury, and whose productive capacity is thereby impaired, shall be not less than 75 percent of the applicable hourly rate for the class of worker prescribed in subparagraph (1) of this paragraph.

(5) *Work performed on a piecework basis.* The piecework rate for any operation shall be as agreed upon between the producer and the worker. The hourly rate of earnings of each worker employed on piecework during each pay period (not to be in excess of 2 weeks) shall average for the time worked at piecework rates during such pay period not less than the applicable hourly rate for the class of worker prescribed in subparagraph (1), (2), (3), or (4) of this paragraph.

(b) *Compensable working time.* For work performed under paragraph (a) of this section, compensable working time commences at the time the worker is required to start work and ends upon completion of work in the field, except time taken out for meals during the working day. If the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point or tractor shed located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(c) *Equipment necessary to perform work assignment.* The producer shall furnish without cost to the worker any equipment required in the performance of any work assignment. The worker may be charged for the cost of such equipment in the event of its loss or destruction through negligence of the worker. Equipment includes, but is not limited to, hand and mechanical tools and special wearing apparel, such as boots and raincoats, required to discharge the work assignment.

§ 863.29 Applicability of wage requirements.

The wage requirements of this part apply to all persons who are employed or who work on the farm in operations directly connected with the production, cultivation, or harvesting of sugarcane on any acreage from which sugarcane is marketed or processed for the production

of sugar, harvested for seed, or any acreage which qualifies as bona fide abandoned. Such persons include field overseers or supervisors while directing other workers, and those workers employed by an independent contractor who perform services on the farm. The wage requirements are not applicable to persons who voluntarily perform work without pay on the farm for a religious or charitable institution or organization; inmates of a prison who work on a farm operated by the prison; truck drivers employed by a contractor engaged only in hauling sugarcane; members of a cooperative arrangement among producers for the exchange of labor to be performed by themselves or members of their families; persons who have an agreement with the producer to perform all work on a specified acreage in return for a share of the crop or crop proceeds if such share, including the share of any Sugar Act payments, results in earnings at least as much as would otherwise be received in accordance with the requirements of this part for the work performed; independent contractors and members of their immediate families; or workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugarcane, including but not limited to mechanics, welders, and other maintenance workers and repairmen.

§ 863.30 Payment of wages.

Workers shall be paid in cash for all work performed, except to the extent that the cash payment is reduced by the following deductions: cash advances made to the worker by the producer; the market value or the amount agreed upon for supplies furnished by the producer at the request of the worker; meals, lodging, and transportation expense which the producer agreed to furnish for a stated amount; and mandatory deductions such as taxes and Social Security contributions. In addition, a producer may deduct the amounts he has paid to a third party on behalf of the worker in connection with his employment as a farmworker which are acknowledged in writing signed by the worker or his agent or substantiated by other evidence acceptable to the county ASC committee to be an indebtedness of the worker, and which cover the expense of services and benefits furnished the worker by the third party, and which the worker or his agent has agreed may be deducted from his wages, such as public utilities, medical services, group hospitalization or other insurance for the benefit of the worker. As evidence of payments to a third party for which a deduction is made from the earnings of a worker, the producer shall maintain for a period of 3 years, for the inspection of the worker and the local county ASCS office, receipted bills or other written satisfactory evidence that support such deductions. Payments made to a labor contractor, supervisor, or labor trainer, or the cost of meals, lodging, transportation, and insurance covering injury or illness resulting from employment, any or all of which the producer agreed to furnish the worker free of charge, shall not be deducted from cash wages due the worker. When any deductions are made, the producer shall furnish to the worker, at time of settlement, a statement showing the gross amount of wages due for work performed and the amount of each deduction properly identified.

§ 863.31 Evidence of compliance.

Each producer subject to the provisions of this part shall keep and preserve, for a period of 3 years following the date on which his application for a Sugar Act payment is filed, such wage records as will demonstrate that each worker has been paid in full in accordance with the requirements of this part. Wage records should set forth dates work was performed, the class of work performed, units of work (piecework or hours), agreed upon rates per unit of work, total earnings and any permissible deductions, and the amount paid each worker. The producer shall furnish upon request to the appropriate Agricultural Stabilization and Conservation County Committee such records or other evidence as may satisfy such committee that the requirements of this part have been met.

§ 863.32 Subterfuge.

The producer shall not reduce the wage rates to workers below those determined in accordance with the requirements of this part through any subterfuge or device whatsoever.

§ 863.33 Claim for unpaid wages.

Any person who believes he has not been paid in accordance with this part may file a wage claim with the local Agricultural Stabilization and Conservation County Committee against the producer on whose farm the work was performed. Such claim must be filed on Form SU-191, entitled "Claim Against Producer for Unpaid Wages," within 2 years from the date the work with respect to which the claim is made was performed. Detailed instructions and Forms SU-191 are available at the local county ASCS office. Upon receipt of a wage claim the county office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The county ASC committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the Florida State Agricultural Stabilization and Conservation Committee, 401 Southeast First Avenue, Gainesville, Fla. 32601, which shall likewise consider the facts and notify the producer and worker in writing of its recommendations for settlement of the claim. If the recommendation of the State ASC Committee is not acceptable, either party may file an appeal with the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All such appeals shall be filed within 15 days after the date the written notice of the recommended settlement is mailed by the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Deputy Administrator, State and County Operations, his decision shall be binding on all parties insofar as payments under the act are concerned. Appeals procedures are set forth and explaned fully in Part 780 of this title.

§ 863.34 Failure to pay all wages in full.

(a) Notwithstanding the provisions of this part requiring that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane be paid in full for all such work as one of the conditions to be met by a producer for payment under the act, if the producer has failed to meet this condition but has met all other conditions, a portion of such payment, representing the remainder after deducting from the payment the amount of accrued unpaid wages, may be disbursed to producer(s) upon a determination by the county committee (1) that the producer has made a full disclosure to the county committee or its representative of any known failure to pay all workers on the farm wages in full as a condition for payment under the Sugar Act; and (2) that either (i) the failure to pay all workers their wages in full was caused by the financial inability of the producer; or (ii) the failure to pay all workers in full was caused by an inadvertent error or was not the fault of the producer or his agent, and the producer has used reasonable diligence to locate and to pay in full the wages due all such workers. If the county committee makes the determination as heretofore provided in this paragraph, such committee shall cause to be deducted from the payment for the farm the full amount of the unpaid wages which shall be paid promptly to each worker involved if he can be located, otherwise the amount due shall be held for his account, and the remainder of the payment for the farm, if any, shall be made to the producer. If the county committee determines that the producer did not pay all workers in full because of an inadvertent error that was not discovered until after he received his Sugar Act payment, the producer shall be placed on the claims control record for the total amount of the unpaid wages.

(b) Except as provided in paragraph (a) of this section, if upon investigation the county committee determines that the producer failed to pay all workers on the farm the required wages, the entire Sugar Act payment with respect to such a farm shall be withheld from the producer until such time as evidence is presented to the county committee which will satisfy the county committee that all workers have been paid in full the wages earned by them; or if unpaid workers cannot be located, and the county committee determines that the producer used reasonable diligence to

locate such workers, the amounts of unpaid wages shall be deducted from the Sugar Act payment computed for the farm and the balance released to the producer after the expiration of 1 year from the date payment would otherwise be made. If payment has been made to the producer prior to the county committee's determination that all workers on the farm have not been paid in full, the producer shall be placed on the claims control record for the total payment until the county committee determines that all workers on the farm have been paid in full, the producer refunds the entire amount of debt, or a setoff in the amount of the debt is made from a program payment otherwise due the producer, or the county committee after determining that the producer used reasonable diligence to locate such workers has recovered from such producer the amount of unpaid wages computed for the farm.

§ 863.35 **Checking compliance.**

The procedures to be followed by county ASCS offices in checking compliance with the wage requirements of this part are set forth under the heading "Wage Rate Determinations" in Handbook 3–SU, issued by the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service. Handbook 3–SU may be inspected at local county ASCS offices, and copies may be obtained from the Florida State ASCS Office, 401 Southeast First Avenue, Gainesville, Fla. 32601.

STATEMENT OF BASES AND CONSIDERATIONS

General. The foregoing determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane in Florida as one of the conditions with which producers must comply to be eligible for payments under the act.

Requirements of the act and standards employed. Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made, shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and byproducts, income from sugarcane, and cost of production), and the differences in conditions among various sugar-producing areas.

Wage determination. This determination differs from the prior determination in that the minimum wage rates for work performed on a time basis are increased 10 cents per hour to $2 for tractor drivers and principal operators of mechanical harvesting and loading equipment, and to $1.75 for all other workers. Other provisions of the prior determination continue unchanged.

A public hearing was held in Belle Glade, Fla., on May 26, 1970, at which interested persons were afforded the opportunity to testify with respect to whether the wage rates established for Florida sugarcane fieldworkers in the determination which became effective on November 10, 1969, continue to be fair and reasonable, or whether such determination should be amended. Testimony was presented at the hearing by two representatives of sugarcane producers and one respresentative of fieldworkers.

Representatives of producers recommended that the wage rates and other provisions of the prior determination be continued for the 1970–71 season. One witness, representing the United States Sugar Corp., testified that so long as the search for a suitable commercial harvesting machine continues, there is no need for additional job classifications for workers employed in mechanical harvesting operations. He stated that of 1,577,736 tons of cane harvested by his company in 1969–70, only 77,895 tons were mechanically harvested. The witness also stated his belief that in determining fair and reasonable wage rates, the Secretary of Agriculture should consider this year the squeeze in which producers find themselves, due to the failure of the price of sugar and productivity of the workers to keep pace with wage rates. He testified that the average price received by producers from the sale of sugar has increased at a much smaller rate than the minimum hourly wage and the average hourly earnings of fieldworkers.

A sugarcane producer representing the Florida Farm Bureau supported the recommendation for stable minimum wage rates by stating that increases in wages, costs of tractors and fuel, and other production costs have gone up faster than the price of sugar. The witness also testified that sugarcane producers in Florida are at a disadvantage competitively with those in other areas since they do not use mechanical harvesters, and that Florida producers are, therefore, dependent upon hand labor which is more expensive.

A witness on behalf of labor, representing the Migrant Services Foundation, recommended higher wage rates for sugarcane fieldworkers. However, the witness testified that he was not prepared to recommend precise wage levels. He did suggest that the 5 percent inflation which occurred last year ought to be considered in setting wage rates. The witness also stated that an adjudicatory setup should be established which would allow differences between the workers and the producer in the amount of the piecework rate to be arbitrated by a neutral party, since the workers have little, if any, voice in the setting of the piecework rate.

Consideration has been given to the recommendations and testimony presented at the public hearing; to the returns, costs, and profits of producing sugarcane obtained by field survey for recent crops and recast in terms of conditions likely to prevail for the 1970 crop; and to other generally related standards, such as the cost of living and the producers' ability to pay. During the past year the cost of living has increased by approximately 5 percent. Present crop conditions indicate a favorable overall profit position for producers. Analysis of all relevant factors indicates that the wage rates established in this determination are fair and reasonable and are within the producers' ability to pay.

It is expected that the increase in minimum wage rates of 10 cents per hour for all classes of workers employed in the production, cultivation, and harvesting of sugarcane in Florida will provide full-time workers with additional annual income of about $200 if producers continue to pay wage premiums about in line with the past.

The unskilled labor force in Florida surgarcane fields is composed primarily of workers imported from the West Indies. These workers are employed as hand cutters of sugarcane during the harvest season, and almost all receive wages at piecework rates. Information available to the Department indicates that unskilled workers employed as cane cutters on a piecework basis earned in excess of $2 per hour during the 1969–70 harvest, as compared to the minimum hourly rate of $1.65.

The skilled and semiskilled labor force is composed of local domestic workers, who customarily are employed on a year-round basis at hourly rates. They are employed primarily as tractor drivers or operators of mechanical harvesting or loading equipment. Reports available to the Department indicate that skilled machine operators earned an average wage ranging between $1.90 and $2.10 per hour during the 1969–70 crop year.

This determination is issued on a continuing basis and will remain in effect until amended or terminated. However, the Department will keep the wage situation under review and will conduct investigations and hold hearings annually.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

NOTE: The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date. This determination shall become effective on October 26, 1970.

Signed at Washington, D.C., on October 9, 1970.

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

[F.R. Doc. 70-13967; Filed, Oct. 15, 1970; 8:48 a.m.]

SUBCHAPTER I—DETERMINATION OF PRICES

PART 873—SUGARCANE; FLORIDA

Fair and Reasonable Prices for 1970 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of the evidence presented at the public hearing held in Belle Glade, Fla., on May 26, 1970, the following determination is hereby issued.

The regulations previously appearing in these sections under "Determination of Prices; Sugarcane; Florida" remain in full force and effect as to the crops to which they were applicable.

Sec.

AUTHORITY: Secs. 831.31 to 873.40 issued under secs. 301, 403, 61 Stat. 929, as amended, 932; 7 U.S.C. 1131, 1153.

§ 873.31 General requirements.

A producer of sugarcane in Florida who is also a processor of sugarcane, to which this part applies as provided in § 873.38 (herein referred to as "processor"), shall have paid, or contracted to pay, for sugarcane of the 1970 crop grown by other producers and processed by him, or shall have processed sugarcane of other processors under a toll agreement, in accordance with the following requirements.

§ 873.32 Definitions.

For the purpose of this part, the term:

(a) "Price of raw sugar" means the daily spot quotation of raw sugar of the New York Coffee and Sugar Exchange No. 10 domestic contract, except that if the Director of the Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, determines that such price does not reflect the true market value of raw sugar, because of inadequate volume or other factors, he may designate the price to be effective under this part which he determines will reflect the true market value of raw sugar.

(b) "Season's average price of raw sugar" means (1) the weighted average price of raw sugar for the months in which 1970 crop sugar is delivered to the purchaser, determined by weighting the simple average of the daily prices of raw sugar for each month in which sugar is delivered to the purchaser by the quantity of 1970 crop raw sugar or raw sugar equivalent delivered during each corresponding month, or (2) the average price of raw sugar received by a processor who disposes of all of his sugar under a single contract with a refiner.

(c) "Raw sugar" means raw sugar, 96° basis.

(d) "Net sugarcane" means the gross weight of sugarcane delivered by a producer to a processor minus a deduction equal to the average percentage weight of trash delivered with all sugarcane ground at each mill operated by a processor.

(e) "Trash" means green or dried leaves, sugarcane tops, dirt, and all other extraneous material delivered with sugarcane.

(f) "Standard sugarcane" means net sugarcane containing 12.5 percent sucrose in the normal juice.

(g) "Salvage sugarcane" means sugarcane containing less than 9.5 percent sucrose in the normal juice.

(h) "Average percent sucrose in normal juice" means (1) the average percent crusher juice sucrose of the producer sugarcane multiplied by a factor representing the ratio of factory normal juice sucrose to factory crusher juice sucrose at the processor's mill; or (2) the average percent sample mill juice sucrose of the producer's sugarcane multiplied by a factor representing the ratio of factory normal juice sucrose to the average sample mill juice sucrose analyses of producers' sugarcane.

(i) "Average percent crusher juice sucrose" means the percentage of sucrose in undiluted crusher juice as determined by direct analysis in accordance with standard procedures.

(j) "Factory normal juice sucrose" means the percentage of sucrose in undiluted juice extracted by a mill tandem as determined by multiplying factory dilute juice purity by factory normal juice Brix.

(k) "Factory crusher juice sucrose" means the percentage of sucrose in undiluted crusher juice as determined by direct analysis.

(l) "Average percent sample mill juice sucrose" means the percentage of sucrose solids in juice extracted from samples of each producer's sugarcane by the sample mill.

(m) "Factory normal juice Brix" means the percentage of soluble solids in undiluted juice extracted from sugarcane by a mill tandem as determined by multiplying factory crusher juice Brix by a dry milling factor representing the ratio of factory normal juice Brix to factory crusher juice Brix.

(n) "Factory crusher juice Brix" means the percentage of soluble solids in undiluted crusher juice as determined by direct analysis.

(o) "Factory dilute juice purity" means the ratio of factory dilute juice sucrose to factory dilute juice Brix which are determined by direct analysis.

(p) "State office" means the Florida State Agricultural Stabilization and Conservation Service Office, 401 Southeast First Avenue, Gainesville, Fla. 32601.

(q) "State committee" means the Florida State Agricultural Stabilization and Conservation Committee.

§ 873.33 Basic price.

(a) The basic price for standard sugarcane shall be not less than $1.12 per ton for each 1 cent per pound of the season's average price of raw sugar.

(b) The basic price for salvage sugarcane shall be as agreed upon between the processor and producer, subject to the approval of the State office.

§ 873.34 Conversion of net sugarcane to standard sugarcane.

Net sugarcane (except salvage sugarcane) shall be converted to standard sugarcane by multiplying the total quantity of net sugarcane delivered by each producer by the applicable quality factor in accordance with the following table:

Average percent sucrose in normal juice	*Standard sugarcane quality factor*[1]
9.5	0.70
10.0	.75
10.5	.80
11.0	.85
11.5	.90
12.0	.95
12.5	1.00
13.0	1.05
13.5	1.10
14.0	1.15
14.5	1.20
15.0	1.25
15.5	1.30

[1] The quality factor for sugarcane of intermediate percentages of sucrose in normal juice shall be interpolated and for sugarcane having more than 15.5 percent sucrose in the normal juice shall be computed in proportion to the immediately preceding interval.

§ 873.35 Molasses payment.

The processor shall pay to the producer for each ton of net sugarcane delivered an amount equal to the product of 5.8 gallons times one-half of the excess above 4.75 cents per gallon of the weighted average net sales price per gallon of blackstrap or final molasses, basis, f.o.b. tank truck or railroad car at mill, sold during the 12-month period ending May 31, 1971. If the processor sells molasses for his own account and for the account of another processor the weighted average net sales price of molasses for all processors involved shall for the purpose of this section be determined on the basis of the price at which all molasses was sold by such processor during such 12-month period.

§ 873.36 Other related specifications.

(a) The price for sugarcane established by this part is applicable to sugarcane loaded on carts or trucks at the farm, or if sugarcane is transported by railroad, loaded in railroad cars at the railroad siding nearest the farm, and the processor is required to bear the cost of transporting sugarcane (gross weight) from such points to the mill. If sugarcane is transported a distance of more than 14.9 miles to the mill by railroad or other common carrier, the producer may be required to bear the additional cost of transporting such sugarcane (based upon published tariffs). If the processor transports, in his own conveyance, or

arranges for the transportation of sugarcane with other than a common carrier, he may charge the producer 5 cents per ton for each mile such sugarcane is transported in excess of 14.9 miles, or if the producer transports sugarcane to the mill by other than railroad or other common carrier the processor shall pay the producer 5 cents per ton for each mile such sugarcane is transported, but not in excess of 14.9 miles.

(b) Deductions for frozen sugarcane, fiber content determinations and deductions, definitions of delivery schedules and similar specifications employed in connection with the purchase of 1970 crop sugarcane shall be substantially in accordance with the general practices in Florida and as agreed upon between the producer and the processor.

(c) Nothing in paragraph (b) of this section shall be construed as prohibiting modification of customs and practices which may be necessary because of unusual circumstances, any such modification to be reported in writing by the processor to the State office.

(d) In the event a general freeze causes abnormally low recoveries of raw sugar by a processor in relation to the sucrose test of the sugarcane, payment for such sugarcane may be made as agreed upon between the producer and the processor subject to the written approval of the State office upon a determination by the State committee that the payment is fair and reasonable.

(e) The processor shall submit to the State office for approval (1) a statement setting forth the weighted average price of raw sugar upon which settlements with producers are based; and (2) a statement setting forth the gross proceeds and the handling and delivery expenses deducted in arriving at the weighted average net sales price of blackstrap molasses.

§ 873.37 Toll agreements.

The rate for processing sugarcane produced by a processor and processed under a toll agreement by another processor shall be the rate they agree upon.

§ 873.38 Applicability.

The requirements of this part are applicable to all sugarcane purchased from other producers and processed by a processor who produces sugarcane (a processor-producer is defined in § 821.1 of this chapter); and to sugarcane purchased by a cooperative processor from nonmembers. The requirements are not applicable to sugarcane processed by a cooperative processor for its members.

§ 873.39 Subterfuge.

The processor shall not reduce returns to the producer below those determined in accordance with the requirements of this part through any subterfuge or device whatsoever.

§ 873.40 Processor mill procedures and checking compliance.

The procedures to be followed by processors in determining net sugarcane, trash, average percent sucrose in normal juice, average percent crusher juice sucrose, factory normal juice sucrose, factory crusher juice sucrose, average percent sample mill juice sucrose, and other related mill procedures and required reports are set forth in Handbook 9–SU entitled "Sampling, Testing, and Reporting for Florida Sugar Processors," copies of which have been furnished each processor. The procedures to be followed by the State office in checking compliance with the requirements of this part are set forth under the heading "Fair Price Compliance" in Handbook 3–SU, issued by the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service. Handbooks 9–SU and 3–SU may be inspected at county ASCS offices and copies may be obtained from the Florida State ASCS Office, 401 Southeast First Avenue, Gainesville, Fla. 32601.

STATEMENT OF BASES AND CONSIDERATIONS

General. The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1970 crop grown by other producers.

Requirements of the act. Section 301 (c)(2) of the act provides as a condition for payment, that the producer on the farm who is also directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for a public hearing.

1970 crop price determination. This determination continues the provisions of the prior determination, except that the molasses payment to producers is to be based on 5.8 gallons of blackstrap molasses per ton of sugarcane, instead of 5.9 gallons, in order to reflect the most recent 5-year average recovery.

A public hearing was held in Belle Glade, Fla., on May 26, 1970, at which interested persons presented testimony relating to fair and reasonable prices for 1970 crop sugarcane. Witnesses representing the Florida Farm Bureau Federation and the United States Sugar Corp. recommended the continuation of the provisions of the 1969 fair price determination. The former stated that, although the growers are in need of obtaining a higher return from their sugarcane, he believes it is not fair to ask for a larger portion of the proceeds from the sale of sugar at this time, since the processors are also under a price squeeze.

Consideration has been given to the recommendations presented at the hearing, and to data on the returns, costs, and profits of producing and processing sugarcane obtained by recent field survey and recast in terms of conditions likely to prevail for the 1970 crop. Analysis of these data indicates that a continuance of the pricing provisions of the 1969 crop determination will enable producers and processors to share the total returns from sugar about in line with their respective shares of total costs.

There was, however, a decline in the 5-year average recovery of molasses from sugarcane from 5.9 gallons of blackstrap molasses per net ton of sugarcane to 5.8 gallons per ton. Therefore, the determination provides that the molasses payment to producers is to be based on 5.8 gallons of blackstrap molasses per net ton of sugarcane.

On the basis of an examination of all relevant factors, the provisions of this determination are deemed to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

Effective date. This determination shall become effective upon publication in the FEDERAL REGISTER and is applicable to the 1970 crop of Florida sugarcane.

Signed at Washington, D.C., on October 9, 1970.

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

[F.R. Doc. 70-13968; Filed, Oct. 15, 1970; 8:48 a.m.]

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

PART 982—FILBERTS GROWN IN OREGON AND WASHINGTON

Expenses of Filbert Control Board and Rate of Assessment for 1970–71 Fiscal Year

Notice was published in the October 3, 1970, issue of the FEDERAL REGISTER (35 F.R. 15446) regarding proposed expenses of the Filbert Control Board for the 1970–71 fiscal year and rate of assessment for that fiscal year, pursuant to §§ 982.60 and 982.61 of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None was submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Filbert Control Board, and other available information, it is found that the expenses of the Filbert Control Board and rate of assessment for the fiscal year beginning August 1, 1970, shall be as follows:

§ 982.315 Expenses of the Filbert Control Board and rate of assessment for the 1970–71 fiscal year.

(a) *Expenses.* Expenses in the amount of $25,339 are reasonable and likely to be incurred by the Filbert Control Board during the fiscal year beginning August 1, 1970, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said fiscal year, payable by each handler in accordance with § 982.61, is fixed at 0.20 cent per pound of filberts.

It is 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) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable filberts from the beginning of such year; and (2) the current fiscal year began on August 1, 1970, and the rate of assessment herein fixed will automatically apply to all such assessable filberts beginning with that date.

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

Dated: October 13, 1970.

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

[F.R. Doc. 70-13993; Filed, Oct. 15, 1970; 8:50 a.m.]

PART 989 — RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Preliminary Free and Reserve Percentages and Designation of Countries for Export Sale of Reserve Natural Thompson Seedless Raisins

Notice was published in the September 17, 1970, issue of the FEDERAL REGISTER (35 F.R. 14556) regarding proposals to designate for natural Thompson Seedless raisins for the 1970–71 crop year: (1) A preliminary free tonnage percentage which would release not less than 65 percent of the desirable free tonnage of 122,750 tons (35 F.R. 15631) for such raisins; and (2) certain countries for export sale by handlers of reserve tonnage raisins.

The proposals were based on a recommendation of the Raisin Administrative Committee and other available information. The Committee is established under, and its recommendations are made in accordance with, the provisions of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act".

The notice afforded interested persons an opportunity to submit written data, views, or arguments on the proposals to be received not later than October 8, 1970. The Raisin Administrative Committee submitted written comments within the period prescribed therefor. The Committee has determined that the field price for natural Thompson Seedless raisins is firmly established and therefore has recommended that a significantly larger portion (i.e. about 109,850 tons) of the desirable free tonnage be released than that proposed in the notice (about 79,800 tons).

Based upon the Committee's October 5, 1970, estimate of the 1970 production of natural Thompson Seedless raisins of 169,000 tons and the firm establishment of the field price for such raisins on September 25, 1970, the Committee on October 5, 1970, unanimously recommended 65 percent as the preliminary free tonnage percentage. Such percentage would tend to release about 109,850 tons, or about 89 percent, of the desirable free tonnage for such raisins. The increase in the free percentage over that proposed in the notice would permit handlers to use about 30,000 tons more of their raisin acquisitions as free tonnage, thereby enabling earlier payment to producers on a greater portion of the free tonnage.

The Committee also unanimously recommended that the countries to which sale in export of reserve tonnage natural Thompson Seedless raisins may be made by handlers, be the same as those for the 1969–70 crop year.

After consideration of all relevant matter presented, including that in the notice, written comments received pursuant to the notice, the information and recommendation of the Committee, and other available information, it is found that: (1) Designating preliminary free and reserve percentages for natural Thompson Seedless raisins for the 1970–71 crop year as 65 percent and 35 percent, respectively; and (2) as the countries for export sale by handlers of reserve tonnage raisins, the countries listed in § 989.221 for the purposes of § 989.67 (c), which is hereinafter set forth, will tend to effectuate the declared policy of the act. Therefore, it is ordered as follows:

§ 989.228 Free and reserve percentages for the 1970–71 crop year.

The preliminary percentages of standard natural Thompson Seedless raisins acquired by handlers during the crop year beginning September 1, 1970, which shall be free tonnage and reserve tonnage, respectively, are designated as follows: Preliminary free tonnage percentage, 65 percent; and preliminary reserve tonnage percentage, 35 percent.

The countries for export sale by handlers of reserve tonnage raisins shall be those listed in § 989.221. For ready reference purposes, § 989.221 reads as follows:

§ 989.221 Countries to which sale in export of reserve tonnage natural Thompson Seedless raisins may be made by handlers.

The countries to which sale in export of reserve tonnage natural Thompson Seedless raisins may be made by handlers shall be all of those countries, other than Australia, outside of the Western Hemisphere. For purpose of this section, "Western Hemisphere" means the area east of the international dateline and west of 30° W. longitude but excluding all of Greenland and Mexico. All of the countries covered by this section to which sale in export of such reserve tonnage may be made shall be deemed listed in this section for the purposes of § 989.67 (c).

It is further 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) The percentages designated herein for a crop year apply to all standard raisins of the applicable varietal type acquired by handlers from the beginning of the crop year, and such acquisitions for the current crop year have begun; (2) the current crop year began on September 1, 1970, and the preliminary free and reserve percentages will automatically apply to all such raisins acquired by handlers beginning on that date; and (3) the designation of countries to which sale of reserve raisins may be made should become effective immediately so that handlers can proceed accordingly and with certainty in planning and conducting their export sales of such raisins.

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

Dated: October 13, 1970.

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

[F.R. Doc. 70-13994; Filed, Oct. 15, 1970; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF ANIMAL DISEASES

PART 56—SWINE DESTROYED BECAUSE OF HOG CHOLERA

Payment of Indemnities

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114, 114a, 114g, 115, 117, 120, 123–126, 134a–134h), Part 56, Title 9, Code of Federal Regulations, relating to the payment of

indemnity for swine destroyed because of hog cholera, is hereby amended in the following respects:

1. Section 56.4 is amended to read:

§ 56.4 Care and feeding of swine under quarantine; disposal after slaughter.

The Department may pay one-half the expenses for destruction, burial, incineration, rendering, or otherwise disposing of swine infected with or exposed to hog cholera, and one-half the expenses of transportation of such swine to the point where such destruction shall take place. The Department will not pay expenses for the care and feeding of swine held for destruction except as specifically approved by the Director and in the case of approval, such expenses for care and feeding of such swine shall be deducted from the appraised value of the swine and indemnity payments may be made to the limit specified in § 56.7.

2. Section 56.7 is amended by adding a a new paragraph (d) to read as follows:

§ 56.7 Payments to owners for swine destroyed.

* * * * *

(d) If the Department has paid the expenses of care and feeding of swine held for destruction in accordance with § 56.4, such expenses shall be deducted from the appraised value of the swine, and the difference between the appraised value and such expenses shall be used as the net appraised value for computing indemnity claims.

(Secs. 3–5, 23 Stat. as amended, sec. 2, 32 Stat. 792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 11, 58 Stat. 734, as amended, 75 Stat. 481, 76 Stat. 129–132; 21 U.S.C. 111–113, 114, 114a, 114g, 115, 117, 120, 121, 123–126, 134a–134h)

The foregoing amendments are necessary to insure continued progress of the Cooperative State-Federal Hog Cholera Eradication Program and to protect gains made toward the eradication of hog cholera from the Nation's swine population.

The foregoing amendments (1) permit payment by the Department to owners of swine infected with or exposed to hog cholera of one-half the expenses for destruction, burial, incineration, rendering, or otherwise disposing of such swine, and for transportation of such swine to point of destruction; (2) specify that any payment to owners by the Department for expenses incurred in the care and feeding of swine held for destruction, which payment has been specifically authorized or approved by the Director, shall be deducted from the appraised value of the swine and that indemnity payments shall be made in accordance with § 56.7 of this part; and (3) specify that any expenses incurred by owners of swine held for destruction and paid for in accordance with the provisions of § 56.4, shall be deducted from the appraised value of the swine and the difference between the appraised value and such expenses shall be used as the net appraised value for computing indemnity claims.

The amendments will be of benefit to affected persons as they will facilitate the payment of certain indemnity claims for swine destroyed because of hog cholera. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the foregoing amendments are impracticable and contrary to the public interest and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

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

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

[F.R. Doc. 70–13965; Filed, Oct. 15, 1970; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70–CE–47]

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

Designation of Transition Area

On July 17, 1970, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (35 F.R. 11518) stating that the Federal Aviation Administration proposed to designate a control zone and transition area at St. Cloud, Minn.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. No objections have been received to this proposal.

Subsequent to the publication of this notice, it has been determined that weather reporting services for St. Cloud Municipal Airport will not be available. Therefore, a control zone cannot be designated at this time. Consequently, notice is hereby given that the portion of the proposal referring to the designation of a control zone at St. Cloud, Minn., in Airspace Docket No. 70–CE–47 (35 F.R. 11518) will be deleted from the adopted rule.

Since this change reduces the amount of controlled airspace and imposes no additional burden on any person, notice and public procedure hereon are unneccessary.

The amendment as so proposed is hereby adopted, subject to the following change: Delete the St. Cloud, Minn., control zone designation.

This amendment becomes effective 0901 G.m.t., December 10, 1970.

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

Issued in Kansas City, Mo., on September 28, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

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

ST. CLOUD, MINN.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the St. Cloud Municipal Airport (latitude 45°32'45" N., longitude 94°03'40" W.); and within 3 miles each side of the 118° bearing from St. Cloud Municipal Airport, extending from the 7-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 118° bearing from St. Cloud Municipal Airport, extending from the airport to 18½ miles southeast of the airport; and within 5 miles each side of the 298° bearing from the St. Cloud Municipal Airport, extending from the airport to 12 miles northwest of the airport.

[F.R. Doc. 70–13954; Filed, Oct. 15, 1970; 8:47 a.m.]

[Airspace Docket No. 70–CE–58]

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

Designation of Control Zone

On pages 12556 and 12557 of the FEDERAL REGISTER dated August 6, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a control zone at Olathe, Kans.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., December 10, 1970.

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

Issued in Kansas City, Mo., on September 28, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.171 (35 F.R. 2054), the following control zone is added:

OLATHE, KANS.

Within a 5-mile radius of the Johnson County, Kansas Airport (lat. 38°51'00" N., long. 94°44'15" W.); and within 2½ miles each side of the 183° bearing from Johnson County Airport, extending from the 5-mile radius zone to 6½ miles south of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[F.R. Doc. 70–13955; Filed, Oct. 15, 1970; 8:47 a.m.]

[Airspace Docket No. 70-CE-70]

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

Alteration of Transition Area

On page 12557 of the FEDERAL REGISTER dated August 6, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Bedford, Ind.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., December 10, 1970.

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

Issued in Kansas City, Mo., on September 28, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

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

BEDFORD, IND.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Virgil I. Grissom Municipal Airport (lat. 38°50'25" N., long. 86°26'45" W.); within 5 miles each side of the Bloomington, Ind., VORTAC 156° radial, extending from the 6½-mile radius area to 35 miles southeast of the VORTAC; and within 3 miles each side of the 183° bearing from Virgil I. Grissom Municipal Airport, extending from the 6½-mile radius area to 8 miles northwest of the airport.

[F.R. Doc. 70-13956; Filed, Oct. 15, 1970; 8:47 a.m.]

[Airspace Docket No. 70-CE-71]

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

Alteration of Transition Area

On pages 12557 and 12558 of the FEDERAL REGISTER dated August 6, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Sturgeon Bay, Wis.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., December 10, 1970.

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

Issued in Kansas City, Mo., on September 28, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

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

STURGEON BAY, WIS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Door County Cherryland Airport (latitude 44°50'30" N., longitude 87°25'10" W.); and within 3 miles each side of a 195° bearing from the Door County Cherryland Airport extending from the 5-mile radius area to 7½ miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 195° bearing from the Door County Cherryland Airport extending from the airport to 18½ miles south of the airport; and within 5 miles each side of the 005° bearing from the Door County Cherryland Airport extending from the airport to 12 miles north of the airport.

[F.R. Doc. 70-13957; Filed, Oct. 15, 1970; 8:47 a.m.]

[Airspace Docket No. 70-AL-10]

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

Alteration of Transition Area

On April 28, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 6713) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter and revoke several Federal airways in Alaska and revoke and designate several Alaskan low altitude reporting points.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

Subsequent to the issuance of the notice, it was noted that the Juneau, Alaska, transition area boundary is described, in part, by the airway structure. Airspace Docket 69-WA-61 altered the airway structure in the Juneau area, and it becomes necessary to redescribe the Juneau, Alaska, transition area.

Since this action is editorial in nature and no substantive change in airspace is effected, action is taken herein to redescribe the Juneau, Alaska, transition area.

In consideration of the foregoing Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 10, 1970, as hereinafter set forth.

Section 71.181 (34 F.R. 2134) is amended as follows:

JUNEAU, ALASKA

That airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Coghlan Island, Alaska, RBN, that airspace northwest of Juneau bounded on the east by A-15, on the northwest by a line from the Gustavus, Alaska, RR to the Haines, Alaska, RBN, and on the southwest by a line 19 miles northeast of and parallel to the 145° and 325° bearings from the Gustavus, Alaska, RR, and that airspace south of Juneau, extending from the 20-mile-radius area, bounded on the northeast by A-15 and on the southwest by B-38, excluding the portion within the Gustavus, Alaska, transition area.

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

Issued in Anchorage, Alaska, on October 9, 1970.

JACK G. WEBB,
Director, Alaskan Region.

[F.R. Doc. 70-13958; Filed, Oct. 15, 1970; 8:47 a.m.]

[Airspace Docket No. 70-SO-81]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Aguadilla, P.R., control zone.

The Aguadilla control zone is described in § 71.171 (35 F.R. 2054). In the description, an extension is predicated on the 253° bearing from Ramey RBN. The Ramey RBN is scheduled to be decommissioned on October 15, 1970. It is necessary to alter the description by redesignating the extension predicated on the 253° bearing from Ramey RBN to the Ramey ILS localizer west course. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to amend the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 15, 1970, as hereinafter set forth.

In § 71.171 (35 F.R. 2054), the Aguadilla, P.R., control zone is amended as follows: "* * * within 2 miles each side of the 253° bearing from the Ramey RBN, extending from the 6-mile radius zone to 12 miles west of the RBN * * *" is deleted and "* * * within 2 miles each side of the Ramey ILS localizer west course, extending from the 6-mile-radius zone to 12.5 miles west of the middle marker * * *" is substituted therefor.

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

Issued in East Point, Ga., on October 8, 1970.

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

[F.R. Doc. 70-13959; Filed, Oct. 15, 1970; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 70-224]

POWERS OF ATTORNEY, AUTHORITY TO FILE PROTESTS, AND BROKERS' BOOKS AND PAPERS

To facilitate the automatic data processing of Customs entries, the Bureau has decided that customhouse brokers need not file a power of attorney with a District Director of Customs as a prerequisite to Customs' acceptance of an entry submitted by a customhouse broker on behalf of an importer. This decision does not relieve a customhouse broker of the obligation to obtain a valid power of attorney prior to filing an entry for an importer.

Accordingly, the Customs Regulations are amended as follows:

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

1. Section 8.19(a) is amended by deleting the words "filed by the customhouse broker with the district director of Customs" from the last sentence, and adding the following to the end of the paragraph so that the last three sentences will read as follows:

§ 8.19 **Powers of attorney.**

(a) * * * A Customs power of attorney executed in favor of a licensed customhouse broker may specify that the power of attorney is granted to the customhouse broker to act through any of its licensed officers or any employee specifically authorized to act for such customhouse broker by power of attorney. A customhouse broker is not required to file a power of attorney with a District Director of Customs as a prerequisite to the transaction of a specified part or all the Customs business of a principal. Customhouse brokers will retain powers of attorney with their books and papers, and make them available to Treasury Department representatives as provided in Part 111, Subpart C of this chapter.

* * * * *

(Sec. 484, 46 Stat. 722, as amended; 19 U.S.C. 1484)

PART 111—CUSTOMHOUSE BROKERS

2. Section 111.1(e) is amended to add the words "powers of attorney" after the word "documents" so that the paragraph will read as follows:

§ 111.1 **Definitions.**

* * * * *

(e) *Books and papers.* "Books and papers" include all books, accounts, records, papers, documents, powers of attorney, data processing materials (other than cards, magnetic tapes and discs, and incidental intermediate forms temporary in nature), and correspondence of a broker relating to his Customs business.

* * * * *

(Sec. 641, 46 Stat. 759; 19 U.S.C. 1641)

3. The first sentence of § 111.23(a) is amended by adding the words "except for powers of attorney" following the word "broker" and adding a new second sentence, so that the first two sentences will read as follows:

§ 111.23 **Retention of books and papers.**

(a) *Period and place of retention.* The books and papers as defined in § 111.1(e) and required by §§ 111.21 and 111.22 to be kept by a broker, other than powers of attorney, shall be retained within the Customs district to which they relate for at least 6 years after the date of entry. Powers of attorney shall be retained until revoked, and revoked powers of attorney and letters of revocation thereof shall be retained for 6 years after the date of revocation. * * *

* * * * *

(Sec. 641, 46 Stat. 759; 19 U.S.C. 1641)

PART 174—PROTESTS

4. Section 174.3(a)(2) is amended by deleting the words "on file" in the last sentence so that it will read as follows:

§ 174.3 **Power of attorney to file protest.**

(a) *When required.* * * *

(2) *Customhouse broker or his employee.* * * * The customhouse broker shall have, however, a general power of attorney to transact Customs business for the principal on Customs Form 5291.

* * * * *

(Sec. 514, 46 Stat. 734, as amended; 19 U.S.C. 1514)
(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

The circumstances in which the written authority of a broker to act for his client must be presented is a matter exclusively for the determination of the Customs Service. Therefore, notice of the proposed amendments and public procedure thereunder pursuant to 5 U.S.C. 553 are found to be unnecessary.

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

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

Approved: October 8, 1970.

WILLIAM L. DICKEY,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 70-13996; Filed, Oct. 15, 1970; 8:50 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7064]

PART 147—TEMPORARY REGULATIONS UNDER THE INTEREST EQUALIZATION TAX ACT

Information Returns With Respect to Commercial Banks

In order to eliminate certain reporting requirements, § 147.8-2 of the Temporary Regulations (26 CFR Part 147) is amended as follows:

Paragraph (b) of § 147.8-2 is amended to read as follows:

§ 147.8-2 **Commercial bank information return with respect to loans and commitments to foreign obligors.**

* * * * *

(b) *Time and manner of filing return.* Except as otherwise provided in the instructions accompanying the form, every U.S. person which is a commercial bank (including Edge Act and "Agreement" Corporations and U.S. subsidiaries and other U.S. affiliates of foreign banks and bankers) shall file a return on Treasury Department Interest Equalization Tax form entitled "Commercial Bank Information Return—Loans and Commitments to Foreign Obligors" with respect to loans and commitments to foreign obligors made on or after September 15, 1964, and before October 16, 1970. Such return shall be addressed to the Secretary of the Treasury—IET Form and mailed care of the President of the Federal Reserve Bank for the Federal Reserve district in which is located the principal office in the United States of the commercial bank. Such return shall be filed within 14 days after the making of the loan or commitment to the foreign obligor.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: October 12, 1970.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-13977; Filed, Oct. 15, 1970; 8:49 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 0—STANDARDS OF CONDUCT

Miscellaneous Amendments

The Department of the Treasury finds it necessary to amend the provisions of its Standards of Conduct for Treasury employees in order to recognize changes in the law respecting Federal employment, to redefine certain permissible financial activities and to clarify various provisions, particularly those on reimbursement of travel and subsistence expenses. In addition, a new § 0.735–50a concerning conduct in and on Treasury or Treasury occupied buildings and grounds is added.

Comments upon this revision by unions of Treasury employees recognized by this Department have been requested, received and considered. The Department finds that notice to the public of these regulations is not necessary under 5 U.S.C. 533 since these regulations relate exclusively to agency personnel.

Part 0 is amended in the following ways:

AUTHORITY: The provisions of this Part 0 issued under E.O. 11222; May 8, 1965; 18 U.S.C. 201 note; 5 CFR 735.104.

1. Section 0.735–3 is amended by revising the first sentence of paragraph (a) and the first sentence of paragraph (b) to read as follows:

§ 0.735–3 Policy.

(a) Executive Order 11222 of May 8, 1954, 18 U.S.C. 201 note, states the basic philosophy of conduct for those who carry out the public business:

* * * * *

(b) Personnel of the Treasury Department are expected to adhere to the above stated principles and to standards of behavior that will reflect credit on the Government. * * *

* * * * *

2. Section 0.735–30a is amended by deleting the last two sentences and by adding a final sentence reading as follows:

§ 0.735–30a Political activity.

* * * Employees may be disqualified for employment for knowingly supporting or advocating the violent overthrow of our constitutional form of government (5 U.S.C. 7532 and E.O. 10450, as amended).

3. Section 0.735–31 is revised by deleting the final clause so that § 0.735–31 will read as follows:

§ 0.735–31 Strikes.

Employees shall not strike against the Government (5 U.S.C. 7311).

4. Section 0.735–33 is amended by revising paragraph (c) to read as follows:

§ 0.735–33 Gifts or gratuities from outside sources.

* * * * *

(c) The receipt of payment or reimbursement, by outside sources, for the expenses of travel and subsistence for activities related to Government employment is permitted only in accordance with § 0.735–39.

5. Section 0.735–35 is revised by amending the first sentence and deleting the last three sentences so that § 0.735–35 will read as follows:

§ 0.735–35 Outside financial interests.

An employee shall not participate on a private basis, directly or indirectly, in any financial transaction as a result of, or primarily relying on, information obtained through his employment with the Treasury Department; or if in the transaction his private interest is, or may reasonably be expected to be, in conflict with his official interests or duties.

6. Section 0.735–36 is revised to read as follows:

§ 0.735–36 Using official designation.

Employees shall not permit their official position, status or designation to be used in a manner that is intended to further, or gives the appearance of furthering, the private business interests of the user.

7. Section 0.735–38 is amended by revising the last sentence to read as follows:

§ 0.735–38 Outside employment and other outside activities.

* * * To simplify administration of this rule, bureaus may include in thier instructions criteria not inconsistent with the regulations in this part which provide for outside activities which are clearly permissible and would normally not require written permission.

8. Section 0.735–39 is revised by dividing the existing text as amended into paragraphs (a), (b), and (d) and by adding a new provision as paragraph (c) to read as follows:

§ 0.735–39 Engagements to speak, write, or teach.

(a) Employees may teach, lecture, or write providing such action is not prohibited by law, Executive Order 11222, or the regulations in this part. The requirements prescribed in § 0.735–38 also apply to engagements to speak, write and teach. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service, that depends on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when an appropriate approving official gives written authorization for use of nonpublic information on the basis that the use is in the public interest. Before an employee delivers a formal speech or releases an article relating to matters connected with Treasury Department business, he must submit it for review to the appropriate approving official.

(b) In any of these activities the appropriate approving official will determine whether the activity may be undertaken, and if so, whether as official duty, or whether in a private capacity. If it is undertaken as official duty, expenses will be borne by the Treasury Department, and the employee may not accept compensation or permit his expenses to be paid for by the person or group under whose auspices the activity is being performed, except as may be authorized under 5 U.S.C. 4111 and 5 CFR Part 410, Subpart G, relating to acceptance of contributions, awards and other payments from certain tax-exempt organizations incident to training or attendance at meetings. If it is determined that the activity shall be undertaken in a private capacity, the employee may not use duty hours or Government facilities, but he may accept compensation, and he may use his official title provided he makes it clear that he does not represent the Treasury Department. This paragraph does not allow an employee to be reimbursed, or payment to be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits. Under 5 CFR 735.203 (c), the Secretary of the Treasury may not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs or operations of his agency, or which draws substantially on official data or ideas which have not become part of the body of public information. Under 46 Comp. Gen. 689 (1967) no reimbursement or donation may be made to the Treasury Department to cover the expenses of travel and subsistence of an employee on official business except when the expenses are incurred in connection with the program for the sale of United States public debt obligations (31 U.S.C. 772a).

(c) For purposes of this section, the "appropriate approving official" shall be the bureau head or his deputy or, in the Office of the Secretary, the head of an office or his deputy.

(d) Treasury officials are prohibited from official attendance at segregated meetings. They should not participate in conferences or speak before audiences where any racial group has been segregated or excluded from the meeting, from any of the facilities, or the conferences or from membership in the group. These prohibitions also apply to other Treasury employees, except where the meeting is undertaken primarily for the benefit of the Government and not for the entertainment or benefit of the particular group or audience. For purposes of this paragraph, the term "Treasury

officials" refers to all Presidential and Schedule C appointees, all chiefs and deputy chiefs of bureaus and of offices in the Office of the Secretary, all career assistant secretaries and deputy assistant secretaries and the chief officers of a regional, State, or district organization or other field office, except for district law enforcement offices consisting of 10 employees or less. (For a more detailed interpretation of this policy, see Administrative Circular 109 and supplements thereto.)

9. Section 0.735–41 is revised by designating the heading as "Gambling, betting and lotteries" and by revising the text to read as follows:

§ 0.735–41 Gambling, betting and lotteries.

(a) An employee shall not participate while on Government-owned or leased property or while on duty for the Government, in any form of gambling, betting, lotteries or the sending of chain letters, even if such activities are in support of a worthy cause. However, this section does not preclude activities necessitated by an employee's law enforcement duties. (See §§ 91.7, 407.7 and 605.7 of this title.)

(b) Possession on Government-owned or leased premises of any numbers slip or ticket, record, notation, receipt, or other writing of a type ordinarily used in any illegal form of gambling such as a tip sheet or dream book, unless explained to the satisfaction of the head of the bureau or his delegate, shall be prima facie evidence that the employee is participating in an illegal form of gambling on such premises.

10. Part 0 is further amended by adding a new § 0.735–50a to read as follows:

§ 0.735–50a Conduct in and on Treasury buildings and grounds.

Employees must adhere to the regulations governing conduct in and on the Treasury Building, and Treasury Annex Building, and grounds (Part 407 of this title); the Bureau of Engraving and Printing Building, and Bureau of Engraving and Printing Annex Building, and grounds (Part 605 of this title); and the Bureau of the Mint buildings and grounds located in Denver, Fort Knox, New York, Philadelphia, San Francisco, and West Point (Part 91 of this title); and Treasury occupied General Services Administration buildings and grounds (41 CFR Subpart 101–19.3).

11. Section 0.735–55 is amended by revising the introductory paragraph; by adding a statutory reference at the end of paragraph (a); and by adding new paragraphs (k), (l), and (m) to read as follows:

§ 0.735–55 Miscellaneous statutory provisions.

Bureau heads should advise employees of any laws which relate specifically to employees in their bureaus. The attention of every employee is directed to the statutes relating to conduct listed below:

(a) * * * (5 U.S.C. 7301 note).

* * * * *

(k) The prohibition against Federal employment of any person convicted of a felony in furtherance of, or while participating in, a riot or civil disorder (5 U.S.C. 7313).

(l) The tax imposed on certain employees (e.g., Presidential appointees, employees excepted under Schedule C, employees whose compensation is equal to or greater than that for GS–16, or executive assistants or secretaries to any of the foregoing) who knowingly engage in self-dealing with a private foundation (26 U.S.C. 4941, 4946). "Self-dealing" is defined in the statute to include certain transactions involving an employee's receipt of compensation or other benefits such as a loan, or reimbursement for travel or other expenses from, or his sale to or purchase of property from, a private foundation.

(m) The prohibition against a public official appointing or promoting a relative, or advocating such an appointment or promotion (5 U.S.C. 3110).

12. Section 0.735–75 is amended by adding to the second sentence thereof the clause "and the notation 'no change' should be made on the form" so that the sentence reads as follows:

§ 0.735–75 Supplementary statements.

* * * If no changes or additions occur, a negative report is required, and the notation "no change" should be made on the form. * * *

13. Section 0.735–79 is amended by deleting the first sentence and substituting therefor three new sentences to read as follows:

§ 0.735–79 Review of statements.

Presidential appointees who are heads of bureaus and those in the Office of the Secretary will file their statements with the General Counsel for his review. The General Counsel's statement will be filed with the Secretary. Heads of bureaus and their principal assistants or deputies who are not Presidential appointees will file their statements with the official in the Office of the Secretary to whom they report under Treasury Order 190, as revised. * * *

14. Section 0.735–95 is amended by adding a new paragraph (d) and redesignating the existing paragraphs (d) and (e) as (e) and (f), respectively, to read as follows:

§ 0.735–95 Bureaus.

* * * (d) advise employees of the location or availability of regulations governing conduct in and on Treasury buildings and grounds (§ 0.735–50a), * * *.

15. Section 0.735–210 is amended by revising paragraph (c); adding a new paragraph (d) and by redesignating existing paragraphs (d), (e), and (f) as (e), (f), and (g), respectively.

§ 0.735–210 Applicability of 18 U.S.C. 203 and 205.

* * * * *

(c) The rules to be followed in the Treasury Department to determine the duration of employment of special Government employees and other temporary employees in order to ascertain the application of these statutes are set forth in Personnel Bulletin No. 70–42.

(d) An employee who undertakes service with the Treasury Department and another department or agency shall inform each of his arrangement with the other.

* * * * *

16. Section 0.735–231 is amended by revising the first sentence of paragraph (a) and deleting the last two sentences of paragraph (b) and adding three sentences to read as follows:

§ 0.735–231 Disclosure of financial interests.

(a) In order to carry out its responsibility to avoid the use of the services of special Government employees in situations in which violations of the conflict of interest laws or of the regulations in this part may occur, at the time of initial employment and each reappointment thereafter each special Government employee who is * * *.

(b) * * * Accordingly, such statements must be kept current during the period the special Government employee is on the Government rolls. Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported in a supplementary statement to be furnished 6 months after the date of employment. If no changes or additions occur, a negative report is required, and the notation "no change" should be made on the form.

* * * * *

17. Part 0 is further amended by revising the name of "Ad Hoc Committee on Ethical Standards" to "Advisory Committee on Ethical Standards" wherever it appears in the following sections:

0.735–79	0.735–210	0.735–230
0.735–91	0.735–212	0.735–231
0.735–206	0.735–220	

18. Appendix A identifying positions throughout the Department, the incumbents of which must file financial statements, is amended by revising the list of such positions in the Office of the Secretary, the Bureau of Customs, the Bureau of Engraving and Printing, the U.S. Savings Bonds Division and the U.S. Secret Service, by amending the next to the last item in the Internal Revenue Service list and by revoking the list of positions in the Bureau of Narcotics, to read as follows:

APPENDIX A—IDENTIFICATION OF POSITIONS THE INCUMBENTS OF WHICH MUST FILE FINANCIAL STATEMENTS

SPECIFIC POSITIONS

Office of the Secretary

All employees Grade 15 and above.
All employees Grades 13 and 14, Office of Domestic Gold and Silver Operations.
All contract and procurement personnel Grades 13 and 14, Office of Administrative Services.

* * * * *

Bureau of Customs

Deputy Commissioner of Customs.
Assistant Commissioners of Customs.
Chief Counsel.
Director, Audit Division.
Assistant Director, Audit Division.
Director, Financial Management Division.
Director, Appraisement and Collections Division.
Director, Inspection and Control Division.
Director, Technical Services Division.
Director, Tariff Classification Rulings Division.
Director, Entry Procedures and Penalties Division.
Director, Carriers, Drawback, and Bonds Division.
Director, Regulations Division.
Director, Facilities Management Division.
Customs Law Specialists, GS–14 and above.
Regional Commissioners of Customs.
Deputy Regional Commissioners of Customs.
Assistant Regional Commissioners of Customs.
Deputy Assistant Regional Commissioners (Classification and Value).
Deputy Assistant Regional Commissioners (Inspection and Control).
Deputy Assistant Regional Commissioners (Financial Management).
Regional Counsels.
District Directors.
Assistant District Directors.
Special Agents in Charge.
Assistant Special Agents in Charge.
Deputy Special Agents in Charge.
Customs Attaches.
Resident Agents.
Senior Resident Agents.
Directors, Field Audit.
Assistant Directors, Field Audit.
Members and Supervisors of Import Specialist Teams, GS–13 and above.
Employees in Grades GS–15 and above, and persons in comparable or higher positions not subject to the Classification Act, not otherwise identified above, except:
Director, Office of Planning and Research.
Planning and Research Officer, Office of Planning and Research.
Director, Personnel Management Division.
Assistant to the Commissioner (Security).
Assistant to the Commissioner (Foreign Customs Assistance).
Director, Management Analysis Division.

Bureau of Engraving and Printing

Director, Bureau of Engraving and Printing.
Deputy Director.
Office Chiefs.
Employees in Grade GS–13 and above who are responsible for making a Government decision or taking a Government action in regard to Contracting or Procurement.

Internal Revenue Service

* * * * *

Branch Chiefs, Assistant Branch Chiefs, and Associate Branch Chiefs in Appellate in Branch Offices.

* * * * *

U.S. Savings Bonds Division

Chief, Office Services.

U.S. Secret Service

Assistant Director for Administration.
Deputy Assistant Director for Administration.
Chief, Financial Management Division.
Chief, Administrative Operations Division.
Legal Counsel.

* * * * *

This Part 0, as amended, was approved by the Civil Service Commission on September 14, 1970.

Effective date. This Part 0 shall become effective upon publication in the FEDERAL REGISTER.

Dated: October 12, 1970.

[SEAL] ERNEST C. BETTS, JR.,
Assistant Secretary for Administration.

[F.R. Doc. 70–13969; Filed, Oct. 15, 1970; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER I—MILITARY PERSONNEL

PART 887—ISSUING CERTIFICATES IN LIEU OF LOST OR DESTROYED SEPARATION CERTIFICATES

Application Forms Required

Part 887 of Title 32 of the Code of Federal Regulations is amended as follows:

Section 887.5 is revised to read as follows:

§ 887.5 Application forms required.

(a) Applicants described in §§ 887.3 (b) and (c) and 887.4 must use SF 180, "Request Pertaining to Military Records," or any similar form used by agencies outside the Department of Defense.

(b) A service person separated under honorable conditions should use SF Form 180. A letter request will be honored, however, provided the applicant supplies sufficient identifying data and satisfactory proof that the original certificate of service or discharge has been lost or destroyed. Otherwise, the applicant may be required to complete SF 180. Airmen on active duty will forward requests through their unit commander.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012)

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 70–13940; Filed, Oct. 15, 1970; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

St. Lawrence River, N.Y.; Correction

F.R. Doc. 70–12785, appearing at 35 F.R. 14926, September 25, 1970, is corrected by revoking paragraph (e) of § 207.611, as follows:

§ 207.611 St. Lawrence River from Tibbetts Point to Raquette River, excluding the section between Eisenhower Lock and Snell Lock, N.Y.; use, administration and navigation in U.S. waters.

* * * * *

(e) *Vessels aground or not under command.* [Revoked]

For the Adjutant General.

RICHARD B. BELNAP,
Special Advisor to TAG.

[F.R. Doc. 70–14031; Filed, Oct. 15, 1970; 8:50 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER G—PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Allentown-Bethlehem-Easton (Pennsylvania)—Phillipsburg (New Jersey) Interstate Air Quality Control Region

On May 20, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 7740) to amend Part 81 by designating the Allentown-Bethlehem - Easton (Pennsylvania)—Phillipsburg (New Jersey) Interstate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c–2(a)) was held on July 2, 1970. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.55, as set forth below, designating the Allentown-Bethlehem-Easton (Pennsylvania)—Phillipsburg (New Jersey) Interstate Air Quality Control Region, is adopted effective on publication.

§ 81.55 Allentown - Bethlehem - Easton (Pennsylvania)—Phillipsburg (New Jersey) Interstate Air Quality Control Region.

The Allentown - Bethlehem - Easton (Pennsylvania)—Phillipsburg (New Jersey) Interstate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302 (f) of the Clean Air Act, 42 U.S.C. 1857h (f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Pennsylvania:

Lehigh County.	Northampton County.

In the State of New Jersey:

Hunterdon County. Warren County. Sussex County.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: September 15, 1970.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

Approved: September 30, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-13815; Filed, Oct. 15, 1970; 8:45 a.m.]

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Southeast Minnesota—La Crosse (Wisconsin) Interstate Air Quality Control Region

On May 20, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 7740) to amend Part 81 by designating the La Crosse (Wisconsin)—Winona (Minnesota) Interstate Air Quality Control Region, hereafter referred to as the Southeast Minnesota-La Grosse (Wisconsin) Interstate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on June 29, 1970. Due consideration has been given to all relevant material presented with the result that the Region has been renamed the Southeast Minnesota-La Crosse (Wisconsin) Interstate Air Quality Control Region and the counties of Dodge, Fillmore, Freeborn, Goodhue, Mower, Olmstead, and Steele, in the State of Minnesota, have been added to the region.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.66, as set forth below, designating the Southeast Minnesota-La Crosse (Wisconsin) Interstate Air Quality Control Region, is adopted effective on publication.

§ 81.66 Southeast Minnesota-La Crosse (Wisconsin) Interstate Air Quality Control Region.

The Southeast Minnesota-La Crosse (Wisconsin) Interstate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Minnesota:

Dodge County.	Mower County.
Fillmore County.	Olmstead County.
Freeborn County.	Steele County.
Goodhue County.	Wabasha County.
Houston County.	Winona County.

In the State of Wisconsin:

Buffalo County.	Trempealeau County.
La Crosse County.	Vernon County.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: September 18, 1970.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

Approved: September 30, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-13816; Filed, Oct. 15, 1970; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18703; FCC 70-1096]

PART 1—PRACTICE AND PROCEDURE

PART 61—TARIFFS

Tariffs and Evidence

Final report and order. In the matter of amendment of Part 61 of the Commission's rules relating to tariffs and Part 1 of the Commission's rules relating to evidence; Docket No. 18703.

1. This proceeding was instituted by the Commission on its own motion by a notice of propsed rule making (notice) released on October 17, 1969. As stated in the notice, the proposed rules were designed to give greater notice to the public of tariff changes and increase the efficiency of the Commission and its staff through the submission of more detailed data by carriers whenever tariff changes were submitted to the Commission for filing. The notice expressed concern that the existing public notice requirements in the Commission's rules and regulations were no longer adequate to inform the public of impending changes in common carrier offerings which are vitally important to a large segment of the population. This concern was felt to be especially relevant in cases where proposed tariff changes constituted rate increases or gave notice of an authorized discontinuance or reduction or other impairment of service to any customer. The second major area of concern stated in the notice involved the informational base on which the Commission and its staff must evaluate a carrier's tariff filings. In the past, it became apparent that the carriers were not providing sufficient amounts of information for the Commission to make an evaluation of tariff filings without requesting extensive additional information and data to support the filing.

2. Comments on the proposed rules were filed by Microwave Transmission Corp. (MTC); Mid-Kansas, Inc.; American Telephone and Telegraph Co. (A.T. & T.); TelePrompTer Transmission of Kansas, Inc., TelePrompTer Transmission of New Mexico, Inc., and TelePrompTer Transmisison of Oregon, Inc., filing jointly (TelePrompTer); The Western Union Telegraph Co. (WU); Andrews Tower Rentals, Inc., Columbia Television Co., Inc., DalWorth Microwave, Inc., Dorate, Inc., East Texas Transmission Co., Electronics, Inc., Hi-Desert Microwave, Inc., KHC Microwave Corp., Laredo Microwave, Inc., Minnesota Microwave, Inc., New England Microwave Corp., Pilot Butte Transmission Co., and Southwest Texas Transmission Co. filing jointly (Andrews); Micro-Relay, Inc.; Communications Satellite Corp. (Comsat); United Video, Inc.; G.T. & E. Service Corp. (G.T. & E.); National Association of Radiotelephone Systems (NARS); Western Union International (WUI); RCA Global Communications, Inc. (RCA); ITT World Communications, Inc. (ITT); Computer Time-Sharing Services of ADAPSO (ADAPSO); American Newspaper Publishers Association (ANPA); American Broadcasting Cos., Inc. (ABC); Columbia Broadcasting System (CBS); Utilities Telecommunications Council (Utilities); Aerospace Industries Association of America (AIA); Aeronautical Radio, Inc. (ARINC); The Administrator of General Service (GSA); Humble Oil & Refining Co. (Humble); National Retail Merchants Association (NRMA); and Business Equipment Manufacturers Association (BEMA). In addition letter responses to the notice were filed by UNIROYAL, Inc. and RAK Associates (RAK). Reply comments were filed by AIA, United States Independent Telephone Association (USITA), Comsat, GSA, ARINC, NRMA, A.T. & T., and WUI.

3. The comments and reply comments presented, with one exception, a clear dichotomy between the positions of the common carriers and the customers of the carriers. As a whole, the common carriers opposed the proposed rules on the bases of the Commission's lack of statutory authority to promulgate certain of the rules and the inadvisability of doing so from a regulatory viewpoint. The customers, on the other hand, expressed general support for the proposed rules and indeed many of the comments from the customer group proposed that the Commission adopt rules which would increase the notice requirements proposed in the notice and make the informational rules more stringent. To facilitate discussion of the comments and reply comments each of the proposed rules

will be treated individually with the relevant comments of the customers and the different carrier groups.[2]

Section 1.363 Introduction of statistical data. 4. As stated in the notice, this proposed rule was to allow the Commission and other parties to make immediate use of any statistical study offered as evidence in a hearing without the necessity for requesting the basic information necessary for an evaluation of the study. In addition to the rule's applicability in hearing situations §61.38(b), as proposed, would require that any statistical studies which are used to support tariff filings be submitted and supported in the form prescribed by this proposed rule.

5. A.T. & T. and G.T. & E. were the only parties expressing substantive comments on this rule. A.T. & T. stated in its comments that the rule as proposed seems to draw a distinction between studies that use only statistical methodology and other studies that do not use statistical methodology whereas, according to A.T. & T., studies often consist of an admixture of statistical material and judgmental data. A.T. & T. also stated that the requirement in the proposed rule for all lists of input data is not advisable and could not be complied with in some cases since the volume of such data could be extremely large. G.T. & E. criticized the proposed rule for terming certain studies "scientific" since the classification connotes that other studies are "unscientific". G.T. & E. states that such adjectives as "scientific" and "unscientific" are unnecessary since what the rule is really distinguishing is those studies that use sampling techniques and those that do not.

6. We have revised the proposed rule to encompass some of the suggestions of A.T. & T. and G.T. & E. The rule as set out in Appendix B deletes the adjective "scientific". In addition, the final rule makes clear that in the case where a single study consists of an admixture of statistical and judgmental data, paragraph (a) of the rule will apply to those parts involving statistical methodology and paragraph (b) of the rule will apply to the remaining parts of the study. Changes were also made to require that only a description of input data be submitted and that the actual input data be made available on request rather than be submitted in all instances.

Section 61.21 Rate increase; § 61.22 Rate decrease. 7. These two proposed sections contain the definitions of the terms "rate increase" and "rate decrease" that would be applicable to all of Part 61 of the rules. As originally stated, a rate increase would be any change in tariff schedules which results in an increased charge to any of the carrier's customers. A rate decrease was defined as a change in rate schedules no part of which results in an increased charge to any of the carrier's customers. Several of the comments proposed revised definitions of the terms so that when the definitions were applied to § 61.38, only certain types of increases would have to be supported. WUI, for example, would define "rate increase" as a change in tariff schedules which results in increased industry revenues from all customers within a service classification of 15 percent or more. G.T. & E. would define rate increase to mean a change in tariff schedules which results in an increased charge to more than 10 percent of the carrier's customers for the service being changed. According to G.T. & E. any tariff change which did not result in an increased charge to 10 percent of the carrier's customers would be a rate decrease. WU stated that the definitions proposed are too broad and would include minor rate adjustments not now normally set for hearing. A.T. & T. suggested that the words "for the same quantity and type of service" be added to the definitions.

8. ANPA suggested an additional definition with a set of procedural rules applicable thereto. ANPA would require a 12-month suspension for major tariff changes and expedited procedures for investigations of the changes. It would define a major tariff change as an increase of 10 percent or more in the rate or charge for any private line service or component above the existing rate or charge then in effect or two or more increases in rates aggregating 10 percent or more during any 12 consecutive calendar month period for any private line service or component over the rate or charges in effect prior to such 12-month period.

9. For the reasons stated in the discussion on the proposed § 61.38(a) (see paragraphs 23–29), we have decided that, at least initially, all tariff filings should be supported in accordance with that section as adopted. Accordingly, the revisions proposed by those commenting on the original notice (see paragraphs 7 and 8), which would limit the effectiveness of that section to certain types of tariff changes are being rejected. We also see no reason at this time for the adoption of the ANPA proposal. With the adoption of the proposed rules as amended here, we hope that the long delays that have accompanied rate hearings in the past will no longer occur. As to the A.T. & T. proposal, it does not appear that the suggested additions are needed for clarity and accordingly we will not incorporate them. We are, however, deleting the definition of rate decrease and revising § 61.38 to reflect this change. While the effect of that section will remain the same, the change will simplify and clarify it.

Section 61.32 Publications to be sent to Secretary, FCC and commercial contractor. 10. The proposed amendment to the original § 61.32 would have required that in addition to filing a copy of any tariff publication with the Commission, an additional copy would also have been forwarded to the commercial firm or firms with whom the Commission annually awards a contract to make copies of Commission records. The revision was designed to make copies of tariffs available more quickly to members of the public who desired them by having them order copies directly from the contractor who would have them on file instead of the present practices under which the contractor must secure a copy from the Commission in each case where he requires an order.

11. No customer or customer group supported the proposed addition. Accordingly, we will not adopt the proposed addition at this time. However, because of our experience that customers are desirous of obtaining copies of the transmittal letters that accompany tariff filings, we are going to require that filing carriers send a copy of transmittal letters to the contractor. We note that presently the contractor maintains a subscription service for any person desiring copies of these letters. Under existing procedures, the Commission's staff collects the transmittal letters and forwards them to the contractor at the end of each week. This addition to the rules will get the transmittal letters to the contractor concurrently with the filing at the Commission and to the subscribers at an earlier date.

12. Since we are not adopting our original addition, most of the carriers' comments are no longer material. In the customer group, GSA suggested that the data supplied in response to § 61.38(a) also be sent to the contractor for duplicating. We are rejecting this proposal since it appears that the contractor does not have the facilities and personnel necessary to maintain files of such data, which in time will become voluminous. Instead of this suggestion, we will require that two additional copies of the data submitted in response to § 61.38 be furnished by the filing carrier for review at the Commission's offices by interested parties.

Section 61.38 Material to be submitted with letters of transmittal by filing carrier.—(A) 61.38(a) Explanation and data supporting changes and/or new tariff offering. 13. This proposed rule was was intended to provide the Commission and the staff with the information necessary to evaluate tariff filings. As set forth in the notice, many carriers are now providing only the minimum amount of information necessary to comply with the existing requirements of § 61.33. In addition to aiding the evaluation of tariff filings immediately after their filing, the ready availability of such information would shorten the time necessary for determining the lawfulness of a tariff filing if a hearing were ordered on that filing by eliminating extensive requests for studies in order to obtain the information. Since the comments of the various carrier groups varied widely, each group will be treated

[2] The carriers who commented on the notice can be generally classified as domestic common carriers and international carriers. A further subdivision can be made in the domestic common carriers between domestic landline, miscellaneous common carriers providing point-to-point microwave service, and miscellaneous common carriers providing mobile radio service. The customers responding to the Notice generally did not state the type of common carrier service they were referring to but it appears that most were concerned with service and rates of domestic landline common carriers.

separately. The customer group, in general, supported the proposed rule with minor modifications. As is set forth below the carriers generally opposed this rule or suggested major changes in it.

DOMESTIC LANDLINE CARRIERS

14. This group of carriers is represented by A.T. & T., WU, G.T. & E., and USITA. G.T. & E. contended that the Commission's authority to require information in support of a tariff filing is limited under section 204 to situations in which the filing proposes increases in rates. Therefore, according to G.T. & E., the proposed rule is an attempt by the Commission to do indirectly that which it could not do directly and must be rejected. The carrier did state that it has in the past cooperated with the Commission in supplying, informally, similar information to that which would be required by the proposed rule. USITA suggested that the proposed rule include a de minimis provision which would limit the applicability of the rule to certain tariff filings. It suggested that such a provision might be expressed in terms of revenue dollars, percent of revenues, or percent of customers affected.

15. A.T. & T. stated that the proposed rule has several ambiguities that should be clarified. First, A.T. & T. stated that the phrases, "a cost of service study for all elements of costs for the most recent 12-month period; and a similar study containing a projection of costs for a 3-year period * * *" are ambiguous since (1) the rule does not specify the type of cost study desired; (2) "all elements of cost" is not defined; and (3) the first part of the quoted phrase would be inappropriate for a new service offering. Further, A.T. & T. stated that requiring projections for a 3-year period is unnecessarily restrictive and unwise. As to § 61.38(a)(ii), where estimates of the effects of a tariff filing on a carrier's traffic is requested, A.T. & T. responded that the word "traffic" is inappropriate to private line services and instead the terms "demand" or "market units" should be substituted. A.T. & T. also suggested that certain categories of tariff filings should be exempt from the requirements of § 61.38(a). These categories included changes in and additions to rate centers, special construction, miscellaneous equipment, and experimental services. To this end, the carrier proposed an addition to the rule containing specific exemptions and a general exemption determined on the basis of annual revenue effect.

16. WU opposed the requirements of the proposed rule for forecasts of costs and traffic for a 3-year period. It stated that it does not project cost of service for 3 years or for any period, except that, in material supporting major rate adjustments, the effects of known and measurable changes are reflected. WU stated that it does attempt to plan for the future and in such future planning considers what may happen to traffic, but such studies are prepared for purposes other than ratemaking. As a basis for its opposition, WU argued that forecasts of labor costs and capital requirements would involve problems with labor negotiations and SEC regulations. According to WU, forecasts for any competitive services would put it at a competitive disadvantage. It also suggests that a distinction be made between existing and future service offerings and that the applicability of the rule be limited to those tariff filings that result in large amounts of additional revenues. In general it opposed the proposed rule on the grounds that it would not accomplish the objectives stated in the Notice but rather would impose additional cost on the carrier with the likelihood that more, rather than fewer, tariffs would be ordered for hearing.

DOMESTIC MISCELLANEOUS CARRIERS

17. This group of carriers is represented by Mid-Kansas, Inc., Micro-Relay, Inc., United Video, Inc., Tele-Promp-Ter, Andrews, MTC, and NARS. All except NARS, an association of mobile radio carriers, provide point-to-point microwave service.

18. United Video, Inc., TelePrompTer, and Andrews filed identical comments. Their basic opposition to the proposed rule was that miscellaneous common carriers "generally do not make the detailed cost projections and 'scientific statistical studies' required by these rules". They further stated that rates are often based on the personal, informally retained experience and knowledge of a few individuals and on negotiations with the particular customer involved. Allegedly, much of the information that would be required to formulate the projections and carry out studies required by the proposed rule is not available in the records that have been kept by these carriers. According to these carriers, the Commission should realize that the arms-length bargaining position of miscellaneous common carriers' customers is an economic reality which obviates the need for the type of rate regulation proposed in the rules. Finally, these carriers stated that the information required by the proposed rule is not related to permissible Commission regulation. In this respect, it is stated that the Commission has not and does not set rates for point-to-point microwave services and that there is no suggestion that it intends to regulate rates either with regard to present services or with regard to future services which may be offered.

19. Mid-Kansas, Inc., basically agreed with the above position and stated that proposed rates for the services tariffed are agreed upon contractually by the proposed customers and that once the initial rates have been established the only reasons for changes and increases have been requests or opportunities for additional service, improved equipment, and other similar innovations desired by the customer. As a result any such changes in charges have been agreed upon by the carrier's customers prior to their imposition. Micro-Relay, Inc. stated that miscellaneous common carriers are more like contract carriers and that the proposed rule should only apply to the large carriers that distribute, widely and to the general public, a utility-type service. It suggested that a carrier should be exempt from the requirements of the proposed rule if (1) it has 20 or fewer arms-length subscribers; (2) it provides concurrence, in writing, by 75 percent or more of the carrier's subscribers to an increase in the tariff; and (3) it has less than $1 million in gross revenue. MTC endorsed the proposed rule and stated that the "rule would impose no new burden upon a carrier, because the requested material either is or should be in existence and readily available at time [SIC] a tariff change is filed. It is reasonable and proper that the Commission should see this material at the earliest opportunity in order to rapidly and efficiently evaluate each tariff filing." MTC suggested, however, that certain types of tariff changes which have only a minor effect on a subscriber or subscribers should not be required to be justified at the time of filing but that the information could be made available on the request of the Commission. NARS opposed the proposed rule on the grounds that the average radio common carrier is not equipped to provide the data required; that these small carriers do not have nor can they afford cost accounting systems; and that they do not have nor can they afford systems for the maintenance of statistical and economic data bearing upon their service. It suggested that the proposed rule be made applicable only to carriers with annual gross revenues in excess of $1 million.

INTERNATIONAL CARRIERS

20. WUI, ITT, RCA, and Comsat filed comments on the proposed rule. Generally, the position of these carriers is that international carriers are involved with such different market conditions that the requirement for information and data in the proposed rule is not necessary and not advisable. In this respect, ITT stated that most rate changes made by the international carriers are prompted by factors other than economics such as (1) new rates that follow well-established international rate patterns; (2) any significant change in rates or regulations requires consultation and coordination with the overseas partner concerned; and (3) rate changes often result from forces of competition and in those cases the tariff revisions are not based primarily on economic data and information, and the submission of such data would be misleading. It further stated that much of the information required by § 61.38(a) is not available for new services particularly since, in ITT's opinion, in a competitive environment the total market, as well as the carrier's share of that market, are matters of judgment.

21. RCA stated that, in addition to some of the situations noted by ITT, § 61.38(a) should not be applicable when (1) a carrier is simply meeting a rate established by another carrier; (2) the rate change is comparatively minor; (3) the prospective data would be speculative; (4) the rate change is merely to reflect the change in the portion of the tolls applied by a carrier not subject to the Act; (5) the data is competitive; and

(6) the rate is not based on costs. WUI agreed with the position taken by ITT and RCA that because of differences between international ratemaking and domestic carrier ratemaking modifications are necessary in the proposed rule. In addition to reasons stated by the other international carriers for exempting the international carriers from the proposed rule, WUI commented that the proposed rule would impair the international carriers' ability to adjust to the rapid-fire developments in their market. It also alleged that the rule would require the submission of statistical studies in connection with almost all tariff changes, no matter how limited or insignificant their effect. It stated that many of the relatively unimportant tariff changes are ordinarily not supported by statistical studies and the information necessary for the support in such cases is not in existence and not readily accessible. Accordingly, it contended that the requirement for the submission of such data in these instances would constitute a hardship and would serve no meaningful purpose. Comsat recommended that the Commission differentiate between major and minor tariff changes with respect to the applicability of the proposed rule. It suggested that a dividing line be fixed at a specific dollar amount of increase or decrease in gross revenue per year. It also requested that guidelines on the nature and amount of information which would be required in support of rate changes be provided. Finally, it stated that its ability to estimate usage of the services it offers is greatly inhibited by its role as a carrier's carrier. In this respect, Comsat commented that the actual usage of its services will depend in part upon rate determinations which are beyond its control and which occur subsequent to the time at which it will have to compile and submit its estimates.

CUSTOMER GROUPS

22. The customer groups, with the exceptions of GSA and AIA, did not go into detail on this proposed rule. They did, however, support the intent of the rule as expressed in the notice. GSA and AIA expressed the view that while the requirement for data proposed in § 61.38 (a) was necessary, the language of the rule was too vague to be useful. AIA suggested that the following changes be made in the rule: (1) Justification for any increase in a particular rate element of a carrier's total interstate service should include, in addition to a cost of service study for the company's interstate business as a whole, cost of service studies for the particular element sought to be increased; (2) separate cost of service studies should be required for any elements or tariffs sought to be decreased as an offset to an increase; (3) where changes in particular rates are involved, rather than the carrier's rate level as a whole, the rules should require long run incremental cost studies and fully distributed cost studies; (4) the required costs of service and projections of cost should exclude nonrecurring costs; (5) a provision should be made in cases where a rate change does not involve large increases, so that the carrier would not have to submit the various data required by the rule at the time of filing if it were willing to defer making the rate change effective until 5 months after such data was supplied upon request; and (6) a carrier should not have to comply with the proposed rule at the time of filing major rate increases if it included in its filings a statement of its willingness to defer putting the proposed rate increase into effect until the validity had been determined. GSA proposed a substitute rule to replace the proposed § 61.38(a). Its rule would, among other things, provide separate provisions relating to new tariff offerings and to rate increases and decreases. Both provisions would spell out in greater detail the type of information that would be required to be submitted. In addition, GSA proposed a special provision relating to special construction and unique special assembly which would require the carrier to furnish a customer of such a service, work sheets showing in detail how the proposed rate or charge for such service was derived.

DISCUSSION

23. The information contemplated by the proposed rule is in our view essential to the formulation of new or revised rates. Certainly, it is reasonable to assume that in the formulation of new or revised rates, which are to meet the statutory test of justness and reasonableness, carriers would be concerned with the revenue-cost relationships that may be expected to obtain under such rates. Responsible management decisionmaking would dictate the preparation of cost and traffic data of the character called for by the proposed rule. Hence, we do not regard it as either unreasonable or unduly burdensome to require the submission of such information by a filing carrier. In any event, we regard the information with respect to revenue-cost relationships as basic to the formulation of the essential regulatory judgments we must make with respect to the lawfulness under the Communications Act of new or revised rates tendered by common carriers.

24. Rates that are filed with this Commission must be able to withstand the statutory tests of sections 201(b) and 202(a) of the Act. While there is no requirement for Commission approval before a rate can become effective, it is within our authority to require that a rate be supported by sufficient information to indicate that the rate has prima facie support. The information needed to support this type of requirement will vary widely with, among other things, the nature of the rate filed, the size of the market it applies to, and the revenue it will generate. We do not expect that every rate filed by every carrier will require exactly the same amount of supporting information. It is not correct to state that every tariff filing must be supported by detailed cost projections and elaborate statistical studies. Large carriers filing rates for sizeable service offerings, would be expected to support their filing with the most comprehensive and reliable data that they can produce. For such carriers, statistical studies should be used wherever such studies can offer substantial improvements in study reliability. A point-to-point microwave carrier, on the other hand, with small revenues, only one service, and few customers would not be required, nor would it need, elaborate studies to support its rates. It would, however, need to apply some elementary cost accounting procedures if for no other reason than to inform the carrier whether its decisions have been or are likely to be profitable. We feel that the information requirements in the proposed rule will, therefore, be both useful and necessary to the Commission and to the carriers alike.

25. We have considered whether there should be some provisions limiting the effectiveness of the proposed rule to certain types of carriers (international, domestic, etc.). The statutory requirements of sections 201(b) and 202(a) apply to all carriers and not merely domestic carriers or domestic landline carriers. The argument is advanced by the international carriers that competitive conditions of the international communication market should exempt them from any such rule as that proposed. Competition may be a reason for filing reduced rates and for desiring to file them with minimal notice. But even if a rate is designed to meet competition, it may not be in the public interest to permit the carrier to compete if the rate does not cover the carrier's relevant costs of providing the competitive service. Therefore, we believe that before a competitive rate is filed the carrier must know what its costs are. In the case of a tariff filing proposing a rate to follow existing rate patterns, the carrier should have cost support to demonstrate that it fits within the existing pattern.

26. It has also been determined to make the proposed rule applicable to all tariff changes regardless of type. Many of the parties responding to the notice have urged that certain types of tariff filings should be exempt as de minimis from the requirements of the proposed § 61.38(a). However, the structuring of a single rule or set of rules that would embody such provisions and yet be applicable to all the situations in which we feel information is necessary does not seem possible. For example, an exemption expressed in terms of dollars of gross revenue per year might exclude only a small portion of A.T. & T.'s tariff filings and, on the other hand, exclude all the filings of the mobile radio and point-to-point microwave carriers. Therefore, we will require that with the exceptions set forth below every tariff filing comply with the rule as adopted. If it becomes apparent after experience with the rule has been gained that certain types of changes are made routinely and that the same information and data would apply, then either waivers of the rules will be granted or new rules incorporating exceptions promulgated.

27. We will, however, grant certain temporary and permanent exceptions. First, because we envision that the Commission's staff would not be able at

this time to evaluate routinely the required information and data if all carriers submitted it, we will exempt any carrier with gross revenues of less than $100,000 per year from the requirements of § 61.38. It should be stressed that while such carriers will not have to routinely submit the § 61.38 information and data, the filed rates of these carriers must meet all the statutory requirements of the Act. Also any information desired by the Commission, which may in fact be identical to § 61.38 data, may be requested in individual cases. Second, because of the apparent deficiencies in some carriers' cost accounting procedures and the general lack of familiarity with the submission of the type of information required, we will exempt any carrier having annual gross revenues of less than $1 million from the requirement of the adopted § 61.38 for a period of 6 months from the release of the report, subject to compliance with specific requests for such data if it is required by a particular filing. The period should allow all affected carriers to obtain the expertise and to devise the procedures necessary to comply with the rule.[3] Third, we will also grant an exception for a 6-month period in those situations where one carrier is setting its rates to equal a lower rate set by a competing carrier. Again, this period will allow time for the carriers to develop procedures adequate to comply with the requirements of this section.

28. The modifications of the proposed rule suggested by GSA and AIA are being incorporated in part. We do not feel that the rule as adopted should contain too great detail as to the type of data that will be acceptable or the composition thereof. At this time, the Commission has not decided whether one type of cost study is the only type acceptable for our purposes. Initially, therefore, we will not specify the type or exact composition of the cost data required to be submitted. When and if we do decide that certain types of studies are required we may propose rules providing specific methodology for the required cost studies. It should be noted, however, that the rules as proposed and adopted do, contrary to AIA's comments, require cost of service studies for the particular element sought to be increased. The suggestion by A.T. & T. that the word "traffic" contained in § 61.38 (a)(ii) be changed to "demand" or "market unit" is being rejected since we believe that the rule as proposed is clear and understandable.

29. In light of the comments of the carriers and customers certain additional changes are being made in the proposed rule. We are revising the rule to make clear that most parts of the rule will apply to tariff filings for services not previously offered and not just to changes in existing offerings. The objections that forecasts for services not previously offered cannot be made or should not be revealed are without merit. The making of forecasts for proposed as well as existing services is only part of a carrier's responsibility to ensure that the rates it sets today will return to the carrier all of its relevant costs plus a fair return for a reasonably extensive period after the tariff becomes effective. We do not believe that a rate should be filed with the intention that it only cover the relevant costs as they exist at one point in time. The determination of rates, in our opinion, should be based on an evaluation of the size of the existing market, the market size in the foreseeable future, and costs for both periods. This would apply whether the carrier is a point-to-point microwave carrier having one service and few customers or to A.T. & T. which has many services and millions of customers. Since such forecasts are necessary to the setting and evaluation of rates and, hence, the performance of our statutory duties, we do not understand, nor has it been demonstrated, that factors such as SEC regulations or labor relations would require the Commission to forego such valuable regulatory tools. We stress that we are not suggesting details of the type that go with labor rate schedules or profit predictions which may violate SEC regulations. We seek instead data to support charges which the carriers are proposing. In addition to making the just-noted changes we are also incorporating the suggestion that cost summary sheets be provided to the customer of any special construction tariff offering.

(B) *Section 61.38(b) Working papers and statistical data.* 30. This part of § 61.38 requires that two sets of the working papers, which underlie the data submitted in response to part (a) of this section, be supplied by the carrier for use by the staff. In addition, the rule requires that any statistical data that is contained in the required information must be submitted and supported in the form prescribed in § 1.363 discussed above.

31. Only AIA commented on this proposal. It suggested that six additional sets of working papers be submitted by the filing carrier to be available to intervenors according to their needs after intervention. This proposal will be incorporated in part. We will amend the proposed rule to require the filing carrier to submit two additional sets of working papers for use at the Commission's offices by interested parties. There does not appear to be any reason to limit the use of such papers to intervenors, as suggested by AIA, since the papers should be available to any interested party from the date of the filing.

(C) *Section 61.38(c) Exceptions.* 32. This proposed addition to the rules was worded so as to require connecting carriers to provide the data in § 61.38 (a) and (b) when any tariff matter being filed by an issuing carrier contained charges, and classifications, practices and regulations affecting such charges of the connecting carrier. The rule imposed the obligation of providing the supporting data on the same day the issuing carrier filed the charges in question.

33. From the comments of G.T. & E. and A.T. & T. it appears that the rule as proposed did not express our intent. The intent of this proposed rule was to require that only tariff changes filed by the issuing carrier at the request of the connecting carrier be supported as required by § 61.38 (a) and (b). The rule as adopted reflects this intent.

Section 61.39 Use in hearing proceeding of material submitted with letters of transmittal. 34. The rule as proposed would have required that for all rate increases, the carrier would have had to file such information and in such format that it could have served as the carrier's complete case-in-chief in the event the rate increase was set for hearing to commence on a date within 6 months from the date of filing. In the carrier group, A.T. & T., WU, and G.T. & E. filed comments on the proposal.

35. WU comments that instead of having the filing carrier submit its entire case at filing time, the Commission should allow the carrier to submit its case-in-chief some time after the filing has been made, and submit supplemental data after a rate increase is actually set for hearing. To do otherwise, according to WU, would greatly increase the cost to carriers without apparent benefit to the public since every increase would not be designated for hearing. G.T. & E. agrees with WU that the proposed requirement would increase the costs to the carrier with little or no benefit enuring to the FCC or the filing carrier and, therefore, suggests as an alternative that the rule be limited to significant tariff changes. A.T. & T. stated that it understands that compliance with the proposed rule would not require the submission of supporting material in the form of prepared testimony and exhibits, nor that it would preclude the introduction of relevant supporting data at a hearing on the ground that such evidence had not been included with the data submitted at the time the tariff change in question was filed.

36. We have changed the proposed rule to limit its application to certain rate increases and make more specific our intention that the material to be submitted must contain all cost, marketing and other data existing at the time of filing that the carrier will rely on in case the tariff change is set for hearing. To accomplish this, the rule as proposed has been reworded to require such a filing only where a rate increase results (a) in a 10 percent increase in revenues for any service category or tariffed item and (b) at least $100,000 in additional revenues; or where two or more rate increases applying to the same service or tariffed item during any 12-consecutive-month period results (a) in a 10 percent increase in revenues for any service category or tariffed item and (b) at least $100,000 in additional gross revenues. In addition, the rule will be applicable to

[3] Since the Commission may in the future find that it is able to routinely evaluate the information from all carriers, we would suggest that those exempted carriers with annual gross revenues of less than $100,000 also develop the procedures required to comply with this section on a routine basis.

rate increases resulting in more than $1 million in additional annual revenues without regard to the percentage increase in such revenues. This will eliminate a large number of rate increases from the effect of the rule. We are also adding a provision providing for the submission of any additional information and data on which a carrier relies within a specified period in those cases where a tariff is actually ordered for hearing. Also to make it clear that the material to be submitted is different and probably more extensive than the data submitted in response to § 61.38 (a) and (b), the requirement formulated will be placed in § 61.38 and the proposed § 61.39 eliminated.

Section 61.58 Notice requirements. 37. The proposed rule designated § 61.58 would require that in addition to the usual notice that was required in the past, an additional 30 days notice, or a total of 60 days, would be required for every tariff, supplement, revised page and additional page of a tariff which constitutes a rate increase. In addition to the notice given by the filing of the tariff with the Commission, actual notice to affected customers would be required when the tariff filing proposes to increase any charge, or to give notice that pursuant to authorization granted the carrier proposes to discontinue, reduce, or otherwise impair service to any customer. The method of giving the additional notice to affected customers was not specified in the proposed rule but initially was left to the discretion of the filing carrier.

38. Objections to this rule were posed by the common carriers on the basis of the Commission's lack of statutory authority to increase the notice period that is specified in section 203(b) of the Act and on other substantive grounds going to the advisability and workability of the proposed rule. The opposition of the carriers on legal grounds is basically twofold. First, the carriers argued that the statutory language of section 203(b) of the Act is patterned after section 6(3) of the Interstate Commerce Act[4] which permits the Interstate Commerce Commission to shorten but not to increase the notice period. Second, it is argued that extension of the notice for tariff filings which constitute a rate increase is in effect a device to escape the generally limited statutory suspension period provided in section 204 of the Act. For support of this position, the carriers point to paragraph 6 of the notice where we stated that the present 30 days notice requirement coupled with the 3 months suspension period was insufficient to allow the Commission to evaluate, suspend and investigate, go through hearings, and reach a decision on the lawfulness of a tariff.

39. We do not believe that the arguments put forth by the carriers are sound. The clear language of the statute provides that the "Commission may in its discretion and for good cause shown, modify the requirements made by or under authority of this section [203] in particular instances or by a general order applicable to special circumstances or conditions." There are no words of limitation such as those found in the I.C. Act which provides that the Interstate Commerce Commission may "allow changes upon less than the notice herein specified." The plain language of section 203(b) of the Act allows the Commission to change the 30 days notice requirement contained in that section to a period shorter or longer if the Commission finds good cause. The only limiting language is that such change in notice must be for a particular instance or by a general order applicable to special circumstances or conditions. We consider that this requirement is satisfied by the proposed rule that will limit the additional notice to all tariff filings which constitute rate increases.

40. As to the second argument that the 60 days notice requirement is a device to escape the generally limited suspension provisions of section 204, we likewise find the carriers' arguments without merit. The intent of having a requirement that tariff filings will not become effective until after the expiration of a certain period is to afford the public and the Commission sufficient notice of the filing. We reject the concept that notice is intended merely to inform the Commission and the public of a tariff filing. The notice period must by necessity be of sufficient duration so that, among other things, the tariff filing may be examined by the Commission and the public to determine whether the tariff filing meets the requirements of the Commission's rules and the Act and whether the legal remedies of rejection or suspension and designation for hearing should be sought by the public or imposed by the Commission. If the notice period is too short, there will not be enough time in which to make this type of evaluation. For example, ABC stated in its comments that "the lack of adequate notice and timely availability of underlying data significantly hampered ABC's efforts to assert its position on recent private line increases within the time prescribed by Commission's rules." The additional notice requirement does not become, therefore, an extension of the suspension period provided in section 204 but is an antecedent period during which decisions are made such as whether further legal remedies provided by the Act should be invoked. The extension of the notice period was limited to tariff filings which constitute rate increases since these filings are the filings which most immediately and adversely affect the carrier's customers.

41. The following objections were made by the carriers to the substance of of the proposed rule. First, A.T. & T. suggested that the rule is not necessary and that instead the Commission should rely on carrier cooperation to secure a deferment of the effective date of tariff filings if it is decided that additional time is necessary for the evaluation of the filing. Second, several of the carriers stated that the method of giving the additional notice to affected customers is not delineated in the proposed rule and without guidelines the carriers face possible rejection of tariff filings if the method of giving notice selected by the carrier is deemed insufficient by the Commission. Third, several of the miscellaneous carriers, such as United Video, Inc., and Mid-Kansas, Inc., stated that notice to the customers of these carriers is not necessary. Since tariff changes are usually negotiated with the carriers' customers beforehand, such customers are already aware of the nature of the filing. Fourth, the international carriers objected to the proposed rule since in their opinion the 60 days notice is not desirable for competitive reasons. WUI stated that because of the nature of the international communications business, the international carriers might be forced to increase charges on less than the required notice.

42. The customer groups, on the other hand, strongly supported this proposed rule and suggested that it be extended and strengthened in several ways. For example, some groups suggested that the additional notice be given for all tariff filings and that the period of the notice be extended to 90 days. Another group suggested that the carriers should be required to give notice to affected customers in the circumstances listed in the proposed rule by means of a letter to each customer. AIA suggested that actual notice be given to all customers where a tariff filing was calculated to increase the carrier's revenues by more than a specified amount. Several other customers suggested that the FEDERAL REGISTER be used as a device for giving additional notice. This contemplates that the transmittal letter accompanying each tariff filing would be printed in the FEDERAL REGISTER.

43. The Commission has considered each of the objections and suggestions and found the proposed rule should be adopted with minor clarification. We find that the 60-day notice requirement is desirable and necessary for the efficient operation of the Commission and to afford the public and the Commission sufficient time to evaluate tariff filings. The suggestion by A.T. & T. that informal methods be continued to obtain additional time for evaluation does not consider that this procedure would have the public continue to face the uncertainties of having the Commission request additional time and of having the carrier comply. We think it is desirable to make clear that the 60 days will be available in every instance of a rate increase proposed in a tariff filing. In short it should be a right of the user and not be dependent on the acquiescence of the carrier.

44. The concern of the carriers as to the seeming lack of a standard of appropriateness for the additional notice that will be required to be given to affected customers is not without merit. As mentioned in the notice, we have not specified in the proposed rule the type of notice required since it appeared that

[4] 49 U.S.C. sec. 6(3).

no one or two methods would seem best under all circumstances. Therefore, while at the outset the carriers are not given a specific guide, we feel that acceptable methods of giving the notice will be developed from experience. Accordingly, the Commission will not reject tariffs during the first year after the adoption of this rule for failure to give the actual notice to customers required by § 61.58 if it appears that the carrier has in good faith attempted to comply with the rule.

45. We likewise reject the objection that because of the small number of customers of a carrier and the fact that rate increases are in fact negotiated has any bearing on the requirements of the rule. If the number of customers is small, the requirement imposed on the carrier will be light. It is not possible to make exceptions that would apply in the situation where customers already know of the increase proposed since this situation would change from carrier to carrier. The objection that the 60-day notice requirement should not be applicable to situations in the international field for competitive reasons is not understood. The carriers submitting this objection did not explain it and we can foresee no circumstances where a carrier would be forced to file higher rates on less than the proposed notice because of competition. We are also requiring that the full notice required be given by the international carriers in situations where they are filing rates to meet rates filed by another carrier. Several of these carriers have argued that because of competitive situations, they should be able to file competitive rates without the required notice. These same carriers also stated in their responses to proposed § 61.38(a) that the filing of supporting data for public inspection will give other carriers the benefit of the filing carrier's work. We believe that by requiring the full notice to be given in all instances, except as noted below, the original filing carrier will have the benefit of its work in devising rate schedules and will give that carrier a slight competitive advantage by virtue of time. The ability to gain such an advantage should be an incentive to devise new rate filings since the other competing carriers could not automatically file duplicate rates without the required notice and, as noted in our discussion of proposed § 61.38(a), the required supporting data. We do recognize that since the international carriers do not always provide end-to-end service, their rates may depend upon foreign carriers. When and if these foreign carriers make unilateral changes in charges and services resulting in the imposition of unforeseen rate increases or changes in the charges, classifications, regulations, or practices or service impairments upon the customers of the international carriers, the Commission will grant waivers of the rules so that the international carrier can adjust its rates and services to reflect these rate and service changes not under its control.

46. We have considered the suggestions put forth by the customers in response to the proposed rule. At this time, it does not seem desirable to extend either the notice period proposed or specify the method of giving the additional notice required. To require the carriers at this time to give a longer period of notice, in the absence of experience that 60 days is not adequate, may prejudice the carrier unduly. We will observe the operation and effectiveness of this and other rule revisions. It was also decided that the suggestion that transmittal letters be printed in the FEDERAL REGISTER should for the time be rejected. The parties can with equal ease subscribe to the offering by the commerical contractor to provide copies of all transmittal letters.

Section 61.69 Rejections. 47. This proposed rule would permit the Commission to reject any tariff filing which did not comply with any of the provisions of Part 61 of the rules. The comments directed to this rule were almost exclusively aimed at the Commission's lack of statutory authority to promulgate it. A.T. & T., among other carriers, argued that section 203(d) of the Act sets out the sole basis on which the Commission may reject a tariff. It further stated that a limitation on the rejection powers is demonstrated by the legislative and judicial history of the statutory provision giving rejection power to the Interstate Commerce Commission. Finally it stated that lack of statutory authority is demonstrated by the Commission's legislative program for the 91st Congress when a statutory amendment was proposed which would have changed the language of section 203(d) of the Act.

48. We are of the opinion that the Commission has the necessary statutory authority to reject tariff filings that do not comply with the rules. This authority is based on section 4(i) of the Act. That section provides that "the Commission may perform any and all acts, make such rules and regulations, and issue such orders, not inconsistent with this Act, as may be necessary in the execution of its functions." This section gives the Commission wide discretion in the adoption of rules and regulations when such rules and regulations are found necessary for the functioning of the Commission and are not inconsistent with other provisions of the Act.[5]

49. It has been clear for some time that the Commission could not effectively discharge its duties with respect to rates filed by carriers unless it enlarged its bases for rejecting tariffs. The lack of broader express rejection authority has resulted in many defective tariffs being filed. Efforts to have the offering carriers correct such defective tariffs is time consuming and at times extremely difficult. Because of the increasing gravity of this problem, the Commission now finds it imperative to its functioning that the proposed rule be adopted.

50. The second requirement of section 4(i) of the Act, besides being necessary to the execution of the Commission's duties, is that the rule adopted not be inconsistent with the Act. Section 203(d) of the Act provides that "the Commission may reject and refuse to file any schedule entered for filing which does not provide and give lawful notice of its effective date. Any schedule so rejected by the Commission shall be void and its use shall be unlawful." While this section does provide one basis for rejection of tariff filings, it does not expressly, nor impliedly, state that the basis given shall be the exclusive basis. Therefore, the adoption of rules giving additional bases is not inconsistent with the provisions of that section and hence a permitted exercise of rule making authority under section 4(i) of the Act.

51. As to A.T. & T.'s statement that the Commission proposed an amendment to section 203(d) to the 91st Congress, it should be made clear that no proposal to amend that section was ever adopted by the Commission. The question of amending section 203(d) had been under consideration at the staff level and had been included as part of the legislative program that was submitted to the Bureau of the Budget. The amendment was deleted from the next legislative program after it was concluded that the necessary authority to reject tariffs for other reasons already existed. Even if the amendment had been a proposal to Congress, it is clear that such a proposal would not be determinative of the Commission's authority to issue the proposed rule. The Supreme Court has on many occasions stated that a request for legislation is not dispositive of a legislative agency's authority. In United States v. Southwestern Cable Co., supra at 170, the Court stated that the Federal Communications Commission's requests for legislation concerning CATV regulation—

> evidently reflected in each instance both its uncertainty as to the proper width of its authority and its understandable preference for more detailed policy guidance than the Communications Act now provides. We have recognized that administrative agencies, should, in such situations, be encouraged to seek from Congress clarification of pertinent statutory provisions. [Citations omitted]

52. The argument that the legislative and judicial history of section 6(9), the section after which section 203(d) was patterned, is determinative of the Commission's authority in this matter also fails since it does not consider the basic differences between the Communications Act and the Interstate Commerce Act. The difference of importance here is that whereas the Communications Act contains section 4(i), which gives extensive authority to accomplish the objectives of the Act, no equivalent section is contained in the Interstate Commerce Act. Accordingly, because we find that there is statutory authority for the adoption of the proposed rule and because we find that such rule is necessary and desirable for the execution of the Commission's duties, the proposed rule is being adopted.

In light of all of the foregoing, we conclude that the public interest would be served by the adoption of the rules set forth below. We will, however, closely observe the operation of these rules and

[5] United States v. Southwestern Cable Co., 392 U.S. 157 (1968).

when indicated make any changes necessary to insure that they are furthering the public interest. Authority for the rules adopted is contained in section 2, 3, 4(i), 4(j), 203, and 403 of the Communications Act. Inasmuch as the rules are procedural in nature, the effective date provisions in the Administrative Procedures Act, 5 U.S.C. 553, are not applicable, and the attached rules are being made effective on publication in the FEDERAL REGISTER.

Accordingly, it is ordered, That the rules set forth below are adopted, effective October 20, 1970, and that this proceeding is hereby terminated.

(Secs. 2, 3, 4, 203, 403, 48 Stat., as amended, 1064, 1065, 1066, 1070, 1094; 47 U.S.C. 152, 153, 154, 203, 403)

Adopted: October 7, 1970.

Released: October 13, 1970.

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] BEN F. WAPLE,
Secretary.

I. In Part 1 of Chapter I of Title 47 of the Code of Federal Regulations, § 1.363 is added, to read as follows:

§ 1.363 Introduction of statistical data.

(a) All statistical studies, offered in evidence in common carrier hearing proceedings, including but not limited to sample surveys, econometric analyses, and experiments, and those parts of other studies involving statistical methodology shall be described in a summary statement, with supplementary details added in appendices so as to give a comprehensive delineation of the assumptions made, the study plan utilized and the procedures undertaken. In the case of sample surveys, there shall be a clear description of the survey design, including the definition of the universe under study, the sampling frame, and the sampling units; an explanation of the method of selecting the sample and the characteristics measured or counted. In the case of econometric investigations, the econometric model shall be completely described and the reasons given for each assumption and statistical specification. The effects on the final results of changes in the assumptions should be made clear. When alternative models and variables have been employed, a record shall be kept of these alternative studies, so as to be available upon request. In the case of experimental analyses, a clear and complete description of the experimental design shall be set forth, including a specification of the controlled conditions and how the controls were realized. In addition, the methods of making observations and the adjustments, if any, to observed data shall be described. In the case of every kind of statistical study, the following items shall be set forth clearly: the formulas used for statistical estimates, standard errors and test statistics, the description of statistical tests, plus all related computations, computer programs and final results. Summary descriptions of input data shall be submitted. Upon request, the actual input data shall be made available.

(b) In the case of all studies and analyses offered in evidence in common carrier hearing proceedings, other than the kinds described in paragraph (a) of this section, there shall be a clear statement of the study plan, all relevant assumptions and a description of the techniques of data collection, estimation and/or testing. In addition, there shall be a clear statement of the facts and judgments upon which conclusions are based and a statement of the relative weights given to the various factors in arriving at each conclusion, together with an indication of the alternative courses of action considered. Lists of input data shall be made available upon request.

II. Part 61 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. A new § 61.21 is added to read as follows:

§ 61.21 Rate increase.

The term "rate increase" whenever used in this part means a change in tariff publication which results in an increased charge to any of the carrier customers.

2. Section 61.32 is revised to read as follows:

§ 61.32 Publications to be sent to Secretary, FCC and commercial contractor.

Publications sent for filing shall be addressed to "Secretary, Federal Communications Commission, Washington, D.C. 20554." Concurrently with the filing of the publication with the Commission, the filing carrier shall transmit a copy of the transmittal letter to the commercial firm or firms with whom the Commission annually awards a contract to make copies of Commission records and offer them for sale to the public.

3. In § 61.33(a), the sample "Letter of transmittal" is amended to read:

§ 61.33 Letters of transmittal.

(a) * * *

(Exact name of carrier in full)
TARIFF DEPARTMENT,

(Post Office Address)
---, 19 --
(Date)

Transmittal No. ---
SECRETARY,

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

ATTENTION: COMMON CARRIER BUREAU

The accompanying tariff (or other publication) is sent to you for filing in compliance with the requirements of the Communications Act of 1934, as amended, issued by ---, and bearing FCC
(Carrier)
No. ---, effective ---, 19--. (Suppl. No. --- to FCC No. ---, effective ---, 19--) (--- revised page --- of FCC No.---, effective ---, 19--) (FCC Concurrence No.---, effective ---, 19--), etc. (Here give a statement describing the method of giving the additional notice required by § 61.58).

* * * * *

4. A new § 61.38 is added to read as follows:

§ 61.38 Material to be submitted with letters of transmittal by filing carriers.

(a) *Explanation and data supporting changes and/or new tariff offering.* The material to be submitted for a tariff change or for a tariff filing which is for a service not previously offered, shall include: (1) An explanation of the changed or new matter, the reasons for the filing, and the basis of ratemaking employed; and (2) economic data and information to support the changed or new matter including:

(i) For changed matter, a cost of service study for all elements of costs for the most recent 12-month period; and for changed and new matter a study containing a projection of costs for a 3-year period beginning at the date of the filing of the tariff matter; and

(ii) Estimates of the effects of the changed or new matter upon the carrier's traffic and revenues from the service to which the changed or new matter applies; upon the traffic and revenues from the other service classifications of the carrier; and upon the overall traffic and revenues of the carrier. Estimates should include the estimated effects on the traffic and revenue data for the most recent 12-month period and projections for a 3-year period beginning at the date of the filing of the changed or new matter. Complete explanations of the bases for the estimates should be provided.

(b) *Working papers and statistical data.* (1) There is to be furnished to the Chief, Common Carrier Bureau, upon filing of any tariff change or tariff filing which is for a service not previously offered, two sets of working papers for use by the staff and two sets of working papers which shall be available for use by the public at the Commission's offices. These working papers shall contain the information underlying the data supplied in response to paragraph (a) of this section. A clear indication shall be made as to how the working papers relate to information supplied in response to paragraph (a) of this section.

(2) All statistical studies will be submitted and supported in the form prescribed in § 1.363 of this chapter.

(c) *Submission of explanation and data by connecting carriers.* If the changed or new matter is being filed by the issuing carrier at the request of a connecting carrier, it will be the duty of the connecting carrier to provide the data and information in paragraphs (a) and (b) of this section on the date the tariff matter is filed with the Commission by the issuing carrier.

(d) *Form and content of material submitted with certain rate increases.* (1) For each rate increase in any service or tariffed item resulting in (i) a 10 percent or greater increase in annual revenues

* Commissioners Burch, Chairman; and Wells concurring in the result; concurring statement of Commissioner Robert E. Lee filed as part of original document.

from that service or tariffed item, and (ii) at least $100,000 in additional annual revenues, both calculated on the basis of existing quantities of service; or for two or more rate increases applying to the same service or tariffed item during any 12-consecutive-month period resulting in (*a*) a 10 percent or greater increase in annual revenues from that service or tariffed item, and (*b*) at least $100,000 in additional annual revenues, both calculated on the basis of existing quantities of service, the filing carrier shall submit all cost, marketing and other data on which it relies in justification of the rate increase and in an appropriate form to serve as the carrier's direct case in the event the rate increase is set for hearing initially scheduled to commence on a date within 6 months from the date of filing. If the rate increase is designated for hearing the carrier shall submit any additional information on which it relies in documentary form, within 45 days from the date of designation.

(2) The information and data requirement of subparagraph (1) of this paragraph shall be submitted for a rate increase in any service or tariffed item resulting in more than $1 million in additional annual revenues, as calculated on the basis of existing quantities of service, without regard to the percentage increase in such revenues.

(3) The requirement imposed here is in addition to any requirement imposed by the other provisions of this section.

(e) *Copies of explanation and data to customer.* Concurrently with the filing of any rate for special construction or special assembly equipment and arrangements which was developed on the basis of estimated cost, the filing carrier shall transmit to the customer a copy of the explanation and data required by paragraphs (a) and (b) of this section.

(f) *Exception.* The requirements of this section shall not apply to any carrier with annual gross revenues of less than $100,000.

NOTE 1: Carriers with annual gross revenues of less than $1 million are exempt from the requirements of this section until January 30, 1971.

NOTE 2: The requirements of this section will not apply until January 30, 1971, in those situations where a carrier is filing rates to equal lower rates set by a competing carrier.

5. Section 61.58 is revised to read as follows:

§ 61.58 Notice requirements.

Every tariff publication which constitutes a rate increase shall bear an effective date and, except as otherwise provided by regulation, special permission, or order of the Commission, shall give not less than 60 days notice to the public and to the Commission. Notice shall be given by filing with the Commission such proposed tariff publications. In addition to this notice, if the tariff publication proposes to increase any charge or to effectuate an authorized discontinuance, reduction or other impairment of service to any customer, the filing carrier shall take such steps as are appropriate under the circumstances to inform the affected customers of the content of the tariff publication. Every tariff publication which does not constitute a rate increase shall bear an effective date and, except as otherwise provided by regulation, special permission, or order of the Commission, shall give not less than 30 days notice to the public and to the Commission regardless of whether or not changes are effected thereby. Any period of notice required herein shall begin on and shall include the date the tariff is received by the Commission, but shall not include the effective date. In computing the notice required, Sundays and holidays shall be counted.

6. In § 61.69, a new paragraph (c) is added to read as follows:

§ 61.69 Rejections.

* * * * *

(c) Failure of the carrier to comply with any provision of this part will be grounds for rejection of the tariff material being submitted for filing.

[F.R. Doc. 70-13970; Filed, Oct. 15, 1970; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 25]

CUSTOMS BONDS

Proposed Increase in Amount of Warehouse Entry Bond

Section 25.4(a)(11) of the Customs Regulations provides that the Warehouse Entry Bond, Customs Form 7555, shall be in an amount equal to the aggregate sum of double the estimated amount of ordinary customs duty on the merchandise (including any taxes required by law to be treated as duties) plus the estimated amount of any other tax or taxes on the merchandise collectable by the collector (now district director) of customs.

Condition (8) of the Warehouse Entry Bond relating to mechandise found not to comply with the law and regulations governing its admission into the commerce of the United States provides for the payment of liquidated damages on default in an amount equal to the value of the merchandise with respect to which there has been a default, as set forth in the entry, plus the estimated duties thereon, as determined at the time of entry. In these circumstances and since recovery under a bond may in no case exceed the amount in which the bond is taken, it is proposed to increase the amount of the Warehouse Entry Bond to cover liquidated damages for default of condition (8) of the bond.

In addition there appears to be no further justification for accepting a lesser amount of security in the case of merchandise entered for warehouse than would be required if it had been entered for consumption. The proposed amendment would remove the inconsistency in this regard which now exists.

Accordingly, notice is hereby given that under authority of section 251 of the Revised Statutes (19 U.S.C. 66), sections 623 and 624 of the Tariff Act of 1930, as amended (19 U.S.C. 1623, 1624), and 5 U.S.C. 301, it is proposed to amend § 25.4(a)(11) of the Customs Regulations to read as follows:

§ 25.4 Bonds approved by collectors; form and execution.

(a) * * *

(11) Warehouse entry bond, Customs Form 7555, in an amount equal to the value of the articles as set forth in the entry, plus the estimated duty (including any taxes required by law to be treated as duties) and the estimated amount of any other taxes imposed upon or by reason of the importation of the articles as determined at the time of entry.

* * * * *

Prior to final action on this proposal, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 30 days after the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

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

Approved: October 8, 1970.

WILLIAM L. DICKEY,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 70-13995; Filed, Oct. 15, 1970; 8:50 a.m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 264]

REGISTRATION AND FINGERPRINTING OF ALIENS

Notice of Proposed Rule Making

Pursuant to section 553 of title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed issuance of the following rules pertaining to the replacement of Alien Registration Card within 1 year after becoming a lawful permanent resident. In accordance with section 553, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, D.C. 20536, written data, views, or arguments, in duplicate, relative to the proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the date of publication of this notice will be considered.

PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

The sixth and eighth sentences are amended and a new sentence is added following the existing eighth sentence of paragraph (c) *Replacement of registration* of § 264.1 *Registration and fingerprinting* to read as follows: "Application by an alien lawfully admitted for permanent residence for Form I-151, Alien Registration Receipt Card, in lieu of one lost, mutilated, or destroyed, or who requests issuance of such card in a name which has been changed after registration by order of any court of competent jurisdiction or by marriage, or whose Form I-151 was never received and application is made more than 1 year after the date of his admission for permanent residence or adjustment to permanent resident status, shall be made on Form I-90 accompanied by the fee required by § 103.7(b) of this chapter, two photographs, unless the requirement for such photographs has been waived by the district director in his discretion because of hardship to an applicant who is confined due to age or physical infirmity, and, when issuance of Form I-151 is desired in a changed name, by appropriate documentary evidence of such change. * * * An application on Form I-90, with two photographs, but without fee, is required for issuance of Form I-151 in the case of a lawful permanent resident who surrenders evidence of registration on other than Form I-151; who establishes within 1 year after admission for permanent residence or adjustment to permanent resident status that such form was not received by him, if the form has not been returned to the issuing Service office; who is the holder of a Form I-151 which is in poor condition because of improper lamination and surrenders such form, or in the case of an alien who has attained the age of 14 and is seeking to be registered and fingerprinted pursuant to section 262(b) of the Act and who surrenders evidence of registration previously issued to him. No application or fee is required if Form I-151 has been returned to the issuing office and is in the applicant's file."

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

Dated: October 12, 1970.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 70-13972; Filed, Oct. 15, 1970; 8:48 a.m.]

[8 CFR Part 335]

PETITIONS FOR NATURALIZATION

Notice of Proposed Rule Making

Pursuant to section 553 of title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed issuance of the following rules pertaining to certain naturalization cases. In accordance with section 553, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, D.C. 20536, written data, views, or arguments (in duplicate) relative to the proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the date of publication of this notice will be considered.

PART 335—PRELIMINARY EXAMINATION ON PETITIONS FOR NATURALIZATION

Paragraphs (a) and (d) of § 335.13 are amended to read as follows:

§ 335.13 Notice of recommendation of designated examiner.

(a) *Recommendation that petition be denied.* When the designated examiner proposes to recommend denial of the petition, the petitioner or his attorney or representative shall be notified thereof and furnished a copy of the designated examiner's memorandum. The notice shall be given in conjunction with notification of the date, place, and time of holding the final hearing. The notice shall be sent by certified mail, with return receipt requested, after any review made by the regional commissioner.

* * * * *

(d) *Briefs.* If the petitioner intends to file a brief or memorandum at the final hearing, he shall furnish a copy thereof to the Service office from which the notice on Form N-425 emanated at least 5 days prior to the date of the final hearing. Failure to do so will result in a motion for a continuance if deemed essential for the proper presentation of the Government's case.

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

Dated: October 12, 1970.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 70-13973; Filed, Oct. 15, 1970; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 58]

STANDARDS FOR GRADES OF DRY WHOLE MILK

Definitions, Requirements for Grade, and Test Methods

Notice is hereby given that the U.S. Department of Agriculture is considering the issuance of amendments to the U.S. Grade Standards for Dry Whole Milk. These grade standards are issued under authority of the Agricultural Marketing Act of 1946, as amended (60 Stat. 1087 as amended, 7 U.S.C. 1621-1627) which provides for the issuance of official U.S. Grades to designate levels of quality for voluntary use by producers, handlers and consumers. Official USDA grading service is also provided under this act, available upon request by an applicant and upon payment of a fee to cover cost of the service.

The proposed amendments provide, under Subpart S, Part 58, §§ 58.2701, 58.2704, and 58.2707, the following:

1. Reference to the pasteurization temperature of 161° F. for 15 seconds.

2. Revision of section dealing with requirements for U.S. Premium Grade Dry Whole Milk.

3. Updating title of document referenced for test methods.

Statement of consideration. The proposed amendments to the U.S. Standards are based on information received or developed by USDA since the U.S. Standards for Dry Whole Milk became effective on September 4, 1954.

Presently the predominate method of pasteurizing milk prior to drying is by the high-temperature short-time method. Therefore, it is considered appropriate to reference in the definition the HTST time and temperature requirement rather than the vat time and temperature.

Since the grade standard was originally published there has been a major revision in the USDA regulations, thereby encompassing milk quality and dairy plant requirements as an overall consideration in providing grading service. For these reasons it is felt that the requirements in § 58.2704 (a) and (b) should be deleted and portions of (c) revised.

The current title of the USDA publication which contains the test methods utilized in determining the various grade factors is being inserted in lieu of the presently referenced document.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same in duplicate with the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from the date of publication in the FEDERAL REGISTER. All written submissions pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments to Subpart S are as follows:

1. *Section 58.2701.* Revise pasteurization reference to read "* * * pasteurized either before or during the process of manufacture at a temperature of 161° F. for 15 seconds or its equivalent in bacterial destruction * * *".

2. *Section 58.2704.* Delete all of (a) and (b). Revise introductory text of (c) to read "Dry whole milk manufactured by the spray process conforms to the following requirements:".

3. *Section 58.2707.* Revise to read as follows:

§ 58.2707 Test methods.

All required tests shall be performed in accordance with "Methods of Laboratory Analysis, DA Instruction No. 918-103-(dry milk products series), Dairy Division, C&MS, U.S. Department of Agriculture, Washington, D.C. 20250".

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

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

[F.R. Doc. 70-13966; Filed, Oct. 15, 1970; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 170]

FINANCIAL ASSISTANCE FOR CONSTRUCTION OF HIGHER EDUCATION FACILITIES

Criteria for Determining Priorities of Eligible Projects

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Office of Education proposes to amend § 170.15 of Title 45 of the Code of Federal Regulations by revising paragraphs (b)(2) and (c)(2) and by adding paragraphs (b)(4) and (c)(3). Authority for the proposed amendments is contained in sections 101-111 of the Higher Education Facilities Act of 1963, 77 Stat. 364-370, 20 U.S.C. 711-721.

So that the proposed amendments may be properly assessed all of § 170.15 as it will be with the amendments is reproduced here for purposes of convenience.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendments to the Office of Education, Department of Health, Education, and Welfare, Washington, D.C. 20202, within 30 days after date of publication of this notice in the FEDERAL REGISTER.

§ 170.15 Criteria for standards and methods to determine relative priorities of eligible projects.

(a) The State plan shall set forth separately the standards and methods for determining the relative priorities of eligible projects for the construction of academic facilities (1) for public community colleges and public technical institutes and (2) for institutions of higher education other than public community colleges and public technical institutes. The standards and methods set forth for each of the two categories of eligible projects shall provide separately for new institutions or new branch campuses and for established institutions or campuses. Unless otherwise defined in the State plan, a new institution or branch campus (as distinguished from an established institution or branch campus) shall be one which was not in operation and admitting students as of the fourth fall term preceding the date of application for assistance under Title I.

(b) The standards for determining relative priorities for established institutions or branch campuses shall include each of the following, each of which shall be assigned at least the indicated percentage of the total weight assigned to all standards for established institutions or branch campuses:

(1) One or more standards dealing with the planned for and reasonably expected numerical and/or percentage increase in full-time equivalent undergraduate student enrollment at the

campus at which the facilities are to be constructed, between the opening of the fall term which opened preceding the closing date for which the application is being considered and the opening of either the third, fourth, or fifth term thereafter (at least 20 percent of total weight, with priority advantage given to higher numerical and/or percentage increases).

(2) One or more standards (at least 10 percent of total weight) dealing with the amount and/or percentage by which the construction of the project will increase or replace the assignable area in instructional and library facilities or health care facilities on the campus at which the facilities are to be constructed. For purposes of measuring percentage increases, instructional and library space will be compared to the current inventory of instructional and library space and, health care space will be compared to the current inventory of health care space.

(3) One or more standards designed to favor projects for institutions or branch campuses which are most effectively utilizing their existing academic facilities (at least 10 percent of total weight).

(4) One or more standards (at least 10 percent of total weight) designed to favor projects submitted by institutions or branch campuses that are actively engaged in the extension of higher education opportunities to socially or economically disadvantaged youth. Acceptable for such purposes would be standards designed to favor projects from institutions or branch campuses: (i) Which are included in a comprehensive urban development program with priority given to institutions located in or adjacent to a designated Model Neighborhood area (pursuant to 42 U.S.C. 3301, Public Law 89-754, 80 Stat. 1225); or (ii) which have higher numerical and/or percentage enrollments of economically disadvantaged students as compared to total enrollment.

(c) The standards for determining relative priorities for new institutions or branch campuses shall include each of the following, each of which shall be assigned at least the indicated percentage of the total weight assigned to all standards for new institutions or branch campuses:

(1) A standard dealing with the planned for and reasonably expected numerical increase in full-time equivalent undergraduate student enrollment at the campuses at which the facilities are to be constructed, between the opening of the fall term which opened preceding the closing date for which the application is being considered and the opening of either the third, fourth, or fifth fall term thereafter (at least 30 percent of total weight, with priority advantage given to higher numerical increases).

(2) A standard (at least 10 percent of total weight) dealing with the amount by which the construction of the project for which a title I grant is requested will provide for assignable area in instructional and library facilities and/or health care facilities on the campus at which the facilities are to be constructed.

(3) One or more standards (at least 10 percent of total weight) designed to favor projects submitted by institutions or branch campuses that are actively engaged in the extension of higher education opportunities to socially and economically disadvantaged youth. Acceptable for such purposes would be standards designed to favor projects from institutions or branch campuses: (i) Which are included in a comprehensive urban development program with priority given to institutions located in or adjacent to a designated Model Neighborhood area (pursuant to 42 U.S.C. 3301, Public Law 89-754, 80 Stat. 1225); or (ii) which have higher numerical and/or percentage enrollments of economically disadvantaged students as compared to total enrollment.

(d) The State plan may include additional standards for determining relative priorities which are not inconsistent with the standards set forth in paragraphs (b) and (c) of this section and which will carry out the purposes of the Act.

(e) The methods for application of the standards for determining relative priorities shall provide for the assignment of point scores for each standard applied, such that the potential total score for each project will be the same whether the project is for a new institution or branch campus or for an established institution or branch campus. The assignment of points for each standard may be by any one of the following methods or by similar objective methods, a different one of which may be used in connection with each standard:

(1) Applications may be ranked according to relative performance for the standard, and assigned a point score for relative rank (e.g., 10 points for placement in the highest 10 percent, 9 points for placement in the second highest 10 percent, 8 points for placement in the third highest 10 percent, etc.).

(2) Applications may be compared to a scoring table for the standard, and assigned points accordingly (e.g., for numerical increase in full-time equivalent undergraduate enrollment, a scoring table might provide for 10 points for an increase of 1,000 or more, 8 points for an increase of 800-999, 6 points for an increase of 600-799, etc.).

(3) Applications may be compared to a fixed requirement for the standard and assigned points if they meet the requirement or denied points if they do not. This type of scoring should be used where comparison against the standard involves a "yes"-"no" decision (e.g., Is the proposed project located in a geographic area of the State in which an unfilled need for creation or expansion of undergraduate enrollment capacity has been documented in a statewide study? If "yes," award 5 points, if "no," award 0 points.)

(f) The methods for application of the standards shall provide for determination of relative priorities on the basis of the total of the points earned by each application for each applicable standard and shall specify factors to be applied in determining which application shall receive the higher priority in the case of identical scores.

(g) The standards and methods for determining relative priorities must be developed on the basis of information which is to be submitted on the application form prescribed by the Commissioner, or required by the State commission to be submitted on supplemental State forms to accompany the application, or contained in published reports or publications readily available to the State commission and to all institutions within the State. Whenever supplemental forms or definitions or data in published reports or publications are to be used in connection with optional State plan standards, the State plan shall include a section setting forth such definitions and supplementary data sources and an appendix illustrating the supplemental State forms.

(h) In no event shall an institution's readiness to admit out-of-State students be considered as a priority factor adverse to such institution and in no event may the nature of the control or sponsorship of the institution, or the fact that construction of the project has commenced, or that part of the cost of a project has been incurred before or under a contract entered into prior to the date of the application, be considered as a priority factor either in favor of, or adverse to, an institution.

Dated: September 22, 1970.

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

Approved: October 10, 1970.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 70-13975; Filed, Oct. 15, 1970; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-SO-71]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Lawrenceburg, Tenn., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the

proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Lawrenceburg transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Lawrenceburg Municipal Airport (lat. 35°14'00" N., long. 87°15'30" W.); within 9.5 miles west and 4.5 miles east of the 349° bearing from the Lawrenceburg RBN (lat. 35°15'51" N., long. 87°15'56" W.), extending from the 7-mile-radius area to 18.5 miles north; excluding the portion within the Mount Pleasant transition area.

The proposed designation is required to provide controlled airspace protection for IFR operations in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface. A prescribed instrument approach procedure to Lawrenceburg Municipal Airport, utilizing the Lawrenceburg RBN, is proposed in conjunction with the designation of this transition area.

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

Issued in East Point, Ga., on October 7, 1970.

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

[F.R. Doc. 70-13960; Filed, Oct. 15, 1970; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Public Sale

SEPTEMBER 30, 1970.

Pursuant to the Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421–27) 35 F.R. 9616, 9617, June 13, 1970, there will be offered to the highest bidder, but at not less than the appraised value, at a public sale to be held at 10:30 a.m., local time, on November 19, 1970, at the Land Office, E–2807 Federal Office Building, 2800 Cottage Way, Sacramento, Calif., the following tract of public land in Calaveras County, Calif.: Parcel No. S 1580. Description: Lot 24, sec. 2, T. 6 N., R. 13 E., M.D.M. Acreage: 1.93. Appraised value: $2,250. Cost of publication: $12.50.

The land will be sold subject to a reservation to the United States of rights-of-way for ditches and canals under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. sec. 954); and subject to existing rights-of-way and to those rights for water pipeline purposes under the Act of February 15, 1901 (31 Stat. 790), as amended. All minerals will be reserved to the United States and withdrawn by operation of law, from appropriation under the public land laws.

Bids may be made by the principal or his agent. Only bids for the entire tract will be considered. Sealed bids will be considered only if received at the Land Office, E–2807 Federal Office Building, 2800 Cottage Way, Sacramento, Calif., prior to 10:30 a.m., November 19, 1970. Each sealed bid must be in an envelope marked in the lower left hand corner "Public Sale Bid, November 19, 1970, Parcel No. S 1580." Each bid must be accompanied by certified check, post office money order, bank draft, or cashier's check made payable to the Bureau of Land Management, for the amount of the bid plus the cost of publication. After publicly opening and declaring the highest qualifying sealed bid received, the authorized officer shall invite oral bids in increments of $25. The person, if any, declared to have entered the highest qualifying oral bid must promptly submit payment in a form acceptable for a sealed bid. Payment shall be for the amount of the bid plus the cost of publication indicated above. The right is reserved at any time to determine that the lands should not be sold, or that any and all bids should be rejected.

For further information write: Chief, Lands Adjudication Section, Land Office, E–2807 Federal Office Building, 2800 Cottage Way, Sacramento, Calif.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 70–13947; Filed, Oct. 15, 1970; 8:46 a.m.]

[Serials Nos. N–818, N–4323, N–4527, N–4528, N–4529, N–4542, N–4566]

NEVADA

Notice of Proposed Classification for Disposal

Correction

In F.R. Doc. 70–12700 appearing on page 14857 in the issue for Thursday, September 24, 1970, the fifth line under the heading "Mount Diablo Meridian, Nevada" in paragraph 7, now reading "SW¼NE¼, S½SE¼NE¼, S½NE½ NW¼," should read "SW¼NE¼, S½ SE¼NE¼, S½NE¼NW¼,".

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 4]

SALES OF CERTAIN COMMODITIES

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

Correction

In F.R. Doc. 70–13547 appearing on page 15945 in the issue for Friday, October 9, 1970, the reference to "Section 3" in paragraph 5 should read "Section 33".

Packers and Stockyards Administration

CARROLL LIVESTOCK MARKET ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, location of stockyard, and date of posting
Carroll Livestock Market, Carroll, Iowa, May 19, 1960.
Reed Auction Co., Laurens, Iowa, May 26, 1959.
Ogden Live Stock Sales, Ogden, Iowa, Dec. 9, 1964.
Lyons Sales Pavilion, Lyons, Kans., Apr. 19, 1950.
Hart-Scottville Livestock Sales, Hart, Mich., May 14, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

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

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

[F.R. Doc. 70–13992; Filed, Oct. 15, 1970; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce

ANTHONY-HARPER UNIFIED SCHOOL DISTRICT, ANTHONY, KANS.

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. 70–00839–16–61800. Applicant: Anthony-Harper Unified School District 361, 801 West Main, Anthony, Kans. 67003. Article: Planetarium, Model Apollo, and auxiliary projectors. Manufacturer: Goto Optical Co., Japan.

Intended use of article: The article will be used for instruction in Grades 1 through 12 and may be operated manually or automatically. The subjects include the moon, planets, and stars; causes of weather; the solar system, navigation; astronomy; and physical science.

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 applicant requires for its purposes an apparatus that could be

used with domes of approximately 10 feet in diameter; is easily movable from one classroom to another and from one school to another; can be automatically as well as manually controlled; provides a minimum of 750 stars and automatic phasing of the moon and has facilities for automatically pointing to any given planet or star.

(1) The Spitz Model A4 planetarium has a density of 1,345 stars, but specifies a 30-foot dome. The Spitz Model A4 is primarily designed for fixed installation in museums and similar places for viewing by larger groups. The Spitz Model A4, therefore, does not provide the characteristic of mobility which is considered to be pertinent to the purposes for which the foreign article is intended to be used.

(2) The Nova Model III planetarium provides 750 stars and can be equipped for use with domes of 10 feet in diameter. The Nova Model III is also capable of being operated both automatically and manually. However, it is not designed for portability. Moreover, the Model III does not provide any means for automatically pointing to and identifying any particular stars or planets.

(3) The Observa Dome Model A-24 planetarium is a fixed installation which provides 1,200 stars, but lacks portability as well as the facility for automatically pointing out a given star or planet.

We are advised by the National Bureau of Standards (NBS) in its memorandum dated August 25, 1970, that the automatic pointer cited above is pertinent to the purposes, for which the foreign article is intended to be used.

For the foregoing reasons, we find that neither the Spitz Model A4, the Nova Model III, nor the Observa Dome Model A-24, is of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[F.R. Doc. 70-13930; Filed, Oct. 15, 1970; 8:45 a.m.]

BUCKEYE UNION HIGH SCHOOL, BUCKEYE, ARIZ.

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. 71-00034-16-61800. Applicant: Buckeye Union High School, 902 Eason Avenue, Buckeye, Ariz. 85326. Article: Planetarium and auxiliary projectors, Model Apollo. Manufacturer: Goto Optical Co., Japan.

Intended use of article: The article will be used for instruction in grades 1 through 12 in such subjects as astronomy, navigation, earth-space relationship, elementary science, water cycles, causes of weather and the solar system. Students as well as teachers will operate the instrument.

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 applicant requires for its purposes an apparatus that could be used with domes of approximately 10 feet in diameter; is easily movable from one classroom to another and from one school to another; can be automatically as well as manually controlled; provides a minimum of 750 starts and automatic phasing of the moon and has facilities for automatically pointing to any given planet or star.

(1) The Spitz Model A4 planetarium has a density of 1,345 stars, but specifies a 30-foot dome. The Spitz Model A4 is primarily designed for fixed installation in museums and similar places for viewing by larger groups. The Spitz Model A4, therefore, does not provide the characteristic of mobility which is considered to be pertinent to the purposes for which the foreign article is intended to be used.

(2) The Nova Model III planetarium provides 750 stars and can be equipped for use with domes of 10 feet in diameter. The Nova Model III is also capable of being operated both automatically and manually. However, it is not designed for portability. Moreover, the Model III does not provide any means for automatically pointing to and identifying any particular stars or planets.

(3) The Observa Dome Model A-24 planetarium is a fixed installation which provides 1,200 stars, but lacks portability as well as the facility for automatically pointing out a given star or planet.

We are advised by the National Bureau of Standards (NBS) in its memorandum dated September 10, 1970, that the automatic pointer cited above is pertinent to the purposes for which the foreign article is intended to be used.

For the foregoing reasons, we find that neither the Spitz Model A4, the Nova Model III, nor the Observa Dome Model A-24 is of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[F.R. Doc. 70-13931; Filed, Oct. 15, 1970; 8:45 a.m.]

CHILDREN'S HOSPITAL OF PHILADELPHIA 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, Bureau of Domestic Commerce, 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. 71-00139-33-46040. Applicant: The Children's Hospital of Philadelphia, 1740 Bainbridge Street, Philadelphia, Pa. 19146. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used in the following research.

(1) The study of host-virus interactions; recognition and behavior of oncogenic viruses; structure, development and function of antibody producing cells, and studies of biochemical storage diseases.

(2) Organs, tissue culture cells, blood cells, and biochemical substances accumulating in body cells.

(3) The investigation of attachment and entry of infecting virus, structural changes in cells during latent period.

(4) Human leukemia and lymphoma viruses, oncogenic viruses of animals have been investigated in detail as to their structure and influence on permissive cells.

Application received by Commissioner of Customs: September 22, 1970.

Docket No. 71-00144-80-84300. Applicant: State University of New York at Buffalo, 3258 Main Street, Office of Facilities Planning, Buffalo, N.Y. 14214. Article: Wind tunnel. Manufacturer: Experimental Engineering Equipment Ltd., United Kingdom. Intended use of article: The article will be used by graduate research thesis studies in such investigations as:

(1) The development of low Reynolds number turbulent boundary layers.

(2) Three-dimensional turbulent boundary layer studies.

(3) Drag reduction measurements.

(4) Turbulent boundary layers with transpiration.

The article will also be used by mechanical engineering students in the basic techniques for kinematic, pressure, temperature and flow measurements. Application received by Commissioner of Customs: September 14, 1970.

Docket No. 71-00148-75-43000. Applicant: New York University, 100 Washington Square East, New York, N.Y. 10003. Article: Air separation column, Type PW 7193 and Cryogenic transfer pump type 7215 (1 each). Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used to generate liquid nitrogen essential to the performance of research experiments on electron and atom collision at low impact energies. Experiments performed are of two basic types; (1) molecular beam experiments, in which individual collisions are induced and observed, and (2) plasma experiments in which bulk collision phenomena are studied. Application received by Commissioner of Customs: September 15, 1970.

Docket No. 71-00149-33-46500. Applicant: Louisiana State University Medical Center, 1542 Tulane Avenue, New Orleans, La. 70112. Article: Ultramicrotome, Model "Om U2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article is to be used for sectioning several tissues in the study of (1) serial sections of uniform thickness of 50 angestroms or less in order to view the method of secretion in the intestinal ameba Entamoeba histolytica in colonic lesions; (2) the relationship of fine lipid droplets to certain portions of cell membranes in the intestine of nematodes; and (3) radio isotopes which require thin sections less than 50 angstroms for maximum localization of the label in subcellular elements. These projects are involved with the elucidation of the role of the vacuolar system of individual cell types in secretion. Application received by Commissioner of Customs: September 15, 1970.

Docket No. 71-00157-33-43400. Applicant: Indiana University, Bloomington, Ind. 47401. Article: Automatic stepping micromanipulator with electronic control unit. Manufacturer: AB Transvertex, Norsborg, Sweden. Intended use of article: The article will be used in studies of bio-electrical potentials recorded from the inside of sensory cells in the hearing organ of the cat. Experiments involve analysis of the synaptic mechanism of the hearing organ and the mechanisms through which the mechanical energy of sound waves is translated into electrochemical energy by the sensory cells. These studies will teach students how sensory cells function when receiving, decoding and transmitting information, at the level of the single cell membrane. Application received by Commissioner of Customs: September 17, 1970.

Docket No. 71-00158-01-77030. Applicant: Yale University, 225 Prospect Street, New Haven, Conn. 06511. Article: Nuclear magnetic resonance spectrometer, Model JNM-MH-100. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The article will be used for a variety of research and instructional purposes. The article will allow rapid monitoring of crude reaction mixtures; provide 100 Mhz spectra; allow high quality spectra to be obtained from dilute samples; and provide facilities for spin decoupling. Application received by Commissioner of Customs: September 17, 1970.

Docket No. 71-00159-75-65600. Applicant: National Accelerator Laboratory, Universities Research Association, Inc., 2100 Pennsylvania Avenue NW., Room 828, Washington, D.C. 20006. Article: Power supply for superconducting magnet. Manufacturer: Oxford Instrument Co., England. Intended use of article: The article will be used to excite superconducting magnets when conducting the following studies of superconductivity and high current superconducting magnets requiring 750 to 1,000 amps excitation:

(1) Current carrying capacity of superconductors above 300 amps as a function of incident magnetic field strength;

(2) Fluctuations in the magnetic fields generated by superconductors;

(3) Determination of the long-term stability of high current superconducting magnets when operating with low ripple well regulated supplies;

(4) Determination of magnetic field shape of high current superconducting magnets; and

(5) Measurement of perturbations in the magnetic fields generated by high current superconductors as a function of induced variations in power supply.

Application received by Commissioner of Customs: September 21, 1970.

Docket No. 71-00160-33-46040. Applicant: Albert Einstein College of Medicine, Yeshiva University, 1300 Morris Park Avenue, Bronx, N.Y. 10461. Article: Electron microscope, Model HU-12. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be utilized to survey a large and highly varied number of materials. It will be necessary to scan tissue sections at low power both to select cells for high magnification analysis and for the information to be fed into the computer in case of morphometry. The microscope will also be applied to the molecular analysis of cellular components such as alveolar surface film, molecular organization of phospholipids, and DNA and RNA of human and animal tissues. Application received by Commissioner of Customs: September 21, 1970.

Docket No. 71-00161-33-46040. Applicant: Clemson University, College of Agriculture and Biological Sciences, Clemson, S.C. 29631. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article will be used primarily for training graduate students and other researchers in the Biological Sciences and in the techniques and applications of electron microscopy. It will be utilized in the following courses: Biology 801, Electron Microscopy of Biological Material, Dairy Science 801, Topical Problems, Biochemistry 810 and Biochemical Techniques. Application received by Commissioner of Customs: September 21, 1970.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[F.R. Doc. 70-13932; Filed, Oct. 15, 1970; 8:45 a.m.]

NORTH CAROLINA 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. 70-00811-65-86300. Applicant: North Carolina State University, Mechanical and Aerospace Engineering Department, 229 Broughton Hall, Raleigh, N.C. 27607. Article Viscoelastometer, Model DDV-II. Manufacturer: Toyo Measuring Instruments Co., Ltd., Japan.

Intended use of article: The article will be used to investigate materials consisting of synthetic polymeric, filaments such as nylon, rayon, and polyester as sinle filaments and in yarn and cord assemblies. Also to be studied are filament reinforced composites in which the reinforcing elements may range from metal wire to graphite and polymeric filaments while the matrix material of the structure may vary from epoxy resins to rubber compounds. The transmission and internal dissipation of mechanical energy introduced by sinusoidal tensile strain of the specimen is to 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, is being manufactured in the United States.

Reasons: The applicant requires for its intended purposes an instrument capable of operation over the widest possible range in frequency and temperature. The foreign article has a frequency range of 10 to 100 Hertz and a temperature range of −150° C. to +250° C.

We are advised by the National Bureau of Standards (NBS) in its memorandum dated August 24, 1970, that the frequency and temperature range provided by the foreign article are pertinent to the applicant's research studies and, further, that it knows of no available domestically manufactured instrument or apparatus comparable to the foreign article, which provides these pertinent characteristics.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[F.R. Doc. 70-13933; Filed, Oct. 15, 1970; 8:45 a.m.]

UNIVERSITY OF CHICAGO

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

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

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

Docket No. 70-00677-33-46040. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Ill. 60439. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany.

Intended use of article: The article will be used in the Division of Biological and Medical Research for projects concerned with the ultrastructure of cells and cellular components. Specific programs in fine structure are studies of intracellular organelle differentiation following induction; effect of ionizing radiation on development; correlation of biochemical and morphological effects of radiation on postdiapausal development of grasshopper eggs; and electronmicroscopic examination of proteins.

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

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

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B electron microscope 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 has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.)

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 10, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used.

We, therefore, 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,
Bureau of Domestic Commerce.

[F.R. Doc. 70-13934; Filed, Oct. 15, 1970; 8:45 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. 70-00709-33-46040. Applicant: University of Hawaii School of Medicine, Department of Pathology, c/o Leahi Hospital, Young 5, 3675 Kilauea Avenue, Honolulu, Hawaii 96816. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands.

Intended use of article: The article will be used in a research project to further develop the earlier research effort which was designed to study the immunochemical characteristics of leukocytic catalase in normal and leukemic individuals and to attempt the isolation and characterization of heretofore apparently unrecognized avian oncogenic agent of a postulated viral nature, associated with a spontaneous malignant lymphoma observed in the Japanese quail.

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

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

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B electron microscope 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 has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.)

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 10, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used.

We, therefore, 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,
Bureau of Domestic Commerce.

[F.R. Doc. 70-13935; Filed, Oct. 15, 1970; 8:45 a.m.]

UNIVERSITY OF WISCONSIN

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. 70-00835-00-72000. Applicant: The University of Wisconsin, Rheology Research Center, Engineering Research Building, 1500 Johnson Drive, Madison, Wis. 53706. Article: 60-speed gearbox, 3-phase synchronous motor and base (Weissenberg rheogoniometer accessories). Manufacturer: Farol Research Engineers, United Kingdom.

Intended use of article: The article will be used for normal stress measurements on polymer solutions.

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 consists of accessories for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used.

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

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[F.R. Doc. 70-13936; Filed, Oct. 15, 1970; 8:45 a.m.]

VETERANS ADMINISTRATION HOSPITAL, OMAHA, NEBR.

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

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

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

Docket No. 70-00684-33-46040. Applicant: Veterans Administration Hospital, 4101 Woolworth Avenue, Omaha, Nebr. 68105. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, Inc., West Germany.

Intended use of article: The article will be used to instruct medical resident staff in a course on ultrastructure of muscle and renal tissue, and as much as possible, in ultrastructure of tissue of the central nervous system. This program is designed to extend the knowledge of medical students and resident and postdoctoral fellows who have had previous experience only with light 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, is being manufactured in the United States.

Reasons: The applicant requires an electron miscroscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly being manufactured by the Radio Corp. of America (RCA), and which is currently being supplied by the Forgflo Corp. (Forgflo). The Model EMU-4B electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 10, 1970, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes.

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

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

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[F.R. Doc. 70-13937; Filed, Oct. 15, 1970; 8:45 a.m.]

VETERANS ADMINISTRATION HOSPITAL, SAN FRANCISCO, CALIF., 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, Bureau of Domestic Commerce; 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. 71-00163-33-46500. Applicant: Veterans Administration Hospital, 4150 Clement Street, San Francisco, Calif. 94121. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used in the training of individual researchers in the techniques of ultramicrotomy suitable for investigations of central nervous system, peripheral nerves, and muscle tissue. The investigations of the applicant involve a study by phase and electron microscopy of experimental virus infections in animal brain. The course of the infections and the detailed neuropathogic features are then investigated in animals perfused with fixatives for obtaining optimum preservation of cellular detail at the electron microscopic level. Application received by Commissioner of Customs: September 22, 1970.

Docket No. 71-00164-83-25100. Applicant: University of Delaware, Department of Geology, Newark, Del. 19711. Article: Perspektomat-P-40, Model D (a stereographic drafting device). Manufacturer: F. Forster Apparatebau, Switzerland. Intended use of article: The article will be used to draft perspective block diagrams from maps created by geologists. Application received by Commissioner of Customs: September 22, 1970.

Docket No. 71-00165-56-17500. Applicant: University of Washington, Seattle, Wash. 98105. Article: Recording current meter, Model 4. Manufacturer: Ivar Aanderaa, Norway. Intended use of article: The article will be used to study the circulation of estuarine and coastal waters in the Pacific northwest. The specific purpose of the experiments is to measure directly sufficient parameters to determine the dominate physical processes controlling the circulation. Application received by Commissioner of Customs: September 22, 1970.

Docket No. 71-00166-01-77030. Applicant: University of California, Santa Barbara, Calif. 93106. Article: NMR spectrometer and electromagnet. Manufacturer: Bruker Scientific Inc., West Germany. Intended use of article: The article will be used for research in the nature of enzyme-substrate, enzyme-inhibitor, and membrane-drug interactions by NMR spectroscopy. Preliminary work has shown that chemical shift and relaxation phenomena can be used to characterize the environment provided by the protein active site. By learning more about the active or binding centers of the systems, the applicant hopes to arrive at characteristic features and differences that can be exploited in the design of new drugs. Application received by Commissioner of Customs: September 22, 1970.

Docket No. 71-00168-33-46070. Applicant: The University of Oklahoma, School of Geology and Geophysics, 830 Van Vleet Oval, Room 107, Norman, Okla. 73069. Article: Scanning electron microscope, Model JSM-2 with goniometer type specimen stage. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The article will be used for research purposes which include orientation and chemical alterations of individual clay particles, microareas of zeolitic development, surface morphology of flea development, fossil brachiopods, fossil spore, and pollen and mineral grain relationship and grain morphology. Application received by Commissioner of Customs: September 24, 1970.

Docket No. 71-00169-89-43000. Applicant: University of Wyoming, Department of Geology, Box 3006, University Station, Laramie, Wyo. 82070. Article: Laboratory astatic magnetometer, Model LAM-1. Manufacturer: Institute of Applied Geophysics, Czechoslovakia. Intended use of article: The article will be used to measure the intensity and direction of remanent magnetization of naturally occurring rock and mineral samples and synthetic specimens of magnetic materials. The objectives of the proposed research are twofold: (1) To determine the mechanisms controlling magnetization in rock-forming magnetic minerals and (2) to conduct paleomagnetic studies on rocks of particular geologic interest. In the course of this research, it will be necessary to measure

the remanent magnetization of large, often unconsolidated samples and also to study the decay of remanence as temperature is increased from room temperature to the Curie point. Application received by Commissioner of Customs: September 24, 1970.

Docket No. 71-00170-33-46500. Applicant: St. Louis University, Department of Biology, 1504 South Grand Boulevard, St. Louis, Mo. 63104. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used for the purpose of studying the tentacular and oral-disc regeneration in the sea anemone, *Aiptasia diaphana*. Experiments will be conducted to determine the types of cells present in the nonregenerating anemones and to find out which of these cells participate in the regeneration of the oral-disc and tentacle crown. Application received by Commissioner of Customs: September 24, 1970.

Docket No. 71-00171-33-46040. Applicant: The Ohio State University, Department of Pathology, 190 North Oval Drive, Columbus, Ohio 43210. Article: Electron microscope, Model HU-12. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used in teaching and training of medical students, graduate students, interns, residents, and fellows as well as research personnel (research assistants and research associates) in the techniques and biomedical application of electron microscopy. In addition, the article will be used for research and service by the faculty members, students and other personnel using the electron microscope. Fields of research include: Atherosclerosis research, myocardial histochemistry, study of the breast, myocardial hypertropy, cardiac conduction system and malignancy-associated lymphocytic changes. Application received by Commissioner of Customs: September 24, 1970.

Docket No. 71-00173-33-43780. Applicant: University of California, San Diego, 3175 Miramar Road, La Jolla, Calif. 92037. Article: Medical flowmeter system. Manufacturer: SE Laboratories (Engineering) Ltd., United Kingdom. Intended use of article: The article will be used to perform velocity studies on human subjects to evaluate left ventricular myocardial contractility in normal and diseased states. Application received by Commissioner of Customs: September 24, 1970.

Docket No. 71-00175-33-46040. Applicant: University of Wisconsin, 750 University Avenue, Madison, Wis. 53706. Article: Electron microscope, Model EM6B. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The article will be used for the following purposes:

1. To study the cytology of chemoreception in insects,
2. Studies on the fate of plant viruses in their insect vectors,
3. The mode of action of pathogenic insect viruses,
4. Studies on the cytology of insect fat bodies,
5. The intra- and inter-relationships of insect symbionts, and
6. Cytological studies on the penetration and metabolism of insecticides by insects and plants.

Application received by Commissioner of Customs: September 25, 1970.

Docket No. 71-00176-33-46040. Applicant: The Institute for Cancer Research, 7701 Burholme Avenue, Philadelphia, Pa. 19111. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used for research purposes of the structure-function relationship between macromolecular components of cells and viruses, and more specifically, the study of the structure of discrete sites on cell surfaces which a) function as virus receptors, b) are responsible for the release of infecting nucleic acid and c) facilitate nucleic acid uptake by the cell. Application received by Commissioner of Customs: September 25, 1970.

Docket No. 71-00177-33-46070. Applicant: Battelle Memorial Institute, Pacific Northwest Laboratories, Post Office Box 999, Richland, Wash. 99352. 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 support and conduct of a wide variety of programs in contract research. The programs currently in progress especially emphasize research on nuclear and structural materials, biomaterials developments, and ceramics behavior and characterization. Application received by Commissioner of Customs: September 25, 1970.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[F.R. Doc. 70-13938; Filed, Oct. 15, 1970; 8:45 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. 70-00648-33-74600. Applicant: Yale University, Purchasing Department, 20 Ashmun Street, New Haven, Conn. 06520. Article: BIOMAC 1010 signal analyzer and BIOMAC 1010 spectrum integrator. Manufacturer: Data Lab., Ltd., United Kingdom.

Intended use of article: The article will be used to study the mechanism of the propagated nerve impulses and the proposes of recovery which follow activity in the nerve. The rabbit vagus nerve and the giant axon of the squid are the nerves which are primarily used, although other tissues will be studied.

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 applicant intends to measure impulses from perishable specimens which provide a signal that may be smaller than the noise level. For such a purpose time averaging is required. The foreign article is equipped with a digital filtering system which averages 8 signals during a single address dwell time. This system allows the faster averaging required to obtain proper data before deterioration of the specimen.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 20, 1970, that the digital filtering provided by the foreign article is pertinent to the applicant's research studies.

HEW further advises that it knows of no comparable domestic instrument which matches the digital filtering of the foreign article.

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,
Bureau of Domestic Commerce.

[F.R. Doc. 70-13939; Filed, Oct. 15, 1970; 8:45 a.m.]

National Oceanic and Atmospheric Administration

GROUNDFISH FISHERIES

Closure of Season

Notice is hereby given pursuant to § 240.8(a), Title 50, Code of Federal Regulations, as follows:

On October 13, 1970, the Executive Secretary of the International Commission for the Northwest Atlantic Fisheries notified each contracting government having fishing vessels operating in the regulatory areas Subarea 5, defined in § 240.1(b)(5) that the accumulative landings of haddock have reached 80 percent of a catch limit of 12,000 metric tons as described in § 240.6. (See announcement of the catch limit established for haddock from Subarea 5 published in the FEDERAL REGISTER of January 7, 1970, 35 F.R. 228.)

I hereby announce that the 1970 season for the taking of haddock without restriction as to quantity by persons and vessels subject to the jurisdiction of the United States will terminate at 0001 hours, local time, in the area affected, October 23, 1970.

Issued at Washington, D.C., and dated October 14, 1970.

WILLIAM M. TERRY,
Acting Director,
National Marine Fisheries Service.

[F.R. Doc. 70-14037; Filed, Oct. 15, 1970; 9:32 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-175; NDA No. 3-528 etc.]

SULFATHIAZOLE - CONTAINING DRUGS FOR SYSTEMIC USE IN HUMANS

Notice of Withdrawal of Approval of New-Drug Application

On May 28, 1970, there was published in the FEDERAL REGISTER (35 F.R. 8403) a notice of opportunity for hearing in which the Commissioner of Food and Drugs proposed to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the new-drug applications listed therein on the grounds that: (1) New evidence of clinical experience not contained in the applications or not available until after the applications were approved, evaluated together with the evidence available when the applications were approved, reveal that the drug is not shown to be safe for use upon the basis of which the applications were approved. In view of the known serious hazards associated with such use and the imbalance between benefit and risk of serious untoward effects from such drugs, their continued use systemically is not warranted as other available sulfonamides have equivalent benefit and involve much less risk; and (2) new information, evaluated together with the evidence available when the applications were approved, shows there is a lack of substantial evidence that the drugs will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

The following firms, listed with their address, respective drugs, and new-drug application number, have waived opportunity for a hearing on the proposed withdrawal of said new-drug applications in that they have affirmatively indicated in writing their intention not to avail themselves of the opportunity for a hearing.

NDA No.	Drug name	Applicants name and address
3-528	Sulfathiazole	Mallard, Inc., 3021 Wabash Ave., Detroit, Mich. 48216.
3-583	Sulfathiazole	The Vale Chemical Co., Inc., 1201 Liberty St., Allentown, Pa. 18102.

Prior to the May 28, 1970, FEDERAL REGISTER notice (35 F.R. 8405), each of the following firms, listed with their address, respective drug, and new-drug application number, indicated in writing that the drug was no longer being marketed and waived opportunity for hearing on any proposal to withdraw these new-drug applications.

NDA No.	Drug name	Applicants name and address
2-712	Sulfathiazole, 0.2 gram and 0.5 gram per tablet	Sterling Drug Inc., 90 Park Ave., New York City, N.Y. 10016.
2-719	Sulfathiazole, 0.5 gram per tablet	Do.
3-641	Sulfathiazole Sodium Injection, 1 gram ampul	Do.
3-674	do	Do.
3-868	Sulfathiazole, 0.5 gram per tablet	Do.
4-282	do	Do.
4-908	Sulfathiazole, 0.25 gram per tablet, Sulfathiazole Injection, 1 gram ampul, and 5 gram vial.	Do.
2-878	Sulfathiazole, 0.25 gram and 0.5 gram per tablet	Abbott Laboratories, 14th and Sheridan Rd., North Chicago, Ill. 60064.
4-123	Sodium Sulfathiazole Anhydrous, 5 grams per vial.	Do.
4-225	Sodium Sulfathiazole Sesquihydrate 5 grams and 50 grams per vial.	Do.
3-955	Sulfathiazole, 0.5 gram per tablet	Tilden-Yates Laboratories, Inc., 328 Shrewsbury St., Worcester, Mass. 01604.
4-070	do	Do.
4-117	do	Smith, Miller, and Patch, Inc., 401 Joyce Kilmer Ave., New Brunswick, N.J. 08902.
3-006	Sulfathiazole, 0.25 gram and 0.5 gram per tablet.	Do.
6-334	Sulfatriad Tablets, 0.1875 gram each of sulfathiazole and sulfadiazine and 0.125 gram of sulfamerazine.	Do.
3-787	Sulfathiazole, 0.5 gram per tablet	National Drug Co., Haines and McCallum St., Philadelphia, Pa. 19144.
3-788	Sulfathiazole, 0.25 gram per tablet	Do.
3-521	Sulfathiazole, 0.5 gram per tablet	Bowman Braun Pharmaceuticals, Inc., 119 Schrayer Ave. SW., Canton, Ohio.
3-466	Sulfathiazole, 0.25 gram and 0.5 gram per tablet.	Cole Pharmacal Co., Inc., 3721 Laclede Ave., St. Louis, Mo.
3-442	Sulfathiazole, 0.5 gram per tablet	Direct Laboratories, 377 Genesee St., Buffalo, N.Y. 14202.
3-445	do	Dorsey Laboratories, Lincoln, Nebr. 68501.
3-458	do	Endo Laboratories Inc., 1000 Stewart Ave., Garden City, N.Y. 11530.
4-276	do	C. E. Jamieson and Co., 2051 Ambassador Dr., Windsor 10, Ontario, Canada.
3-546	do	Kremers Urban Co., 5600 West County Line Rd., Milwaukee, Wis. 53201.
5-328	Sulfa-nico Tablets, containing Sulfathiazole 0.5 gram per tablet and niacin.	Owen Laboratories, Inc., 8911 Directors Row, Dallas, Tex. 75247.
3-508	Sulfathiazole, 0.5 gram per tablet	S. E. Massengill Co., Bristol, Tenn. 37620.
4-265	do	Philips Roxane Laboratories, Inc., 330 Oak St., Columbus, Ohio 43216.
5-171	Sulfathiazole Suspension, containing Sulfathiazole 0.2 gram per milliliter.	Smith, Kline & French Laboratories, 1500 Spring Garden St., Philadelphia, Pa. 19101.
4-002	Sulfathiazole, 0.5 gram per tablet	Suthff and Case Co., 201 Spring St., Peoria, Ill. 61602.
2-857	do	Ciba Pharmaceutical Co., Summit, N.J. 07901;
2-701	Sulfathiazole, 0.5 gram tablets	E. R. Squibb & Sons, Inc., 909 Third Ave., New York, N.Y. 10022.
3-053	Sulfathiazole Sterile Aqueous Solution and Sterile Powder.	Do.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1052, as amended; 21 U.S.C. 355(e)), and under the authority delegated to him (21 CFR 2.120), finds: (1) That new evidence of clinical experience not contained in the applications or not available until after the applications were approved, evaluated together with the evidence available when the applications were approved, reveal that the drug is not shown to be safe for use upon the basis of which the applications were approved; (2) that because of the known serious hazards associated with such use and the imbalance between benefit and risk of serious untoward effects from such drugs, their continued use systemically is not warranted as other available sulfonamides have equivalent benefit and involve much less risk; and (3) that new information, evaluated together with the evidence available when the applications were approved, shows there is a lack of substantial evidence that the drugs will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing findings, approval of the above-listed new-drug applications, and all amendments and supplements thereto, is withdrawn effective on the date of the signature of this document.

Dated: September 28, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-13873; Filed, Oct. 15, 1970; 8:45 a.m.]

E. I. DU PONT DE NEMOURS & CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1033) has been filed by E. I. du Pont de Nemours & Co., Wilmington, Del. 19898, proposing the establishment of tolerances (21 CFR Part 120) for residues of the fungicide benomyl [methyl 1-(butylcarbamoyl) - 2 - benzimidazolecarbamate] in or on the raw agricultural commodities apples, crabapples, pears, and quinces at 7 parts per million from preharvest or postharvest use or combinations of such uses.

The analytical method proposed in the petition for determining residues of the fungicide is the method of H. L. Pease and J. A. Gardiner, published in the "Journal of Agricultural and Food Chemistry," vol. 17, pages 267–270 (1969).

Dated: October 6, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-13946; Filed, Oct. 15, 1970; 8:46 a.m.]

Office of the Secretary

PUBLIC HEALTH SERVICE; FOOD AND DRUG ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 6, formerly part 10 (Food and Drug Administration), of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (35 F.R. 3685–92 dated February 25, 1970) is amended to reflect reorganization of the Bureau of Drugs approved by the Secretary on August 20, 1970.

Section 6B is amended as follows:

SEC. 6B *Organization.* * * *

(1) *Bureau of Drugs.* Develops standards and medical policy and conducts research with respect to the efficacy, reliability, and safety of drugs and devices for man.

Reviews and evaluates new drug applications and claims for investigational drugs.

Conducts a program of clinical studies related to the safety and efficacy of drugs and devices.

Operates an adverse drug reaction reporting system.

Plans, coordinates, and evaluates FDA's surveillance and compliance programs relating to drugs and devices.

Provides scientific and technical support in the areas of drug biology and drug chemistry.

Develops or coordinates the development of regulations, model codes and other standards covering drug industry practices; fosters development of good manufacturing practices.

Coordinates, directs and reviews FDA's antibiotic and insulin certification program.

(1–1) *Drug Efficacy Study Implementation Project Office.* Coordinates the implementation of the National Academy of Sciences-National Research Council Drug Efficacy Study, and serves as focal point for information concerning the implementation.

Performs medical and scientific evaluations of submissions received from the drug industry as a result of the implementation. Coordinates the development of regulations necessary for implementation; in conjunction with the Office of Compliance, coordinates necessary regulatory actions.

(i) *Division of Regulations and Announcements.* Identifies the needs for, drafts and revises regulations and policy statements related to the implementation.

Evaluates or recommends regulations adoption, rejection or changes proposed by industry or trade associations.

Develops responses other than routine to inquiries regarding the Study from Congress, the White House, or DHEW, as referred from the Office of the Commissioner.

Prepares speeches, position papers and unusual and precedent setting correspondence covering the Study.

(ii) *Division of Actions Implementation.* Performs medical and scientific evaluations of Abbreviated New Drug Applications and Supplements to Abbreviated New Drug Applications, received as a result of implementation; forwards complex submissions to the Office of Scientific Evaluation for complete evaluation. Makes recommendations concerning withdrawal of approval of New Drug Applications covered by the Study.

(1–2) *Office of the Assistant Director for Planning and Analysis.* Advises and assists the Director and other key Bureau officials regarding: Strategic and operational planning; analysis and recommendations on policy development; solutions to operational problems and related system demands; development and operation of appropriate scientific and program management support systems; identification and evaluation of program priorities.

Develops Bureau planning and programing strategy.

Identifies operational goals and evaluation measures relevant to short range objectives which are in concert with long range goals. Develops and applies appropriate effectiveness measures to Bureau programs, both with regard to internal effectiveness as well as with regard to impact upon the regulated industries and the various other professional and consumer clientele.

Conducts systems analyses and operations research studies related to the solution of immediate or near-term Bureau scientific and program management needs as well as to future Bureau strategic and operational needs; designs related program management and scientific information and control systems.

Provides consultation service to Bureau officials in the analysis and synthesis of conceptual and operating models for scientific and managerial processes or functions. Develops and applies new analysis techniques, or adapts existing techniques required for solution of Bureau problems as required for optimal reaction to planning requirements.

Represents the Bureau in matters related to planning and analysis with other Bureaus and the Office of the Commissioner, other Federal Executive Agencies and the regulated industries.

Coordinates and monitors Bureau utilization of electronic and other data processing practice and systems.

(i) *Division of Management and Scientific Information Systems Design.* Acts as a Bureau resource for the design of management and scientific information systems; collaborates with and responds to requests from units within the Bureau for assistance in the design of such systems.

Monitors Bureauwide utilization of electronic and other data processing facilities and systems utilization; recommends changes in utilization where appropriate; advises the Assistant Director for Planning and Analysis through periodic reports.

(ii) *Division of Planning and Analysis.* Acts as a Bureau resource for the conduct of studies relevant to the strategies or operational plans and systems of the Bureau; collaborates with and responds to requests from units within the Bureau for the conduct of studies.

Responds to requests from the Bureau Director for analyses and plans. Develops and monitors implementation of Bureau operational and strategic plans.

(1–3) *Office of Compliance (Drugs).* Advises the Bureau Director and other FDA officials on the legal-administrative problems, and regulatory problems and administrative policies concerning FDA's regulatory responsibilities relating to drugs and devices.

Directs, designs and monitors studies to develop facts necessary to support regulatory action on violative drugs and devices.

Develops compliance and surveillance programs for Field implementation covering regulated industries in drug and related areas.

Develops or coordinates the development of standards covering drug and device industry practices and fosters development of good manufacturing practices.

Develops and carries out programs designed to encourage compliance by industry on a voluntary basis.

Provides support and guidance, upon request, to the District Offices in the handling of legal actions and provides headquarters case development, coordination, and contested case assistance.

Develops and coordinates studies to measure degree of compliance by regulated industries with statutes and regulations enforced by FDA.

Monitors and evaluates professional journal advertising, and promotional and

related labeling to determine veracity of claims.

Acts as the focal point for Bureau-Field organization relations.

(i) *Division of Case Guidance (Drugs).* Reviews recommendations on proposed suspensions or reinstatements of antibiotic certification services, and on proposed revocations of certification of batches; performs necessary liaison with the Division of Anti-Infective Drug Products and the District Offices in connection with regulatory activities relating to antibiotics and insulin.

Provides support and guidance, upon request, to the District Offices in the handling of legal actions relating to drugs, prescription drug advertising, new drug and investigational new drugs, antibiotics and insulin.

Provides headquarters case development, coordination and contested case assistance.

Assists in drafting proposed regulations and policy decisions and recommends to the Bureau Director action on petitions for exemptions, requests for extensions and other matters pertinent to the Fair Packaging and Labeling Act.

Develops compliance policy guidelines and administrative-legal guidelines for agency-wide guidance and control of enforcement effort.

Maintains liaison with other Federal agencies for coordination on actions and issues of mutual concern.

Initiates special field investigations of national scope upon clearance by the Office of the Commissioner; provides control and guidance in the conduct of these investigations, interprets their results and recommends appropriate action based on these results; reviews and approves legal actions in cases of national scope requiring headquarters coordination.

Maintains register of drug manufacturers and register of nonretail distributors of controlled drugs; maintains inventory of data on firms subject to laws enforced by the FDA.

(ii) *Division of Compliance Programs (Drugs).* Develops and issues surveillance and compliance programs covering the drug industry; coordinates the establishment of priorities for compliance activities involved in such programs.

Serves as the focal point of information concerning the compliance status of specific drug industries and facilities, and provides information on the latest technological developments in these industries.

Identifies needs for new and revised standards to be met by industry and to support ongoing and contemplated compliance programs.

Identifies needs and is responsible for the development of new and revised programs, including special programs directed toward unique and isolated problem areas.

Identifies and recommends research needed to develop better monitoring and compliance methods and techniques. Develops programs to support FDA research activities.

Plans and develops an appraisal system for each program; assists in the development of reporting systems designed to furnish information on compliance programs; evaluates program effectiveness.

(iii) *Division of Drug Advertising.* Monitors and secures any necessary medical evaluations of prescription drug advertisements and promotional and related labeling.

Provides guidance and support in formulation of policy, regulations and advisory opinions in advertising and promotional labeling. Initiates action to remedy violative advertising and promotional labeling situations; sponsors field investigations and followup actions indicated in development of advertising and promotional labeling cases; assists in the preparation of legal documents and cases where advertising or promotional labeling violations require imposition of legal sanctions.

Provides leadership and conducts meetings negotiating administrative remedial actions with advertising sponsors and drug firms. Develops and recommends specific remedial instruments applicable to specific violative situations. Conducts Washington hearings under section 305 of the Act in areas of responsibility.

Sponsors evaluation and preclearances of advertising and promotional labeling proposals from firms on request.

Maintains advertising work case records and provides statistical support in advertising area for the Agency.

(iv) *Division of Industry Services (Drugs).* Promotes a better understanding of the requirements and objectives of the laws and regulations enforced by FDA among the regulated drug and device industries and encourages compliance on a voluntary basis.

Plans and conducts, in cooperation with other FDA units, and other interested governmental agencies, trade associations, professional and academic groups, national seminars, symposia, and conferences for the drug and device industries on current and emerging compliance problems.

Plans, in concert with FDA Regional and District Offices, workshops and other continuing educational and informational activities for the drug and device industries to maximize voluntary compliance by these industries.

Develops in concert with other Bureau units effective channels of communication, with industry trade associations and professional and academic groups, designed to assure a continuing flow of information that will promote voluntary compliance with the FD&C Act and regulations.

Assists the Office of Scientific Evaluation in providing and disseminating guidelines to the drug industry for improvement in the quality of IND and NDA submissions.

(v) *Division of Medical Review.* Provides expert guidance and opinion on medical issues involved in proposed legal actions on drugs (other than medical advertising cases).

Procures expert medical witnesses and provides medical support in administrative hearings and court cases, including preparing and answering interrogatories and depositions, and sitting with Government attorneys in court cases to advise on direct and cross-examination of medical and scientific witnesses.

Directs, designs, and monitors clinical studies required to support FDA legal actions.

Provides the Post Office Department with technical reviews, opinions, testimony and medical guidance necessary for preparing and presenting medical fraud cases.

Provides medical and scientific guidance, compliance seminars, and conferences, and responses to industry and consumer inquiries; responds to office of the Bureau Director requests for medical background and opinion on policy, legislation, regulations, press releases, films, exhibits, speeches, and publications.

(1-4) *Office of Pharmaceutical Research and Testing.* Provides scientific support for FDA's drug compliance programs.

Develops scientific standards and conducts research relating to the composition, quality and safety of drugs; operates the FDA system for continuous appraisal and improvement of current and proposed drug standards and specifications.

Devises new chemical, physical, and biological methods for the analysis of drugs in pharmaceutical preparations and in tissues and body fluids; investigates the mechanisms of the underlying chemical reactions; and explores the utilization of novel instruments and equipment.

Designs and participates in collaborative studies to establish the reliability of new methods and to validate important discoveries relating to drug examinations.

Operates the National Center for Drug Analysis.

Operates the National Center for Antibiotics Analysis.

Cooperates with the Committee of Revision of the U.S. Pharmacopoeia (USP) and National Formulary (NF) to compose and assemble monographs for inclusion in official drug compendia.

(i) *Division of Drug Biology.* Originates, plans, and conducts research to investigate the nature and properties of pharmacologically significant substances in drugs and investigates their effects in biological and microbiological systems.

Devises and develops new methods for studying the biological activity of drugs.

Conducts research to investigate the metabolism of drugs, the identity of adverse drug reactions, the interactions between drugs and between drugs and chemicals in the environment, neuroendocrine relationships and the effects of drugs on behavior.

Devises microanalytical and biological methods for the analysis of drugs.

Performs bioassays by official and nonofficial methods to determine the potency of drugs, and performs tests in the certification program for insulin.

Conceives, plans, and executes a research program to investigate the utility of diverse animal systems and biochemical reactions for the examination of drug products.

Devises new and improved methods for the determination of minute concentrations of drugs in such biological materials as blood, urine, feces, muscle tissue, kidney, liver, eggs, and milk. Conducts research to determine the nature, extent and significance of microbial and microscopic contaminants in drugs.

Cooperates with the Division of Drug Chemistry to correlate bioanalytical findings with the results obtained by the use of newly devised physicochemical methods of analysis for drugs.

Advises District laboratory chemists on the application of microbiological and biochemical and analytical methods to the assay of such drugs as heparin and hyaluronidase.

Conducts research to elucidate phenomena associated with physiological and therapeutic availability of drugs when introduced into animal systems.

Develops new methods of anatomical and histochemical examination or organs and tissues from animals subjected to treatment with drugs. Provides pathological support in research projects on the effects of drug in animals by other units of the Division.

Serves as the focal point for information concerning the pharmacology, toxicology, bioanalysis, and microbial attributes of drugs.

(ii) *Division of Drug Chemistry.* Conceives, plans, and executes a research program to detect, isolate, and disclose the chemical nature of potent and toxic substances occurring in drug products.

Operates the FDA system for the continuous appraisal and improvement of current and proposed drug standards and specifications. Makes final decisions on the validity of all NDA analytical procedures referred to this Division or a field laboratory.

Devises original physicochemical methods to measure the quantities of potent and toxic substances in drug products, including those subject to drug abuse control.

Investigates the principles underlying the chemical reactions employed in the analysis of drugs.

Proposes and establishes specifications for the standardization of drugs and analytical reference substances, and cooperates with the U.S. Pharmacopeia and the National Formulary in composing appropriate official monographs which incorporate these specifications. Establishes and maintains authoritative manuals and directories for drug analysis.

Participates, in cooperation with the National Center for Drug Analysis, in collaborative studies to test the validity of analytical methods proposed for adoption by the USP, NF and Association of Official Analytical Chemists (AOAC), or in new drug applications.

Provides expert advice on the chemistry of drugs and physicochemical identification of drugs to the District laboratories, and the Bureau of Narcotics and Dangerous Drugs, Department of Justice.

Conceives, plans, and executes a research program to investigate the utility of new, complex electronic, optical, and radiometric instruments for the analysis of drugs.

(iii) *National Center for Antibiotics Analysis.* Tests large numbers of antibiotic samples obtained through the certification program, or collected for examination by the FDA District laboratories in planned surveillance programs or submitted by other agencies such as Department of Defense, Veterans Administration, and other agencies of the Public Health Service.

Devises new methods for the rapid and accurate analysis of large numbers of drugs containing antibiotics, employing combinations of complex instruments in physical, chemical, biological, and microbiological methods.

Devises new methods for the examination of individual drugs containing antibiotics which present analytical problems in accepted procedures, and subjects these new methods to collaborative study.

Devises new and rapid methods applicable to the analysis of single dosage entities, and to the analysis of antibiotic residues in tissues, body fluids, and edible substances. In cooperation with other components of the Office of Pharmaceutical Research and Testing, participates in collaborative studies to test the validity of analytical methods proposed for adoption by the USP, NF, and Association of Official Analytical Chemists, or in new drug applications.

Cooperates with the World Health Organization, USP, and NF in testing and establishing reference standard drug substances for use in the analysis of antibiotics.

Maintains a library of authenticated antibiotic reference drug substances for distribution to FDA District laboratories and other authorized Government agencies, as well as to industry participants in the antibiotic certification service.

Provides expert advice to other units in FDA on the analysis of samples containing antibiotics and interprets the results of its findings.

(iv) *National Center for Drug Analysis.* Tests large number of drug samples obtained in planned surveillance programs or submitted for examination by the FDA District laboratories or by other agencies such as Department of Justice, Veterans Administration, and Public Health Service.

Devises new methods for the rapid and accurate analysis of large numbers of drugs, employing combinations of complex instruments in automated systems of original design.

Devises new methods for the examination of individual drugs which present analytical problems in accepted procedures, and subjects these new methods to collaborative study.

Devises new rapid methods applicable to minute quantities of drugs for the analysis of single dosage entities. In cooperation with other parts of the Office of Pharmaceutical Research and Testing, participates in collaborative studies to test the validity of analytical methods proposed for adoption by the USP, NF, and AOAC, or in NDA's.

Cooperates with the USP and NF in testing reference standard drug substances for compliance with specifications.

Performs check analyses upon request to confirm results obtained by other FDA laboratories in drug analysis, and operates a program to monitor the reliability of analytical results obtained in FDA laboratories.

(1-5) *Office of Scientific Coordination.* Provides a coordinated medical policy on drugs and devices for the Bureau with regard to regulatory and recall actions, in which it acts for the Bureau Director, and with regard to proposed legislation and regulations, planning, advisory opinions, educational activities, and the like.

Serves as contact point for medical/scientific policy in coordination with other Government agencies and in liaison with trade and professional organizations.

Serves as chairman of the Bureau of Drugs Research Committee.

Provides supporting statistical services and drug indexing services for Bureau activities; conducts research in biostatistics and epidemiology.

Coordinates the review of professional performance of contracts.

Provides facilities for the conduct of clinical and other research projects and coordinates the Bureau biologic availability program. Operates the Center for Drug Information, including the Bureau Medical Library.

Arranges for consultants, scientific committees, panels, and executive secretaries for committees; coordinates services of Bureau regularly employed consultants, who maintain offices with the Bureau.

Arranges schedules for and assists in orientation of distinguished visitors to the Bureau, such as foreign scientists or government administrators.

(i) *Division of Biometry and Epidemiology.* Provides biostatistical services in support of the operating and administrative programs of the Bureau.

Provides statistical support to all Bureau research projects and regulatory programs.

Develops and evaluates methodology for analyzing mortality and morbidity data that can be demonstrated to be associated with the use of drugs or which may be pertinent in the evaluation of adverse reactions related to drug use.

Aids in developing appropriate epidemiological bases and methods for conducting, monitoring, evaluating intramural research and contracts that are supporting the surveillance programs on investigational and marketed drugs.

Abstracts, summarizes, codes, stores, and retrieves scientific and technical data contained in drug applications and other scientific reports received by the Bureau.

Provides systems for the collection of necessary data elements and the appropriate analyses to meet research information needs as they are identified.

(ii) *Division of Extramural and Clinical Research.* Identifies, in collaboration with other Bureau units, relevant subjects for research; develops and coordinates appropriate statements of work; reviews and formulates recommendations on solicited and unsolicited research proposals; implements contracts.

Reviews the professional performance of research contracts through Project Officers appointed to monitor progress reports on specific research contracts. Prepares consolidated reports for use by the Bureau Director; further, monitors progress through in-field site visits to contract research organizations.

Designs research protocols on subjects designated as priority topics by the Bureau Director and the Bureau Research Committee. Analyzes results and develops standard study protocols to be used for regulatory purposes.

Provides facilities for the conduct of research projects directly related to pending regulatory actions and for the study of the general subjects of teratology, toxicology and biochemical pharmacology.

Designs studies and conducts clinical research to compare the biologic availabilities of marketed drugs and to improve related assay procedures.

(iii) *Center for Drug Information.* Develops and implements systems for the acquisition of reports of adverse drug experiences; collects and evaluates such reports and drug usage data. Serves as repository and dissemination center for such information.

Develops work statements for contracts to acquire desired drug experience data; reviews and formulates recommendations on solicited and unsolicited research and service proposals; implements contracts; serves as Project Officer for the monitoring of professional performances of research contracts providing drug usage information.

Develops, tests, and coordinates operational systems for the processing of drug usage information.

Plans and develops information feedback systems to users of such information.

Monitors FDA participation in World Health Organization's program to implement an international drug monitoring system.

(1–6) *Office of Scientific Evaluation.* Reviews notices of claimed investigational exemption for new drugs (IND's) and recommends action to restrict or stop further testing. Performs a continuing review of IND's as amendments and required progress reports are submitted and recommends action to restrict or stop further testing.

Conducts reviews of clinical investigators and scientific investigations in the investigational new drug and the new drug application areas and coordinates appropriate followup with the Office of Compliance.

Evaluates, for safety and efficacy, new drug applications (NDA's) submitted by manufacturers for permission to market new drugs.

Evaluates adequacy of directions for use and warnings against misuses appearing in proposed labeling.

Evaluates the safety and efficacy data and proposed labeling in supplements to NDA's.

Conducts continuing surveillance and medical evaluation of the labeling, clinical experience, and reports submitted by an applicant under the records and reports requirements, of all drugs and devices for which a new drug approval is in effect.

Evaluates manufacturing and laboratory methods, facilities and controls exercised in factories producing new drugs.

Reviews inspection and other findings designed to reveal whether new drugs are being marketed in accord with commitment contained in new drug applications.

Makes recommendations concerning withdrawal of approval of NDA's. Reviews IND's and NDA's for antibiotic drugs; takes final action on antibiotic and insulin samples submitted for certification and on requests for exemptions from antibiotic certification.

Reviews new and marketed therapeutic and clinical devices for safety, reliability and effectiveness and recommends action to correct significant hazards or potential danger from inadequate directions for use and inadequate warning and cautionary information.

(i) *Division of Antiinfective Drug Products.* Performs the following functions with regard to drugs classified as antiinfective drugs:

Reviews notices of claimed investigational exemption for new drugs (IND's) and recommends action to restrict or stop further testing.

Evaluates adequacy of directions for use and warning against misuses appearing in proposed labeling.

Evaluates, for safety and efficacy, new drug applications (NDA's) submitted by manufacturers for permission to market new drugs.

Conducts continuing surveillance and medical evaluation of the labeling, clinical experience and reports submitted by an applicant under the records and reports requirements of all drugs for which a new drug approval is in effect.

Evaluates manufacturing and laboratory methods, facilities and controls exercised in factories producing new drugs.

Makes recommendations concerning withdrawal of approval of the NDA.

Evaluates, for safety and efficacy, Antibiotic Forms 5 submitted by manufacturers to market new antibiotic drugs.

Takes action concerning antibiotic and insulin samples submitted for certification.

Reviews and takes action on requests for exemption from antibiotic certification.

Recommends and reviews the preparation of regulations concerning the antibiotic and insulin certification program.

(ii) *Division of Cardiopulmonary-Renal Drug Products.* Performs the following functions with regard to drugs classified as cardiopulmonary-renal drugs:

Reviews notices of claimed investigational exemption for new drugs (IND's) and recommends action to restrict or stop further testing. Evaluates adequacy of directions for use and warning against misuses appearing in proposed labeling.

Evaluates, for safety and efficacy, new drug applications (NDA's) submitted by manufacturers for permission to market new drugs.

Conducts continuing surveillance and medical evaluation of the labeling, clinical experience and reports submitted by an applicant under the records and reports requirements of all drugs for which a new drug approval is in effect.

Evaluates manufacturing and laboratory methods, facilities and controls exercised in factories producing new drugs.

Makes recommendations concerning withdrawal of approval of the NDA.

(iii) *Division of Surgical-Dental Drug Products.* Performs the functions as described above with regard to drugs classified as surgical-dental drug products.

(iv) *Division of Metabolism and Endocrine Drug Products.* Performs the functions as described above with regard to drugs classified as metabolism and endocrine drug products.

(v) *Division of Neuropharmacological Drug Products.* Performs the functions as described above with regard to drugs classified as neuropharmacological drug products.

(vi) *Division of Oncology and Radiopharmaceutical Drug Products.* Performs the functions as described above with regard to drugs classified as oncology and radiopharmaceutical drug products.

(vii) *Division of Clinical and Medical Devices.* Reviews new and marketed therapeutic devices and clinical devices intended for use in hospitals, clinics, and physicians' offices to determine those that should (1) be exempt from any controls, (2) be subject to manufacturing standards and (3) be reviewed to determine safety and efficacy prior to marketing.

Designs, directs and monitors investigations and physical testing of marketed therapeutic and clinical devices; develops standards for the manufacture of clinical and therapeutic devices to insure safety, reliability and effectiveness.

Recommends field investigations of marketed devices and, where required, assists the field in making these investigations.

Collects and evaluates data on significant hazards to the public health caused by the use of clinical and therapeutic devices and proposes necessary laws and regulations to protect the public.

Dated: October 9, 1970.

SOL ELSON,
Acting Assistant Secretary for Administration.

[F.R. Doc. 70-13974; Filed, Oct. 15, 1970; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. AR64–1, etc.]

AREA RATE PROCEEDING ET AL.

Order Consolidating Dockets and Requiring Refund Reports and Retention or Escrow of Refunds

OCTOBER 7, 1970.

1. By Opinion No. 586 and order issued in this proceeding, we have prescribed just and reasonable rates for all jurisdictional sales of natural gas in the Hugoton-Anadarko area and have ordered certain refunds to be made in the section 4(e) proceedings consolidated therewith. Section VI.B of the settlement proposal adopted by Opinion No. 586 and its accompanying order provided:

> Refunds in section 4(e) dockets affecting sales of gas in this hearing area which have not been consolidated in this proceeding shall not be ordered pending a final order upon judicial review in the case of Hunt Oil Co. et al. v. FPC (No. 27457), now pending in the U.S. Court of Appeals for the Fifth Circuit. If the Commission is affirmed by final order no longer subject to judicial review, then refunds with applicable interest as required in each section 4(e) docket will be made in these dockets in the same manner as above set out in section VIA above for 4(e) dockets consolidated in this proceeding * * *.[1]

The Court of Appeals for the Fifth Circuit affirmed the Commission in Hunt Oil Co., et al. v. F.P.C., 424 F. 2d 982, on April 21, 1970, and denied rehearing on June 16, 1970. Under the rules of the U.S. Supreme Court, 28 U.S.C. 2102 (c), the time to seek certiorari expired 90 days later on September 14, 1970, and the affirmance then became a final order no longer subject to judicial review. It is now appropriate that refunds be ordered in the unconsolidated section 4(e) dockets.

2. In view of the foregoing, it is necessary and appropriate for the purposes of administering the Natural Gas Act (1) that all dockets listed in Appendix A hereto be consolidated with this proceeding and be made subject to any applicable further orders the Commission may issue in this proceeding, and (2) that refunds in the dockets listed in Appendix A hereto be ordered in the same manner as provided in Opinion No. 586 and its accompanying order with respect to the section 4(e) dockets previously consolidated.

The Commission orders:

(A) All dockets listed in Appendix A hereto are consolidated with the Hugoton-Anadarko Area Rate Proceeding, AR64–1, and shall be subject to all applicable orders of the Commission in that proceeding.

(B) All amounts collected in the dockets listed in Appendix A hereto in excess of the applicable area rate as set forth in Opinion 586 and its accompanying order shall be subject to refund, plus interest at the rate specified in the respective section 4(e) proceeding, in accordance with the provisions of ordering paragraph (C) herein; provided, however, that with respect to such 4(e) dockets no refunds are required below the rate allowed in a final, unconditioned permanent certificate previously granted for such sale, no refunds are required of amounts collected prior to January 1, 1961, and only 70 percent of amounts collected in excess of the applicable rate in 1961 and 1962 is required to be refunded.

(C) *Refund reports.* On or before November 2, 1970, a refund report shall be filed with this Commission in triplicate, and one copy served on the buyer, by each respondent involved in one or more of the section 4(e) proceedings set out in Appendix A to this decision and as to which refunds are required under the terms of this decision. Within 20 days from the filing of the refund report the buyer shall file its written concurrence or disagreement with such report. The report shall set forth the following information (if more than one rate schedule is involved the respondent shall supply the information for each schedule separately):

(i) The rate collected during the period subject to refund and the periods during which each rate was collected.

(ii) The volume of gas sold at each such rate.

(iii) The difference between the total amount collected during the period subject to refund and the amount that would have been collected at the applicable area rate as defined herein subject to the provisoes of ordering paragraph (B).

(iv) The computation of the applicable area rate and the basis for any difference between it and the base area rate.

(v) The interest, at rates as specified in each section 4(e) proceeding, on the above refundable excess revenues, subject to the limitation by § 154.102(f) of the Commission's regulations under the Natural Gas Act. The interest shall be calculated to September 1, 1970.

(D) *Treatment of refunds.* Each respondent shall retain the amounts shown in the report required under ordering paragraph (C) subject to further order of the Commission directing the disposition of those amounts. If a respondent elects to commingle these retained refunds with its general assets and use them for its corporate purposes, it is authorized so to do after notice to the Commission; and it shall pay interest thereon at the rate of 8 percent per annum on all funds thus available from the effective date of this order to the date on which they are paid over to the person ultimately determined to be entitled thereto in a final order of the Commission. If a respondent elects to deposit the retained refunds in a special escrow account, the respondent shall make such deposit and shall tender for filing on or before the date of the filing of the refund report an executed Escrow Agreement, or a certificate attesting to the fact that it has executed such an agreement, in the form provided by § 250.12 of the Part 250 of the regulations under the Natural Gas Act (18 CFR Part 250).

(E) These proceedings shall remain open for such further action as may be necessary with respect to individual respondents and such other action as may be necessary in the premises.

(F) Twenty-five copies of any application for rehearing or petitions for reconsideration shall be filed with the Commission in addition to the copies served on the parties to this proceeding.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Section VIA provides:

"Amounts collected subject to refund in excess of the applicable ceiling rates set out above and which are subject to section 4(e) dockets consolidated with this proceeding shall be refunded with applicable interest as required in each section 4(e) docket, in accordance with the following procedure:

"1. No refunds shall be required of amounts collected in excess of settlement rates applicable to sales made through December 31, 1960.

"2. Seventy percent (70%) of amounts collected in excess of settlement rates applicable to sales made during 1961 and 1962 shall be refunded to the purchaser.

"3. One hundred percent (100%) of amounts collected in excess of the applicable ceiling rates applicable to sales made on and after January 1, 1963, shall be refunded to the purchaser."

APPENDIX A

Producer	*Docket Nos.*
Abercrombie, A. L.	RI66–295, RI66–320, RI67–1, RI67–65, RI67–147, RI67–285, RI67–345, RI67–355, RI70–506, RI70–1137, RI71–12, RI71–39.
Ackers, D. E.	RI66–289.
Ada Oil Co	RI66–280.
Adair, E H., Estate of, d.b.a. E. H. Adair Oil Co.	RI67–216.
Adams, K. S., Jr	RI65–630, RI67–43, RI69–305.
Adams, Mark H	RI65–511, RI66–218, RI70–1615.
Adams & McGahey	RI68–561.
A.I.K., Ltd	RI70–565.
Aikman, Robert E	RI68–169.
Aikman Brothers Corp	RI69–12, RI70–586, RI70–1107, RI70–1542, RI71–215.
Allen, William H	RI70–14, RI70–576, RI70–577, RI70–1109.
Alliance Oil & Gas Co	RI63–37.
Allied Materials Corp	RI67–442.
Amarillo Natural Gas Co	RI70–1650, RI70–1686, RI70–1694.
Amax Petroleum Corp	RI66–186, RI67–175, RI67–186.

APPENDIX A—Continued

Producer	Docket Nos.
Amerada Hess Corp.	RI65-335, RI65-394, RI65-519, RI65-520, RI65-650, RI66-40, RI66-298, RI67-205, RI67-390, RI68-64, RI68-119, RI68-120, RI68-126, RI68-127, RI68-132, RI68-320, RI68-507, RI68-628, RI69-115, RI69-233, RI69-303, RI69-338, RI69-523, RI69-603, RI69-698, RI70-234, RI70-848, RI70-852, RI70-925, RI70-1657, RI70-1731.
American Petrofina Co. of Texas	RI65-367, RI70-193, RI70-412, RI70-923, RI70-1597.
Anadarko Production Co.	RI69-583, RI69-612, RI70-235, RI70-572, RI70-573, RI70-825, RI70-1126, RI70-1322, RI70-1375, RI70-1376, RI70-1395, RI70-1396, RI70-1461, RI70-1677, RI70-1697, RI70-1698.
Anderson, Bruce	RI70-1334.
Anderson, Robert C.	RI70-1525.
Andrewski, H. C.	RI66-272.
Apache Corp.	RI66-184, RI66-185, RI66-352, RI66-366, RI67-367, RI67-368, RI67-384, RI69-168, RI71-220.
Appleman, Nathan, d.b.a. N. Appleman Co.	RI65-455, RI68-643, RI70-1460.
Appleton, Arthur I., d.b.a. Appleton Oil Co.	RI66-32.
Archenbach, Lenord J.	RI70-1057.
Ashland Oil, Inc.	RI64-760, RI64-761, RI65-177, RI65-199, RI65-365, RI65-623, RI65-631, RI66-263, RI66-284, RI66-286, RI66-335, RI66-362, RI66-371, RI67-5, RI67-23, RI67-26, RI67-39, RI67-53, RI67-62, RI67-122, RI67-124, RI67-141, RI67-187, RI67-82, RI67-219, RI67-224, RI67-225, RI67-226, RI67-240, RI67-286, RI67-292, RI67-335, RI67-376, RI67-377, RI67-397, RI67-398, RI67-448, RI68-42, RI68-76, RI68-98, RI68-106, RI68-116, RI68-117, RI68-128, RI68-260, RI68-296, RI68-314, RI68-328, RI68-497, RI68-504, RI68-514, RI68-588, RI68-577, RI68-631, RI68-639, RI69-39, RI69-56, RI69-64, RI69-85, RI69-102, RI69-194, RI69-254, RI69-339, RI69-420, RI69-638, RI69-745, RI69-808, RI70-30, RI70-41, RI70-43, RI70-147, RI70-161, RI70-162, RI70-271, RI70-365, RI70-898, RI70-916, RI70-922, RI70-1106, RI70-1136, RI70-1619, RI70-1702, RI71-30, RI71-158, RI71-228.
Atlantic Richfield Co.	RI65-152, RI65-165, RI65-466, RI66-83, RI68-86, RI66-93, RI66-97, RI66-162, RI66-165, RI66-166, RI66-177, RI66-178, RI66-195, RI66-305, RI66-321, RI67-28, RI67-79, RI67-127, RI67-250, RI67-251, RI67-281, RI67-316, RI67-317, RI67-430, RI67-455, RI67-462, RI-68-70, RI68-90, RI68-91, RI68-92, RI68-99, RI68-103, RI68-146, RI68-212, RI68-240, RI68-245, RI68-302, RI68-378, RI68-468, RI68-477, RI68-483, RI68-541, RI68-544, RI68-581, RI68-585, RI68-627, RI68-636, RI69-112, RI69-156, RI69-231, RI69-295, RI69-307, RI69-449, RI69-577, RI69-588, RI69-602, RI-69-694, RI69-714, RI69-746, RI69-774, RI69-795, RI69-798, RI69-809, RI69-810, RI69-820, RI70-3, RI70-116, RI70-117, RI70-132, RI70-139, RI70-186, RI70-258, RI70-326, RI70-515, RI70-528, RI70-529, RI70-720, RI70-721, RI70-726, RI70-1062, RI70-1069, RI70-1212, RI70-1312, RI70-1367, RI70-1400, RI71-214.

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Producer	Docket Nos.
Aylward Drilling Co.	RI65-461, RI65-462, RI65-472, RI70-294, RI70-303.
Bachus Oil Co.	RI65-541, RI65-542, RI65-543, RI67-97, RI70-508.
Bailey, Thomas D.	RI66-70.
Baker, R. S.	RI70-31.
Bakke, W. E.	RI64-574.
Ballard, Norval	RI67-321.
Barbara Oil Co.	RI65-603, RI70-1572.
Barnes, J. C., Oil Co.	RI70-225, RI70-249.
Barnes, Nellie L., Estate of	RI70-192.
Barrett Petroleum Co.	RI65-417.
Bayou Oil Co.	RI70-456.
Beacon Resources Corp.	RI70-1309.
Beard Oil Co.	RI68-517.
Beeler, P. F.	RI67-203.
Benedum Trees Oil Co.	RI66-100, RI67-433.
Berry, Thomas E.	RI66-354, RI67-142, RI67-143, RI70-205, RI70-206, RI70-1372, RI70-1598.
Berry, Thomas N., & Co.	RI67-284, RI68-365, RI70-185, RI70-273, RI70-949, RI70-1095.
Big Chief Drilling Co.	RI66-253, RI67-135, RI68-387, RI70-1755.
Blackstock, Harry L.	RI69-135.
Blaik Oil Co.	RI68-359.
Bonray Oil Co.	RI65-505, RI65-512, RI65-513, RI65-518.
Bowers Drilling Co.	RI65-352, RI65-378, RI65-381, RI67-71, RI70-907, RI70-908, RI70-999.
Brack, Ben F.	RI67-352, RI70-1608.
Braden Drilling Co.	RI65-396, RI70-1174.
Bradley, Edwin G.	RI65-368.
Bradley Producing Corp.	RI65-546, RI66-230, RI70-1602, RI71-216.
Bright & Schiff	RI69-280.
Brisben, John	RI67-338.
Britian, B. M., & Weymouth Corp.	RI70-1473, RI71-49.
Brookover, Earl C.	RI67-176.
Brown, George R.	RI68-620, RI68-632.
Burk Gas Corp.	RI70-1599.
Burns, Bobby M.	RI70-1481, RI70-1500.
Burnett Corp.	RI70-1370.
Burnett, H. N.	RI70-1363, RI70-1688, RI66-117.
Burton, Cecil, d.b.a. Pickerell Drilling Co.	RI67-40.
Butcher, S. D.	RI70-1205.
CRA International, Ltd.	RI63-282.
CRA, Inc.	RI68-97, RI68-563, RI69-4, RI69-72, RI70-183.
Cabot Corp.	RI65-341, RI65-549, RI66-67, RI66-95, RI67-238, RI67-247, RI67-256, RI67-257, RI67-260, RI67-370, RI68-46, RI68-63, RI68-142, RI68-210, RI68-352, RI68-591, RI69-824, RI69-846, RI70-68, RI70-1172.
Calvert Exploration Co.	RI68-195, RI68-440, RI68-542, RI68-615, RI68-701.
Calvert Mid-America, Inc.	RI68-700, RI68-705.
Cameron, A. A., Estate, d.b.a. Cameron Oil Co.	RI70-1610.
Caulkins Oil Co.	RI67-349, RI70-119.
Chamberlin, Wm. H., d.b.a. Saturn Oil & Gas Co.	RI65-559, RI67-407, RI71-78.
Champlin, Joe N.	RI66-428, RI66-285.

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Producer	Docket Nos.
Champlin Petroleum Co	RI64-803, RI65-154, RI65-380, RI66-265, RI68-323, RI66-332, RI66-404, RI67-137, RI67-336, RI67-402, RI68-77, RI68-256, RI68-662, RI69-99, RI69-176, RI69-230, RI69-236, RI69-310, RI69-311, RI69-801, RI70-133, RI70-146, RI70-269, RI70-826, RI70-845, RI70-946, RI70-1011, RI70-1352, RI66-52.
Chapell, Don O	RI70-1295.
Chevron Oil Co., Western Division	RI70-1766.
Choate, Jack H	RI68-34.
Cities Service Oil Company	RI65-26, RI65-298, RI66-106, RI66-226, RI66-392, RI66-393, RI66-395, RI66-398, RI66-399, RI66-421, RI66-422, RI68-230, RI69-170, RI69-520, RI69-521, RI69-532, RI70-207, RI70-939, RI70-947.
Clayton, Earl	RI77-231.
Clayton, Helen J	RI67-232.
Cleary Petroleum Corp	RI65-443, RI65-612, RI66-183, RI66-222, RI66-416, RI67-371, RI68-50, RI68-148, RI70-840, RI70-1178, RI70-1740, RI70-1741, RI71-100.
Cline, W. S	RI64-776.
Clinton Oil Co	RI69-144.
Coastal States Gas Producing Co	RI68-171.
Coles, Otis C	RI64-778.
Coline Oil Corp	RI65-495, RI71-73, RI71-75, RI71-89.
Colorado Oil & Gas Corp	RI70-536.
Coltexo Corp	RI65-558.
Consolidated Gas & Equipment Co. of America.	RI70-681.
Consolidated Oil & Gas, Inc	RI65-255, RI65-373.
Continental Oil Co	RI65-231, RI65-375, RI65-376, RI68-153, RI68-157, RI68-202, RI68-211, RI70-439, RI70-592, RI70-1164, RI70-1165, RI70-1306, RI70-1307, RI70-1618, RI70-1767, RI71-102.
Cotton Petroleum Co	RI70-1603, RI71-115.
Cox, Edwin L	RI65-170, RI65-296, RI65-369, RI65-507, RI65-508, RI65-579, RI66-15, RI66-386, RI67-56, RI68-129, RI68-130, RI68-158, RI69-204, RI69-680, RI70-330, RI70-333, RI70-367, RI70-375, RI70-421, RI70-541, RI70-972, RI70-1764, RI71-68, RI71-181.
Craig, C. L	RI66-199.
Crawford Oil & Gas Reserves, Inc	RI66-415.
Crown Petroleum, Inc	RI70-567.
Dale, Cloris	RI65-350.
Daube, Leon	RI65-452.
Davidor & Davidor, Inc	RI67-47, RI67-48.
Davis, James, Jr., dba. Solar Oil Co	RI67-7, RI67-223.
Davis Drilling, Inc	RI68-606.
Davis-Noland Merrill Grain Co	RI65-469, RI69-451.
Davon Drilling Co	RI65-471.
Diamond Shamrock Corp	RI65-494, RI66-62, RI66-208, RI68-425, RI66-431, RI67-60, RI68-144, RI68-316, RI70-60, RI70-287, RI70-368, RI70-704, RI70-857, RI70-900, RI70-901, RI-70-1538, RI70-1539, RI70-1540, RI70-1661, RI71-225.
Dillard, A. R	RI66-277, RI67-353, RI69-582.
Dorchester Gas Producing Co	RI66-143, RI68-546, RI70-770.
Douglas Resources Corp	RI69-42.

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Drew, Howard	RI70-7.
Dubose, Frank F	RI64-779.
Duncan, Walter	RI70-1606, RI71-28.
Dunigan, E. J., Jr., Trustee	RI69-425, RI70-984.
Dunigan Operating Co., Inc	RI67-128.
Dunn & Kimberlin	RI66-179.
Earlsboro Oil & Gas Co	RI66-348.
Earney, Don	RI70-280.
Eason Oil Co	RI69-771, RI70-224, RI70-873, RI70-1083, RI70-1084, RI71-10.
Edmiston, E. K	RI65-460.
Emery, William D	RI66-296.
Estes, Martha Clayton	RI70-539.
Etchinson & Gross Associates	RI65-184, RI70-202.
Excelsior Oil Corp	RI70-535, RI70-1536.
Expando Production Co	RI64-801.
F.T.F. Gas Corp	RI65-574.
Fairfax Oil & Gas Corp	RI65-437.
Falcon Seaboard Drilling Co	RI66-55, RI66-283, RI67-241, RI67-434, RI68-66.
Fellers, W. J	RI66-254, RI67-55.
Ferguson, Bill, d.b.a. Ferguson Oil Co.	RI67-123, RI67-138, RI67-139, RI67-258, RI67-431, RI69-635, RI69-637, RI69-721.
Ferguson Oil Co., Inc	RI70-1552, RI71-162.
First National Bank of Amarillo Texas, Trustee, The.	RI70-1138.
First Transportation Gas Corp., Inc	RI70-1627, RI70-1646.
Flag Oil Corp. of Delaware	RI68-481, RI68-488, RI68-707, RI71-244.
Flour Corp., Ltd	RI70-209.
Foree Co	RI66-6, RI68-15, RI70-315.
Foree, R. L	RI65-574.
Forest Oil Corp	RI65-447, RI65-500, RI65-578, RI65-601, RI66-266, RI67-287, RI68-18, RI68-27, RI68-32, RI68-567, RI69-643, RI69-666.
Forsythe Gas Conservation Co., The	RI65-556.
Foster Petroleum Corp	RI67-117, RI69-495.
Fowlston, C. J	RI66-359.
Fox, Grady L	RI66-361.
Francis Oil & Gas, Inc	RI70-1382.
Gas, Inc	RI66-217, RI65-314.
Gear, R. James	RI65-440, RI70-1058.
General American Oil Co. of Texas	RI67-221, RI70-979, RI70-1332.
Getty, Jean Paul, Trustee	RI68-578.
Getty Oil Co	RI65-136, RI66-223, RI69-624, RI69-646, RI69-647, RI70-184, RI70-1531, RI71-116, RI71-163, RI71-247.
Gillespie, H. M	RI67-94.
Global Oils, Inc	RI69-831, RI69-832, RI70-97.
Glover-Hefner Kennedy Oil, Co	RI69-639, RI70-1723.
Glover & Hefner Petroleum Mgt. Corp.	RI68-434.
Henry Grace Production Co	RI66-328.
Graham-Michaelis Drilling Co	RI65-429, RI65-523, RI65-529, RI65-618, RI65-619, RI65-634, RI65-643, RI66-104, RI66-103, RI69-767, RI70-11, RI70-320, RI70-757, RI70-759, RI70-856, RI70-1434, RI70-1701, RI71-1, RI71-112, RI71-161, RI71-184, RI71-189.
Gray, Earl Q	RI70-967.

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Producer	Docket Nos.
Gulf Oil Corp	RI65-151, RI65-547, RI65-596, RI65-599, RI65-600, RI66-225, RI67-34, RI67-333, RI67-460, RI68-11, R68-25, RI68-68, RI68-133, RI68-141, RI68-143, RI68-167, RI68-298, RI68-562, RI69-235, RI69-297, RI69-298, RI69-450, RI69-478, RI69-600, RI69-611, RI70-267, RI70-268, RI70-331, RI70-460, RI70-470, RI70-510, RI70-589, RI70-756, RI70-758, RI70-794, RI70-832, RI70-975, RI70-987, RI70-994, RI70-1005, RI70-1009, RI70-1066, RI70-1160, RI70-1166, RI70-1167, RI70-1201, RI70-1304, RI70-1391, RI70-1439, RI70-1498, RI70-1573, RI70-1642, RI70-1662, RI70-1724, RI71-32, RI71-156, RI71-171, RI71-185, RI71-211, RI71-249.
Gungoll, Carl E. & Henry H	RI65-493, RI70-926.
Hall, Brooks	RI66-413, RI67-372.
Hall-Jones Oil Corp	RI66-409, RI66-411, RI67-436, RI68-67.
Hamilton, Frederick C. & Ferris F., d.b.a. Hamilton Bros., Ltd.	RI65-301, RI66-133, RI66-142, RI66-200, RI67-20, RI67-35, RI67-107, RI67-129, RI67-136, RI67-334, RI67-388, RI67-389, RI67-443, RI68-145, RI68-204, RI68-224, RI68-505, RI68-506, RI69-157, RI70-1736, RI67-265, RI71-151.
Hamilton, J. F., Trust Estate	RI65-306, RI68-193.
Hamon, Jake L	RI70-1293, RI70-1296.
Harper Oil Co	RI65-295, RI65-300, RI67-188, RI67-189, RI68-47, RI68-156, RI68-176, RI68-199, RI68-200, RI68-201, RI68-355, RI68-360, RI68-480, RI69-348, RI70-1526, RI71-26, RI71-50.
Harvest Queen Mill & Elevator Co	RI67-343.
Haun, W. G., & Lee Drilling Co	RI65-484, RI69-475.
Hawley, John B., Jr., Trustee	RI70-1001.
Hawley, John B. & Davidson, G. S., Trustee.	RI68-428.
Hawley, J. M., d.b.a. Hawley Oil Co	RI67-228, RI67-437, RI70-537.
Hawkinson, K. C	RI66-340.
Hefner Co., The	RI65-431.
Hefner Production Co., The	RI68-389, RI68-390, RI68-391.
Helendale, Properties, Inc	RI70-1645.
Helmerich & Payne, Inc	RI65-162, RI65-411, RI65-514, RI65-515, RI65-555, RI66-207, RI68-353, RI68-511, RI70-1596, RI70-1617.
Hendrick, Thomas K	RI69-126, RI70-1459.
Hill, A. G	RI66-51, RI68-63, RI70-990, RI70-991.
Hill Trust, Alinda Hunt	RI69-573.
Hodgden, Jack D	RI67-309.
Holland, R. H	RI64-807.
Holt, O. C	RI69-695.
Holly Resources Corp	RI69-452.
Home-Stake Production Co	RI69-677.
Huber, J. M., Corp	RI65-93, RI65-168, RI65-470, RI66-299, RI66-322, RI67-4, RI67-120, RI67-396, RI68-121, RI68-131, RI68-382, RI68-425, RI68-479, RI69-255, RI69-279, RI69-522, RI69-568, RI69-735, RI70-160, RI70-329, RI70-385, RI70-831, RI70-948, RI71-272.

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Humble Oil & Refining Co	RI66-28, RI66-65, RI67-32, RI67-262, RI67-293, RI68-1, RI68-2, RI68-3, RI68-11, RI68-223, RI68-261, RI68-366, RI68-367, RI68-436, RI68-496, RI68-554, RI68-648, RI69-91, RI69-308, RI69-345, RI69-416, RI69-428, RI69-570, RI69-571, RI69-644, RI69-693, RI69-722, RI69-726, RI69-734, RI69-772, RI70-55, RI70-203, RI70-388, RI70-461, RI70-905, RI70-906, RI70-910, RI70-911, RI70-942, RI70-974, RI70-1081, RI70-1206, RI70-1209, RI70-1499, RI70-1721, RI71-172, RI71-230.
Hunt, H. L	RI67-303, RI68-220, RI70-964, RI70-1732.
Hunt Oil Co	RI66-127, RI66-219, RI67-21, RI68-85, RI68-86, RI68-138, RI69-343, RI70-520, RI70-963.
Hunt Petroleum Corp	RI68-87, RI70-1495.
Husky Oil Co. of Delaware	RI70-208.
Independent Gas & Oil Producers, Inc.	RI68-215.
Investors Royalty Co., Inc	RI64-795, RI68-80, RI69-826.
Jackman, David, Jr	RI69-668.
Jeffery, Glen E	RI71-114.
Jennings, John P	RI66-13.
Jocelyn-Varn Oil Co	RI65-328, RI65-342.
Kaiser, Herman George	RI69-607, RI70-157.
Kansas Natural Gas, Inc	RI68-652.
Kaytex Oil Co	RI65-463, RI66-94.
Kerr-McGee Corp	RI65-130, RI66-81, RI66-156, RI66-423, RI67-163, RI67-220, RI67-227, RI67-469, RI67-470, RI68-30, RI68-430, RI68-679, RI69-761, RI70-27, RI70-136, RI70-562, RI70-570, RI70-897, RI70-941, RI70-1104, RI70-1105, RI70-1133, RI71-175.
Kewanee Oil Co	RI69-65, RI69-844.
Kickapoo Oils	RI70-921.
Kimbell, Kay, Estate of	RI68-243, RI68-515.
King Resources Co	RI65-97, RI65-289, RI65-444, RI65-448, RI69-122.
Kingwood Oil Co	RI64-800, RI65-257, RI65-379, RI66-387, RI68-71, RI68-362, RI68-501, RI70-241, RI70-1398, RI70-1496, RI70-1497, RI70-1604.
Kirby Petroleum Co	RI67-471, RI70-130, RI70-1310.
Klenda, Martin B	RI70-1125.
Koch Industries, Inc	RI65-643, RI66-58.
La Gloria Oil & Gas Co	RI69-23.
Lake, P. G., Inc	RI65-354, RI70-418.
Landon, Alf M	RI66-288.
Lange, R. W	RI65-560, RI67-3.
Lario Oil & Gas Co	RI65-366, RI65-503, RI65-510, RI69-528, RI69-534, RI69-818, RI70-1076, RI70-1077, RI70-1082.
Lauck, D. R., Oil Co., Inc	RI67-344, RI70-1407.
Livingston Oil Co	RI66-228, RI66-229, RI70-118, RI70-1717.
Magic Circle Oil Co	RI71-245.
Maguire, Russell, Estate of	RI66-271, RI69-136.
Mahaska Gas Co., Inc	RI65-304, RI70-1613.
Mallonee-Mahoney, Inc	RI68-714.
Mana Resources, Inc	RI66-326, RI66-337, RI66-358, RI67-458, RI68-556, RI68-557, RI69-564, RI69-565, RI70-693, RI70-791, RI70-793, RI70-847, RI70-1737, RI71-188.

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Mapco Production Co.	RI65-343, RI65-392, RI68-583, RI71-246.
Marathon Oil Co.	RI65-410, RI65-628, RI66-33, RI66-34, RI66-37, RI66-69, RI66-73, RI66-161, RI66-304, RI67-381, RI67-446, RI67-465, RI67-466, RI68-51, RI68-283, RI8-289, RI68-372, RI68-388, RI68-500, RI69-31, RI69-98, RI69-145, RI70-8, RI70-120, RI70-511, RI70-512, RI70-1397, RI70-1522, RI71-243.
Marsalis, D. S.	RI71-70, RI71-85.
Martin, Louis H.	RI64-723.
May Petroleum, Inc.	RI67-49, RI68-207, RI70-1687.
McBride, W. C., Inc.	RI67-357.
McCoy, Alex W., Associates, Inc.	RI70-1396.
McCutchen, Mildred	RI65-303, RI70-1626.
McMahon, R. H.	RI68-711.
McMurtry, E. B.	RI65-275.
Mesa Petroleum Co.	RI70-1192, RI70-1202, RI70-1203, RI70-1452, RI70-1453, RI70-1463, RI71-71, RI71-86.
Messman Rinehart Oil Co.	RI68-118.
Midhurst Oil Corp.	RI69-689, RI70-1206.
Midwest Oil Corp.	RI65-201, RI67-449, RI68-59, RI68-323, RI68-452, RI68-558, RI69-604, RI70-505, RI70-715, RI70-760, RI70-1110.
Mineral Mining Co.	RI65-545, RI65-550.
Mitchell, Smith, and Archer	RI64-777.
Mobil Oil Corp.	RI65-169, RI65-200, RI66-175, RI66-235, RI66-236, RI67-162, RI67-270, RI67-271, RI67-272, RI67-273, RI67-274, RI67-275, RI67-276, RI67-375, RI67-401, RI67-411, RI67-468, RI68-20, RI68-21, RI68-72, RI68-73, RI68-124, RI68-269, RI68-315, RI68-329, RI68-427, RI68-439, RI68-510, RI68-550, RI68-555, RI68-565, RI68-569, RI68-635, RI69-159, RI69-241, RI69-340, RI69-409, RI69-412, RI69-444, RI69-472, RI69-476, RI69-493, RI69-499, RI69-533, RI69-566, RI69-567, RI69-591, RI69-696, RI69-842, RI69-843, RI69-849, RI70-159, RI70-463, RI70-464, RI70-465, RI70-958, RI70-998, RI70-1015, RI70-1016, RI70-1048, RI70-1052, RI70-1055, RI70-1065, RI70-1126, RI70-1193, RI70-1198, RI70-1207, RI70-1333, RI70-1371, RI70-1545, RI70-1659, RI70-1660, RI70-1666, RI70-1667, RI70-1707, RI69-768, RI71-95, RI71-104, RI71-108, RI71-110, RI71-153, RI71-212, RI71-270, RI71-273.
Montanto Co.	RI70-524, RI70-571, RI70-582, RI70-583, RI70-703.
Montgomery, Don D. & Gilbert	RI66-216.
Montin, William V.	RI69-41.
Moorhead, Ethyle	RI66-412.
Moran Bros., Inc.	RI68-579.
Mull, J. A., Jr.	RI67-279, RI70-300, RI70-909.
Murphy Oil Co. of Oklahoma, Inc.	RI65-433.
Nafco Oil & Gas, Inc.	RI69-530, RI70-695, RI70-696.
National Cooperative Refinery Association.	RI65-27, RI65-395, RI68-441, RI70-899, RI70-912, RI70-1179, RI70-1390.
Neuner, Alice A.	RI67-77.
New ERA Royalties	RI67-391.

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Producer	Docket Nos.
Ni-Gas Supply, Inc.	RI71-62.
Northern Natural Gas Producing Co.	RI67-161, RI68-442, RI68-450, RI68-451, RI68-486, RI68-549, RI68-663, RI69-341, RI69-342, RI69-408, RI69-477, RI69-497, RI69-848, RI70-1318, RI70-1663, RI71-109, RI71-271.
Northern Pump Co.	RI66-66, RI66-234, RI67-33, RI67-119, RI67-206, RI67-420, RI68-685.
Obering, E. A.	RI68-166, RI68-349, RI69-730.
Odessa Natural Gasoline Co.	RI70-686.
Oil Development Co. of Texas	RI65-496, RI71-74.
Oklahoma Natural Gas Co.	RI65-432, RI66-5, RI66-75, RI66-76, RI66-176, RI66-227, RI66-232, RI66-338, RI66-353, RI67-140, RI67-160, RI67-261, RI67-456, RI67-473, RI68-22, RI68-23, RI68-24, RI68-453, RI68-516, RI68-565, RI68-645, RI69-415, RI70-945, RI70-123, RI70-158, RI70-1671, RI70-1765.
Oringderff, Alma	RI66-391, RI70-13.
Osborn, W. B., Jr.	RI67-412, RI68-31, RI68-254, RI69-141, RI69-281, RI69-410, RI69-669, RI70-1096, RI70-1308.
Ottis, Paul J.	RI66-153.
Ozark-Mahoning Co.	RI65-391, RI70-298.
Palmer, Charles T.	RI65-302.
Palm Resources Corp.	RI66-364, RI66-365.
Pan American Petroleum Corp.	RI64-536, RI65-387, RI65-335, RI65-522, RI65-589, RI66-61, RI67-339, RI68-198, RI68-471, RI69-219, RI69-224, RI69-227, RI69-228, RI69-349, RI69-592, RI69-350, RI69-351, RI69-411, RI69-413, RI69-417, RI69-418, RI69-427, RI69-493, RI69-817, RI69-847, RI70-231, RI70-697, RI70-982, RI70-983, RI70-1061, RI70-1098, RI70-1100, RI70-1101, RI70-1099, RI70-1116, RI70-1124, RI70-1130, RI70-1131, RI70-1317, RI70-1373, RI70-1374, RI70-1399, RI70-1060, RI70-1435, RI70-1438, RI70-1503, RI70-1530, RI70-1543, RI70-1544, RI70-1562, RI70-1563, RI70-1571, RI70-1593, RI70-1670, RI70-1769, RI71-113, RI71-229, RI71-253.
Panhandle Producing Co.	RI64-808.
Pauley Petroleum, Inc.	G-16179, RI70-455.
Payne, W. C.	RI65-153, RI68-297.
Pecos Co.	RI71-55.
Pendleton, Mary Nora	RI64-780.
Pendleton, Walter, Jr.	RI64-781.
Petrodynamics, Inc.	RI65-321, RI65-576, RI65-617, RI71-79, RI71-118, RI71-183, RI71-248, RI71-254.
Petroleum Corp. of Texas	RI66-432.
Petroleum, Inc.	RI65-176, RI65-337, RI65-620, RI65-629, RI66-187, RI67-116, RI67-237, RI67-263, RI67-308, RI67-374, R68-257, RI69-282, RI68-590, RI68-608, RI68-640, RI69-819, RI69-845, RI70-369, RI70-422, RI70-970, RI70-1097, RI70-1575, RI71-150.
Petroleum International, Inc.	RI69-18.
Philcon Development Co.	RI71-11.
Phillips, A. L.	RI70-1050.

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Producer	Docket Nos.
Phillips Petroleum Co.	RI65-146, RI65-393, RI65-449, RI65-526, RI65-220, RI65-527, RI67-173, RI67-174, RI68-61, RI68-518, RI68-537, RI68-540, RI69-417, RI69-418, RI69-578, RI70-28, RI70-204, RI70-293, RI70-319, RI70-403, RI70-413, RI70-569, RI70-575, RI70-587, RI70-1049, RI70-1139, RI70-1175, RI70-1313, RI70-1335, RI70-1336, RI70-1436, RI70-1502, RI71-187, RI71-221.
Pioneer Production Corp.	RI69-7, RI70-155, RI70-172, RI70-180, RI70-181, RI70-238, RI70-239, RI70-251, RI70-471, RI70-578, RI70-579.
Pipe Investment Co., The	RI70-533.
Pitman, John Douglas	RI67-444, RI67-445.
Placid Oil Co.	RI64-786, RI67-22, RI68-250.
Portman, William E.	RI67-373.
Powers, M. F., Estate	RI64-785, RI66-433, RI67-24, RI67-268.
Puckett, L. H., & Wertz, R. E.	RI66-233.
Reading & Bates Offshore Drilling Co.	RI66-342, RI68-470, RI68-598, RI68-658, RI69-304.
Remlig Oil Co.	RI67-406.
Richard, Charles J.	RI65-390, RI70-316, RI70-1551.
Richoene Oil Co.	RI70-1180, RI70-1204.
Riley, Pat J.	RI67-294.
Rimrock Exploration Co.	RI71-53.
Rine, R. W., Drilling Co.	RI65-536, RI68-373, RI70-1006.
Roach, T. L., & Son	RI66-45, RI69-579.
Rounds & Stewart Natural Gasoline Co., Inc.	RI67-106.
Russell, Jane Clayton	RI67-229, RI67-230, RI70-540.
Samedan Oil Corp.	RI65-37, RI67-454, RI68-174, RI68-175, RI68-274, RI68-396, RI68-644.
Sands, Caroline Hunt	RI66-36, RI66-50, RI66-101, RI68-88, RI68-89, RI68-137, RI70-4, RI70-1007, RI70-1008, RI71-252.
Sarkeys, Inc.	RI68-386, RI68-456, RI68-699, RI70-1494, RI70-1535.
Schermerhorn Oil Corp.	RI65-388.
Sears, H. F.	RI64-794, RI65-96.
Secure Trusts	RI70-12.
Seneca Oil Co.	RI65-610, RI67-264, RI70-1403.
Shaffer, Milton F.	RI70-532.
Sharples & Co.	RI67-64.
Shaw, Oreta M.	RI66-11.
Shell Oil Co.	RI65-404, RI65-475, RI65-476, RI65-482, RI65-483, RI65-509, RI65-596, RI65-632, RI65-644, RI65-645, RI65-649, RI66-46, RI66-105, RI66-224, RI66-292, RI66-311, RI66-424, RI66-434, RI67-19, RI67-105, RI67-236, RI67-280, RI67-301, RI67-378, RI67-382, RI67-383, RI67-392, RI67-394, RI67-404, RI67-405, RI67-450, RI68-44, RI68-69, RI68-74, RI68-164, RI68-246, RI68-247, RI68-449, RI68-485, RI68-526, RI68-633, RI68-693, RI68-706, RI69-133, RI69-172, RI69-187, RI69-223, RI69-253, RI69-631, RI69-641, RI69-642, RI69-675, RI70-236, RI70-237, RI70-247, RI70-248, RI70-339, RI70-358, RI70-387, RI70-924, RI70-1051, RI71-31, RI71-54.
Sidwell, Donald W.	RI65-308, RI70-1622.
Sidwell, E. C.	RI68-237, RI70-370.
Sidwell, Howard H.	RI65-307, RI70-1623.

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Producer	Docket Nos.
Sidwell Oil & Gas, Inc.	RI68-100, RI68-229, RI68-238, RI70-563, RI70-564.
Sidwell, Walter L., Jr.	RI65-309, RI70-1624.
Sierra Petroleum Co., Inc.	RI65-439, RI70-1056, RI70-1605, RI71-190.
Skelly Oil Co.	RI65-524, RI66-118, RI66-294, RI67-25, RI67-282, RI68-45, RI68-605, RI69-104, RI69-121, RI69-130, RI69-158, RI69-191, RI69-294, RI69-426, RI69-713, RI70-194, RI70-288, RI70-314, RI70-372, RI70-374, RI70-379, RI70-420, RI70-425, RI70-547, RI70-920, RI70-1115, RI70-1567, RI71-119.
Skinner, D. W.	RI65-389, RI65-504.
Smith, Earl T., d.b.a. Smith, Earl T., & Assoc.	RI70-1442, RI71-29.
Sohio Petroleum Co.	RI65-402, RI65-576, RI66-201, RI66-276, RI66-388, RI67-63, RI67-68, RI67-259, RI68-551, RI68-552, RI68-614, RI69-190, RI69-292, RI69-293, RI69-302, RI69-584, RI69-593, RI69-720, RI70-5, RI70-534, RI70-1108, RI70-1162, RI70-1169, RI70-1170, RI70-1734.
Southland Royalty Co.	RI70-1210.
Spikes, Warren W.	RI65-312, RI70-1621.
Stearns, G. M.	RI67-16.
Stevens County Oil & Gas Co., The	RI65-95, RI65-313, RI66-68, RI66-291, RI68-499, RI69-645, RI69-823, RI70-1614, RI71-250.
Sunac Petroleum Corp.	RI64-724.
Sun Oil Co.	RI65-488, RI66-109, RI66-250, RI66-301, RI66-430, RI67-31, RI67-379, RI68-43, RI68-100, RI68-101, RI68-102, RI68-231, RI68-354, RI68-399, RI68-405, RI68-424, RI68-429, RI68-444, RI68-445, RI68-454, RI68-487, RI68-513, RI68-566, RI68-668, RI68-674, RI68-675, RI68-677, RI68-708, RI69-11, RI69-24, RI69-71, RI69-77, RI69-116, RI69-221, RI69-226, RI69-527, RI69-575, RI69-595, RI69-621, RI69-622, RI69-623, RI69-633, RI69-667, RI69-692, RI69-759, RI69-815, RI70-6, RI70-156, RI70-222, RI70-230, RI70-240, RI70-253, RI70-276, RI70-407, RI70-410, RI70-419, RI70-423, RI70-424, RI70-433, RI70-711, RI70-755, RI70-796, RI70-844, RI70-976, RI70-977, RI70-986, RI70-995, RI70-1112, RI70-1168, RI70-1288, RI70-1314, RI70-1315, RI70-1404, RI70-1492, RI70-1574, RI70-1658, RI70-1693, RI70-1738, RI70-1754, RI71-7, RI71-94, RI71-103, RI71-107, RI71-117.
Sunset International Petroleum Corp.	RI68-445, RI68-446, RI68-447, RI68-455, RI68-682, RI68-683, RI68-696, RI69-673, RI69-674, RI69-697, RI70-712, RI70-993, RI70-997, RI70-1000, RI70-1722, RI70-1725, RI70-1732, RI70-1696.
Superior Oil Co., The	RI65-327, RI66-47, RI66-372, RI66-373, RI68-83, RI68-84, RI68-347, RI69-605, RI69-606, RI69-634, RI69-657, RI70-1002, RI70-1064.
Tamarack Petroleum Co., The	RI65-624.
Taylor W. H., Estate	RI67-233, RI70-538.
Tenneco Oil Co.	RI65-453, RI65-454, RI65-84, RI66-193, RI66-248, RI66-369, RI66-370, RI68-75, RI68-172, RI68-248, RI68-318, RI68-564, RI69-422, RI70-259, RI70-959, RI70-968, RI70-985, RI70-1620.
Terra Resources, Inc.	RI71-218.

APPENDIX A—Continued

Producer	Docket Nos.
Tesoro Petroleum Corp	RI69-3, RI69-10.
Texaco, Inc	RI65-377, RI65-565, RI65-648, RI66-82, RI66-182, RI66-329, RI66-330, RI66-331, RI66-397, RI66-403, RI66-406, RI67-2, RI67-44, RI67-45, RI67-58, RI67-69, RI67-204, RI67-210, RI67-211, RI67-212, RI67-213, RI67-244, RI67-269, RI67-369, RI68-65, RI68-168, RI68-225, RI68-242, RI68-364, RI68-586, RI68-596, RI68-665, RI68-694, RI68-698, RI69-45, RI69-58, RI69-82, RI69-107, RI69-177, RI69-344, RI69-474, RI69-569, RI69-678, RI69-732, RI69-740, RI69-765, RI69-766, RI69-679, RI69-785, RI69-794, RI69-821, RI69-822, RI69-841, RI70-42, RI70-47, RI70-223, RI70-332, RI70-386, RI70-408, RI70-558, RI70-588, RI70-792, RI70-837, RI70-849, RI70-917, RI70-918, RI70-940, RI70-962, RI70-969, RI70-1010, RI70-1053, RI70-1161, RI70-1177, RI70-1319, RI70-1402, RI70-1529, RI70-1564, RI70-1609, RI70-1638, RI70-1639, RI70-1673, RI70-1695, RI70-1726, RI71-9, RI71-25, RI71-106, RI71-155, RI71-159, RI71-209, RI71-219.
Texas Pacific Oil Co., Inc., The	RI69-636, RI70-542.
Texstar Exploration, Inc	RI71-34.
Underwood, Rip C	RI65-640, RI66-4, RI66-141, RI67-315, RI69-169, RI70-507.
Union National Bank of Wichita	RI65-310, RI65-463, RI65-590, RI66-220, RI67-76, RI67-304, RI67-305, RI68-62, RI68-398, RI69-283, RI71-14, RI71-15, RI71-38, RI71-58, RI71-72.
Union Oil Co. of California	RI64-793, RI65-135, RI65-147, RI65-604, RI66-38, RI66-53, RI66-311, RI66-316, RI66-317, RI66-325, RI66-327, RI66-363, RI66-427, RI67-6, RI67-27, RI67-207, RI67-218, RI67-318, RI67-354, RI67-464, RI68-48, RI68-104, RI68-105, RI68-192, RI68-293, RI68-593, RI68-629, RI69-49, RI69-108, RI69-188, RI69-234, RI69-525, RI69-535, RI69-608, RI69-640, RI69-681, RI69-711, RI69-729, RI69-827, RI70-137, RI70-138, RI70-518, RI70-530, RI70-1311, RI70-1523, RI70-1647, RI71-152, RI71-182, RI71-222.
Union Texas Petroleum, Division Allied.	RI65-338, RI66-290, RI67-432, RI68-369, RI68-595, RI68-599, RI69-526, RI70-1320, RI70-1350.
U.S. Natural Resources, Inc	RI67-51.
Van Harlow, William, Jr	RI68-655.
Van Oil Co	RI70-1516.
Veeder Supply & Development Co	RI67-451.
Viersen & Cochran	RI65-339, RI65-340, RI66-405.
Villines, E. S	RI65-416.
Vinson, B. V	RI65-606.
Wakefield, Earl F	RI70-274.
Walters Drilling Co	RI65-511, RI70-1546.
Tommy Ward Drilling Co	RI67-314.
Warren American Oil Co	RI65-224, RI70-850.
Warrior Oil Co	RI68-165.
Watson, Charles J	RI66-12.
Weigel, J. J	RI65-305, RI70-1625.
Westhoma Oil Co	RI65-434.
Wheless, N. H	RI71-217.
White, Edgar W	RI69-825.
White, Robert F	RI66-318, RI67-61, RI69-309, RI69-469, RI69-529, RI70-462, RI70-886.
Whitehall Oil Co., Inc	RI65-291.
White Shield Oil & Gas Corp	RI71-116.
Wilkonson, Lester	RI67-8, RI67-403, RI69-134.
Wilmar Oil Co., Inc	RI71-33.
Wilson, Robert P	RI66-400.
Witherspoon, James W	RI69-229.
Woods Petroleum Corp	RI68-536.
Worldwide Petroleum Corp	RI67-313.
Wynne, J. C., d.b.a. The Bering Co	RI67-222.
Yingling Oil, Inc	RI69-111.
Youngblood, J. Lee	RI65-570, RI68-642, RI70-1127.
Yucca Petroleum Co	RI67-29, RI67-190, RI68-49, RI68-58, RI68-342, RI69-572, RI70-232, RI70-683, RI70-702, RI70-919, RI70-1441.

[F.R. Doc. 70-13805; Filed, Oct. 15, 1970; 8:45 a.m.]

[Docket No. G-3647, etc.]

TEXACO, INC., ET AL.

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

OCTOBER 6, 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 30, 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-3647..... C 9-8-70 [1]	Texaco, Inc. (Operator) et al., Post Office Box 52332, Houston, Tex. 77052.	United Fuel Gas Co., Paradis Field, St. Charles Parish, La.	[2] 18.75 [2] 19.9	15.025
G-3673..... C 9-3-70 [4]	Mobil Oil Corp. (Operator), Post Office Box 1774, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, La Gloria Field, Jim Wells and Brooks Counties, Tex.	16.7338	14.65
G-17133..... C 9-10-70	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	Cities Service Gas Co., acreage in Texas County, Okla.	17.0	14.65
G-18278..... E 9-9-70	Triton Oil & Gas Corp. (successor to Landa Oil Co.), 2310 Republic National Bank Tower, Dallas, Tex. 75201.	Texas Eastern Transmission Corp., Carthage Field, Panola County, Tex.	17.0	14.65
CI62-388..... E 8-24-70	Jack M. Allen, et al. (successor to William H. Allen et al.), Post Office Box 926, Perryton, Tex. 79167.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Mocane Field, Beaver County, Okla.	[3] 19.3	14.65
CI62-390..... E 8-24-70	do	Northern Natural Gas Co., E. H. F. Morrow Field, Ochiltree County, Tex.	[4] 17.5	14.65
CI62-715..... E 9-3-70	E. A. Trinkle (successor to N. G. Clark et al., d.b.a. Grundy Associates, Box 308, Weston, W. Va. 26452.	Equitable Gas Co., Courthouse District, Lewis County, W. Va.	25.0	15.325
CI62-1204..... E 8-29-70	Terra Resources, Inc. (successor to CRA, Inc.), 1439 Fourth National Bank Bldg., Tulsa, Okla. 74119.	Panhandle Eastern Pipe Line Co., Forgan Field, Beaver County, Okla.	17.0	14.65
CI63-224..... E 8-24-70	Jack M. Allen et al. (successor to William H. Allen et al.).	Northern Natural Gas Co., Ellis Ranch Cleveland Field, Ochiltree County, Tex.	[7] 18.0	14.65
CI63-1095..... C 9-17-70	Union Texas Petroleum, a division of Allied Chemical Corp. et al., Post Office Box 2120, Houston, Tex. 77001.	Lone Star Gas Co., East Durant Field, Bryan County, Okla.	19.0	14.65
CI63-1458..... E 8-20-70	Terra Resources, Inc. (successor to CRA, Inc.).	Panhandle Eastern Pipe Line Co., Forgan Field, Beaver County, Okla.	19.63	14.65
CI63-1540..... E 8-24-70	Jack M. Allen et al. (successor to William H. Allen et al.).	Northern Natural Gas Co., Kiowa Creek Field, Lipscomb County, Tex.	[7] 18.0	14.65
CI64-175..... D 1-19-70	Pan American Petroleum Corp. (Operator) et al., Post Office Box 591, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Basin Dakota Field, Rio Arriba County, N. Mex.	Assigned	.....
CI64-799..... D 9-11-70	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	El Paso Natural Gas Co., Wahs Field, Pecos and Reeves Counties, Tex.	[5]	.....
CI64-1464..... E 9-8-70	Herman Geo. Kaiser (successor to Sohio Petroleum Co.), 300 McFarlin Bldg., Tulsa, Okla. 74103.	Plateau Natural Gas Co., Sparks West Field, Stanton County, Kans.	[6] 14.5	14.65
CI64-1549..... (CI71-108) D 8-20-70 [8]	Southwestern Oil & Refining Co. (Operator) et al. (partial abandonment).	Texas Eastern Transmission Corp., Parpmann Field, Karnes County, Tex.	Uneconomical	.....
CI65-71..... D 9-14-70	J. R. Perkins et al., d.b.a. Perkins Production Co., Post Office Box 878, Duncan, Okla. 73533 (partial abandonment).	Lone Star Gas Co., Sho-Vel-Tum Field, Stephens County, Okla.	Depleted	.....
CI65-791..... E 9-3-70	Waco Industries (successor to Ray A. Jones), c/o Mack Worl, Esq., Post Office Box 187, Glenville, W. Va. 26351.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	25.0	15.325
CI65-854..... E 8-24-70	Jack M. Allen et al. (successor to William H. Allen).	Northern Natural Gas Co., Kiowa Creek Field, Lipscomb County, Tex.	[9] 15.05625	14.65
CI65-1355..... D 9-11-70	Mobil Oil Corp.	El Paso Natural Gas Co., Wahs and Coyanosa Fields, Pecos and Reeves Counties, Tex.	[5]	.....
CI66-607..... E 8-31-70	Perkins Production Co. (successor to Forest Oil Corp.), Post Office Box 878, Duncan, Okla. 73533.	Lone Star Gas Co., Woolsey Field, Stephens County, Okla.	15.0	14.65
CI66-662..... E 8-31-70	Perkins Production Co. (successor to Eason Oil Co. (Operator) et al.).	do	15.0	14.65
CI67-17..... C 9-21-70	Franks Petroleum Inc., Post Office Box 7665, Shreveport, La. 71107.	United Gas Pipe Line Co., Driscoll Field, Bienville Parish, La.	18.75	15.025
CI69-1179..... C 8-27-70	MacDonald Spidel, Post Office Box 153, Weston, W. Va. 26452.	Equitable Gas Co., acreage in Braxton County, W. Va.	27.1038	15.325
CI70-896 [10] C 8-31-70	Petroleum, Inc., 300 West Douglas, Wichita, Kans. 67202.	Michigan Wisconsin Pipe Line Co., Northeast Cedardale Field, Major County, Okla.	[11] 20.0	14.65
CI70-917..... C 9-14-70	Phillips Petroleum Co., Bartlesville, Okla. 74004.	Panhandle Eastern Pipe Line Co., Powder River Basin Area, Converse County, Wyo.	17.0	14.65
CI70-1117..... E 8-27-70 [12]	Alice-Sidney Oil Co. (Operator) et al. (successor to Doran & Braddock Petroleum Exploration (Operator) et al.), 310 Armstrong Bldg., El Dorado, Ark. 71730.	Arkansas Louisiana Gas Co., Ada Field, Webster Parish, La.	14.3533	14.65
CI71-163..... (CI69-779) F 8-21-70	Cotton Petroleum Co. (successor to Sohio Petroleum Co. (Operator) et al.), Parkland Plaza, 2121 South Columbia, Tulsa, Okla. 74114.	Northern Natural Gas Co., Woodward Field, Woodward County, Okla.	[11] 18.75	14.65
CI71-182..... (CI70-832) F 8-31-70	Presidio Exploration, Inc. (successor to Hill Oil & Gas Co.), Suite 1945, 1900 Avenue of the Stars, Los Angeles, Calif. 90067.	Panhandle Eastern Pipe Line Co., Gage Northeast Field, Ellis County, Okla.	[6] 17.0	14.65
CI71-186..... B 8-31-70	Adair and Jenkinset al.	Cities Service Gas Co., Southwest Prairie Gem Field, Lincoln County, Okla.	[13]	.....
CI71-190..... A 8-19-70	Otis C. Poole et al., Box 71, Bienville, La. 71008.	Arkansas Louisiana Gas Co., acreage in Bienville Parish, La.	[11] 18.333	15.025
CI71-191..... A 9-2-70	J. L. Trittipo, Inc., 600 Commerce Square, Charleston, W. Va. 25301.	Consolidated Gas Supply Corp., acreage in Barbour County, W. Va.	28.0	15.325
CI71-200..... A 9-2-70	Skelly Oil Co.	Transcontinental Gas Pipe Line Corp., Block A-76 Field, Brazos Area (South Addition), Offshore Matagorda County, Tex.	[11] 23.0	14.65
CI71-201..... A 9-3-70	Texas International Petroleum Corp., 2625 Line Ave., Shreveport, La. 71104.	Michigan Wisconsin Pipe Line Co., Northeast Cedardale Field, Major County, Okla.	20.0	14.65
CI71-202..... A 9-3-70	Houston Oil & Minerals Corp. (Operator) et al., 262 The Main Bldg., 1212 Main St., Houston, Tex. 77002.	United Gas Pipe Line Co., West Weesatche Field, Goliad County, Tex.	18.0	14.65
CI71-203..... A 9-3-70	Solon Haze Burleson (Operator) et al., 1207 Elm Dr., Mission, Tex. 78572.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., acreage in Starr County, Tex.	[11] 17.8	14.65
CI71-206..... B 1-29-70	Pan American Petroleum Corp.	El Paso Natural Gas Co., Devils Fox Gallup Field, Rio Arriba County, N. Mex.	Assigned	.....
CI71-207..... A 9-4-70	Cities Service Oil Co., Post Office Box 300, Tulsa, Okla. 74102.	Transcontinental Gas Pipe Line Corp., Block A-76 Field, Brazos Area (South Addition), Offshore Matagorda County, Tex.	[11] 23.0	14.65
CI71-209..... A 9-3-70	Sun Oil Co., Post Office Box 2880, Dallas, Tex. 75221.	do	[11] 23.0	14.65
CI71-220..... A 9-8-70	Mobil Oil Corp.	Texas Eastern Transmission Corp., Block 103 Field, Main Pass Area, Offshore (Federal) Louisiana.	27.5	15.025
CI71-221..... A 9-8-70	Cities Service Co.	Southern Natural Gas Co., Logansport Field Area, De Soto Parish, La., and Shelby and Panola Counties, Tex.	[11] 16.6	15.025
CI71-222..... A 9-8-70	Earlsboro Oil & Gas Co., et al., 1380 First National Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., Northeast Waynoka Cottage Grove Field, Woods County, Okla.	20.0	14.65
CI71-223..... A 9-8-70	Texaco, Inc.	United Fuel Gas Co., Block 38 Field, South Marsh Island Area, Offshore, Louisiana.	25.0	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI71-225..... A 9-10-70	King Resources Co., 700 Houston Natural Gas Bldg., Houston, Tex. 77002.	Michigan Wisconsin Pipe Line Co., Laverne Field, Beaver County, Okla.	[2] 20.0	14.65
CI71-226..... A 9-8-70	Signal Oil & Gas Co., 1010 Wilshire Blvd., Los Angeles, Calif. 90017.	Lone Star Gas Co., Seller's Fox Plant, Carter and Love Counties, Okla.	18.4	14.65
CI71-227..... (C166-1085) F 9-8-70	White Shield Oil & Gas Corp. (successor to Jennings Petroleum Corp.), c/o Robert E. McCormick, attorney, Suite 102, 5963 East 31st St., Tulsa, Okla. 74135.	Equitable Gas Co., Center, Otter, and Salt Lick Districts, Braxton and Gilmer Counties, W. Va.	25.0	15.325
CI71-228..... (CI68-1212) F 9-8-70	White Shield Oil & Gas Corp. (successor to Jennings Petroleum Corp.).	Equitable Gas Co., Salt Lick District, Braxton County, W. Va.	25.0	15.325
CI71-229.....	do.....	Equitable Gas Co., Otter and Salt Lick Districts, Braxton County, W. Va.	25.0	15.325
CI71-230..... (CI68-1294) F 9-8-70	do.....	Equitable Gas Co., Buffalo District, Clay County, W. Va.	25.0	15.325
CI71-231..... A 9-11-70	Apollo Petroleum Corp., c/o W. N. Morris, Land Manager, 630 Commerce Sq., Charleston, W. Va. 25301.	United Fuel Gas Co., Geary District, Roane County, W. Va.	28.0	15.325
CI71-232..... A 9-8-70	Chaparral Oil & Gas Co., Post Office Box B, Aztec, N. Mex. 87410.	Southern Union Gathering Co., Fulcher-Kutz-Pictured Cliffs Pool, San Juan County, N. Mex.	[3] 13.0	15.025
CI71-235..... A 9-4-70	Patrick A. Doheny et al., 136 El Camino, Beverly Hills, Calif. 90212.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Monell Unit, Patrick Draw Field, Sweetwater County, Wyo.	17.06	14.65
CI71-236..... (G-15472) F 9-10-70	Standard Producing Corp. (successor to Associated Tank Co.[20]), 1333 Bank of the Southwest Bldg., Houston, Tex. 77002.	Trunkline Gas Co., Alta Loma Field, Galveston County, Tex.	20.0	14.65
CI71-237..... A 9-11-70	Cities Service Oil Co.....	Texas Eastern Transmission Corp., Main Pass Block 103 Field, Main Pass Area, Offshore, La.	27.5	15.025
CI71-238..... A 9-11-70 [4]	Crain Brothers, Inc., Grand Chenier, La. 70643.	Transcontinental Gas Pipe Line Corp., Louisiana Point Field, Cameron Parish, La.	20.9	15.025
CI71-239..... B 9-3-70	Pennzoil United, Inc., Post Office Drawer 1588, Parkersburg, W. Va. 26101.	United Natural Gas Co., Kanesholm Field, McKean County, Pa.	Depleted	
CI71-240..... B 9-3-70	do.....	Pennsylvania Gas Co., Sackett Field, Elk County, Pa.	Depleted	
CI71-241..... B 9-3-70	do.....	do.....	Depleted	
CI71-242..... B 9-3-70	do.....	Pennsylvania Gas Co., Clarendon Field, Warren County, Pa.	Depleted	
CI71-243..... B 9-3-70	do.....	Pennsylvania Gas Co., Sackett Field, Elk County, Pa.	Depleted	
CI71-244..... B 9-3-70	do.....	do.....	Depleted	
CI71-245..... B 9-3-70	do.....	do.....	Depleted	
CI71-246..... B 9-14-70	Texaco, Inc.....	Champlin Petroleum Co., Sooner Trend Field, Logan County, Okla.	Depleted	
CI71-247..... A 9-14-70	Outline Oil Corp. (Operator) et al., Suite 307 Northerest Bldg., 8609 Northwest Plaze Dr., Dallas, Tex. 75225.	Steeple Oil & Gas Corp., John Schneider Gas Unit, Boe County, Tex.	[5] 15.5	14.65
CI71-248..... A 9-14-70	Gulf Minerals, Inc., 488 The Main Bldg., Houston, Tex. 77002.	Transcontinental Gas Pipe Line Corp., Metzke Field Area, Wharton County, Tex.	[6] 17.0	14.65
CI71-249..... B 9-4-70	GMC Oil & Gas Corp., First National Bldg., Oklahoma City, Okla. 73102.	Cities Service Gas Co., Northeast Waynoka Field, Woods County, Okla.	Depleted	
CI71-250..... B 9-4-70	do.....	do.....	Depleted	
CI71-251..... B 9-9-70	Maynard Oil Co., 2000 One Main Pl., Dallas, Tex. 75250.	Natural Gas Pipeline Co. of America, Boonsville (Bend Conglomerate), Field, Wise County, Tex.	[28]	

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI71-252..... A 9-14-70	Willard E. Ferrell, agent, Post Office Box 5030, Philadelphia, Pa. 19111.	Equitable Gas Co., acreage in Ritchie County, W. Va.	28.0	15.325
CI71-253..... A 9-16-70	Ferrell L. Prior, Union Trust Bldg., Parkersburg, W. Va. 26101.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	28.0	15.325
CI71-254..... A 9-15-70	Eaststates Gas Producing Co. Inc., 14701 Detroit Ave., Lakewood, Ohio 44107.	The Ohio Fuel Gas Co., Lebanon Field, Meigs County, Ohio.	27.0	15.025
CI71-255..... A 9-17-70	Cayman Corp., Post Office Box 2099, Palos Verdes Peninsula, Calif. 90274.	Michigan Wisconsin Pipe Line Co., Woodward Area, Major County, Okla.	[24] 21.0	14.65
CI71-256..... A 9-17-70	Skelly Oil Co.....	El Paso Natural Gas Co., acreage in Terrell County, Tex.	[12] 26.5	14.65
CI71-257..... A 9-18-70	Eastern Operating Co., 906 Gaston Ave., Cambridge, Ohio 43725.	Carnegie Natural Gas Co., Troy District, Gilmer County, W. Va.	28.0	15.325
CI71-258..... A 9-18-70	Skelly Oil Co.....	Texas Eastern Transmission Corp., Block 103 Field, Main Pass Area, Offshore Louisiana.	[3] 27.5	15.025
CI71-260..... B 9-21-70	L. D. Nutter et al.....	Equitable Gas Co., Salt Lick District, Braxton County, W. Va.	[29]	.....
CI71-261..... B 9-21-70	do.....	do.....	[29]	.....
CI71-262..... A 9-21-70	Texas Pacific Oil Co., Inc., 1700 One Main Pl., Dallas, Tex. 75250.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Glenmora Field, Rapides Parish, La.	[3] 21.25	15.025
CI71-263..... A 9-21-70	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Southern Natural Gas Co., Bully Camp Field, Lafourche Parish, La.	28.0	15.025
CI71-264..... A 9-22-70	C. E. Starrett, Operator, Drawer G, Refugio, Tex. 78377.	United Gas Pipe Line Co., Old Refugio and Refugio Heard Fields, Refugio County, Tex.	15.3	14.65

[1] Gas-well gas.
[2] First 15,000 Mcfd.
[3] Expess.
[4] Amendment to certificate filed to increase daily contract quantity.
[5] Rate effective subject to refund in Docket No. RI70-1109. Previous rate increase effective subject to refund in Docket No. RI63-62.
[6] Rate effective subject to refund in Docket No. RI70-14. Previous rate increase effective subject to refund in Docket No. RI70-576.
[7] Rate effective subject to refund in Docket No. RI70-14.
[8] Deletes nonproducing lease.
[9] Rate in effect subject to refund in Docket No. RI69-302.
[10] Abandonment application filed by Jetgas Co., partial successor to Southwestern Oil & Refining Co., and assigned Docket No. CI71-168, will be construed as an application for partial abandonment to Southwestern Oil & Refining Co.'s FPC GRS No. 7 and certificate in Docket No. C164-1548. Docket No. CI71-168 is canceled.
[11] Includes 0.55625 cents per Mcf tax reimbursement. Rate effective subject to refund in Docket No. RI70-877.
[12] No permanent certificate issued; temporary authorization granted only.
[13] Subject to upward and downward B.t.u. adjustment.
[14] Change in operator.
[15] Includes 1.75 cents per Mcf upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[16] All acreage under subject contract was assigned, released or is nonproductive.
[17] Includes 1.333 cents per Mcf tax reimbursement.
[18] Includes 1 cent per Mcf tax reimbursement.
[19] By letter filed Sept. 22, 1970, applicant agreed to accept certificate at 15 cents per Mcf.
[20] Partial successor to Phillips Petroleum Co. Associated Tank Co. never made certificate filing covering subject acreage.
[21] Subject to upward and downward B.t.u. adjustment. Also subject to reduction for compression, if required.
[22] Contract provides for rate of 17.5 cents per Mcf; however, applicant requests certificate at a total initial rate of 17 cents per Mcf.
[23] Well is no longer capable of producing into Buyer's pipeline system.
[24] Includes B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[25] Abandoned due to low production.

[F.R. Doc. 70-13802; Filed, Oct. 15, 1970; 8:45 a.m.]

[Docket No. CP71-6]

EL PASO NATURAL GAS CO.

Notice of Amendment to Application

OCTOBER 14, 1970.

Take notice that on October 9, 1970, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP71-6 an amendment to its application filed pursuant to section 7(c) of the Natural Gas Act in said docket, so as to reflect the allocation of the working gas to be withdrawn from the Storage Project during the 1970-71

heating season, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that on July 8, 1970, it filed an application in the subject docket, seeking authorization, inter alia, for the initiation of a new firm winter service under Applicant's proposed Rate Schedule SGS–1 to distributor customers served by its Northwest Division System during seasonal periods commencing on November 1, and continuing through the succeeding April 15. Applicant states that such new service is dependent upon permanent operation of the Jackson Prairie Storage Project, to be operated by Washington Natural Gas Co. (Washington Natural), for which Washington Natural applied in Docket No. CP71–7.

Applicant states that by order issued September 25, 1970, the Commission, inter alia, consolidated the proceedings in Dockets Nos. CP64–99, CP71–6, CP71–7, and CP71–8, deferred action on Applicant's then pending application for new firm winter service and granted Washington Natural a permanent certificate to construct, but not to operate, the facilities proposed in its application. The requested operation of the facilities of the Storage Project during the limited term commencing November 1, 1970, and continuing through April 15, 1971, was deferred pending the filing by Applicant of an amendment to its application reflecting allocation of the working gas to be withdrawn from the Storage Project during the 1970–71 heating season.

Applicant states that agreement has been reached with its Northwest Division distributor customers as to the allocation of working gas from the Storage Project for the period commencing on November 1, 1970, and continuing through April 15, 1971.

Applicant states that the new firm winter service is to be allocated as follows:

	Contract Demand Quantity in Therms	Seasonal Quantity in Therms
California-Pacific Utilities Co...	17,100	380,000
Cascade Natural Gas Corp.....	269,400	5,986,670
Intermountain Gas Co.....	193,250	4,294,440
Northwest Natural Gas Co.....	148,400	3,297,780
Washington Natural Gas Co....	787,500	17,500,000
The Washington Water Power Co.....	472,500	10,500,000
Western Slope Gas Co.....	1,850	41,110
Total therms.....	1,890,000	42,000,000
Total Mcf (14.73 p.s.i.a., 1,050 B.t.u. Cu. Ft.)....	180,000	4,000,000

Applicant requests that the Commission issue a permanent certificate of public convenience and necessity, for the limited term commencing on November 1, 1970, and continuing until the earlier of April 15, 1971, or final disposition of the proceedings pending in Docket No. CP71–6, et al., authorizing applicant to enter into new firm winter service under the above allocation.

In this instance it appears that a shorter notice period is reasonable and consistent with the public interest. Accordingly, any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 22, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70–14023; Filed, Oct. 15, 1970; 8:50 a.m.]

[Docket No. RP71–26]

RATON NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

OCTOBER 12, 1970.

Take notice that Raton Natural Gas Co. (Raton) on October 7, 1970, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective on November 6, 1970. The proposed changes would increase charges for jurisdictional sales by $20,973 annually based on volumes during the 12-month period ended June 30, 1970. Raton sells gas under two jurisdictional rate schedules. The proposed increase would be applicable to Raton's Schedule CD–1, while no increase in Schedule I–1 is sought.

Raton states the principal reasons for the proposed rate increase are increased purchased gas cost, increased operation and maintenance expenses and higher costs of capital. The claimed rate of return sought is 8.25 percent.

Copies of the filing were served on Raton's only affected customer and State commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 28, 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 protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–13943; Filed, Oct. 15, 1970; 8:46 a.m.]

[Project 199]

SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

Notice of Application for Approval of Exhibit R (Recreation Use Plan) for Constructed Project

OCTOBER 12, 1970.

Public notice is hereby given that application for approval of Exhibit R has been filed under the regulations under the Federal Power Act (16 U.S.C. 791a–825r) by South Carolina Public Service Authority (correspondence to: J. B. Thomason, General Manager, South Carolina Public Service Authority, Moncks Corner, S.C. 29461) as part of the license for the constructed Santee-Cooper Project No. 199, located on the Santee and Cooper Rivers in Berkeley, Calhoun, Clarendon, Orangeburg, and Sumter Counties, S.C., in the vicinity of Bonneau, Elloree, Eutawville, Moncks Corner, and other towns.

According to the application, the 42 miles of project dams and dikes form two reservoirs—Lake Marion adjacent to the Santee River and Lake Moultrie near the Cooper River—having a combined surface area of 171,000 acres surrounded by 22,000 acres of land. The licensee leases resident lots for recreational purposes and provides public access to the water for inland land owners and visitors. The licensee has executed 48 leases within the project boundary to commercial operators for boats, docks, and related services, including facilities for swimming, camping, and overnight lodging. In addition, the licensee states that as public demand requires and economic conditions permit, future development of project lands will include further leasing of land for private residence, commercial operations, and other uses, and the leasing of other project lands to State and other agencies for recreational purposes, including development of portal parks, boat camping areas, island recreation areas, waterfront camping and day-use areas, and a scenic overlook area.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 15, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as

a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-13944; Filed, Oct. 15, 1970; 8:46 a.m.]

[Project 2679]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Application for License for Unconstructed Project

OCTOBER 12, 1970.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Virginia Electric and Power Co. (correspondence to: E. B. Crutchfield, Senior Vice President, Virginia Electric and Power Co., 700 East Franklin Street, Richmond, Va. 23209) for proposed Project No. 2679, to be known as Marble Valley Pumped Storage Project, to be located on Calfpasture River and Little Mill Creek, in Rockbridge, Augusta, and Bath Counties, Va., in the vicinity of Craigsville, Goshen, Staunton, and Lexington, and affecting lands of the United States within the George Washington National Forest.

The unconstructed Marble Valley Pumped Storage Project would consist of the following described facilities: (1) Upper Dam and Reservoir (located in George Washington National Forest): a 220-foot high, 2,400-foot long impervious face rockfill dam on Little Mill Creek about 1,000 feet south of the Bath-Augusta County line, (2) an 800-foot long, 40-foot high earth dike in the saddle between the Little Mill and Clayton Mill Creek watersheds; (3) a 375-acre reservoir with a total storage capacity of 28,100 acre-feet (at normal full pool elevation of 2,454 feet) to be apportioned as follows: 19,100 acre-feet for generation purposes (represents a 68-foot drawdown); 4,000 acre-feet for augmentation of low flows in the Calfpasture River and 5,000 acre-feet of dead storage; Water Conduits: Water will flow between the upper reservoir and powerhouse through (4) a vertical shaft in the upper reservoir bottom 500 feet long connected to two tunnels each of which subdivides into three conduits entering the main powerhouse; Powerhouses: (5) a semiunderground structure on the west shore of the lower reservoir containing five 250 mw capacity (eventually six) pump-turbine motor-generator units each connected to a transformer which would raise generation voltage to 500 kv. for transmission and (6) an auxiliary powerhouse for station service and to provide minimum releases, located in the lower dam spillway abutment, housing two conventional 450 kw. generating units; Lower Dam and Reservoir: (7) A 160-foot high, 2,800-foot long compacted-earth-core and rockfill dam on the Calfpasture River about 2 miles downstream from the Augusta-Rockbridge County line; (8) a spillway at the east dam abutment with two 40 by 46-foot high radial gates; (9) two dikes at the west end of the dam, one blocking the saddle through which secondary State Highway 600 presently passes, and the other across Ingram Draft to carry relocated Route 600; (10) a 7-mile long, 2,000-acre reservoir with a total storage capacity of 96,800 acre-feet (at normal full pool elevation of 1,582 feet) to be used as follows: 19,100 acre-feet for generating purposes (represents a 10-foot drawdown), 7,700 acre-feet for augmentation of low flows (47 cubic-feet-per-second minimum release, May through September with lesser amounts to 25 cubic-feet-per-second during the remainder of the year). There is provision for storing 22,000 acre-feet of floodwater between elevations 1,582 and 1,593 feet; Recreational Facilities: three areas are to be developed initially on the west shore of the lower reservoir: (11) An overlook and 75-site picnic area about 1 mile north of the dam; (12) a visitor center and 20-site picnic about one-half mile from the powerhouse; (13) a 240-acre area with a boat launching and service facility, 175 picnic sites, a swimming beach, 52 individual campsites, a group campsite and space reserved for future development of 200 additional picnic sites. Future developments also include: (14) A trail and boat-in campsite along the east shore of the reservoir. The applicant states that mud flats will not appear during low water periods because of the small drawndown, steep shoreline, and corrective dredging and filling at the reservoir's upstream end.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 14, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-13945; Filed, Oct. 15, 1970; 8:46 a.m.]

[Docket No. CP71-7]

WASHINGTON NATURAL GAS CO.

Notice of Amendment to Application

OCTOBER 14, 1970.

Take notice that on October 12, 1970, Washington Natural Gas Co. (Applicant) 815 Mercer Street, Seattle, Wash. 98111, filed in Docket No. CP71-7 an amendment to its application filed pursuant to section 7(c) of the Natural Gas Act in said docket, so as to request issuance of a permanent certificate of public convenience and necessity, for the limited term commencing on November 1, 1970, and continuing until the earlier of April 15, 1971, or final determination of the proceeding pending in Docket No. CP71-6, et al., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that by order issued September 25, 1970, the Commission, inter alia, consolidated the proceedings in Dockets Nos. CP64-99, CP71-6, CP71-7, and CP71-8, issued Applicant a permanent certificate for construction and modification, but not operation, of facilities at the Jackson Prairie Storage Project (Storage Project) and deferred action on Applicant's application for a temporary certificate for the operation of Storage Project facilities for the limited period November 1, 1970, through April 15, 1971.

Applicant further states that the operation of the Storage Project has been deferred by the Commission pending the filing by El Paso Natural Gas Co. (El Paso) of an amendment to its application in Docket No. CP71-6 which will reflect the allocation to El Paso's Northwest Division customers of working gas to be delivered from the Storage Project for the forthcoming November 1, 1970, through April 15, 1971, heating season.

Applicant states that El Paso is filing concurrently an amendment to its application reflecting such allocation and, as well, requesting that the Commission issue El Paso permanent authorization to render service under its proposed Rate Schedule SGS-1 consistent with such allocation for the limited term of the 1970–71 heating season set forth above.

Applicant requests that the Commission issue a permanent certificate of public convenience and necessity for the limited term commencing on November 1, 1970, and continuing until the earlier of April 15, 1971, or final determination of the proceedings pending in Docket No. CP71-6 et al., authorizing it to place the Storage Project into permanent operation and to operate same consistent with the Storage Project Agreement and the allocation of working gas set forth in El Paso's concurrent amendment to application.

In this instance it appears that a shorter notice period is reasonable and consistent with the public interest. Accordingly, any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 22, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not

serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-14024; Filed, Oct. 15, 1970; 8:50 a.m.]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Docket No. 70-2]

TRADE INFORMATION COMMITTEE

Notice of Public Hearing

Notice of public hearing relating to the effects on U.S. trade of the European Economic Community's variable levy on calculated added sugars in canned fruits.

Timetable. A. Requests to present oral testimony must be received by Monday, November 2, 1970.

B. Written briefs must be received by Friday, November 6, 1970.

C. Hearing begins Thursday, November 12, 1970.

1. *Notice of public hearing.* By letter dated September 1, 1970, the National Canners Association has requested a public hearing under section 252(d) of the Trade Expansion Act of 1962 (76 Stat. 880; 19 U.S.C. 1822(d)). The Trade Information Committee in the Office of the Special Representative for Trade Negotiations (hereinafter referred to as the Committee) has granted such requests and ordered a public hearing to be held pursuant to the cited section of the Act and the following: section 3(1) of the Executive Order 11075, as amended (3 CFR (1959–1963 Comp.) pp. 693 and 766); 15 CFR 1102.3; and sections 2(b) and 3(a) of the Committee's Regulations (15 CFR 1111.2(b) and 1111.3(a)).

2. *Subject matter of the public hearing.* The hearing to be held by the Committee is for the purpose of providing an opportunity for any interested party to present an oral or written statement concerning the effects on U.S. trade of the variable levy of the European Economic Community on calculated added sugars in canned fruits.

3. *Time and place of public hearing.* The public hearing will commence at 10 a.m., Thursday, November 12, 1970, in Room 730, 1800 G Street NW., Washington, D.C. 20506.

4. *Requests to present oral testimony.* All requests to present oral testimony must be received by the Chairman of the Committee not later than Monday, November 2, 1970.

Requests to present oral testimony must conform with the regulations of the Committee (15 CFR 1111.5). Such requests shall be submitted in an original and three copies and must include the following information:

(a) The name, address, and telephone number of the party submitting the request;

(b) The name, address, telephone number, and official position of the person submitting the request on behalf of the party referred to in subparagraph (a);

(c) A brief indication of the interest of, and the position to be taken by, the party and the subjects to be dealt with in the proposed testimony;

(d) The name, address, and telephone number of the person or persons who will present oral testimony; and

(e) The amount of time desired for the presentation of oral testimony.

Each party whose request is granted will be notified of the time and place of the scheduled appearance and the amount of time allotted for the presentation. The Committee reserves the right to restrict the time allotted for the presentation of oral testimony. Any party whose request is denied will be notified of the reasons therefor.

5. *Submission of written briefs.* Any interested party may submit a written brief to the Committee concerning the subject matter of the public hearing. Each party presenting oral testimony must submit a brief. All briefs must be received not later than Friday, November 6, 1970, and must conform, in form and number, to the Regulations of the Committee (15 CFR 1111.4).

6. *Rebuttal briefs.* In order to assure each party equal opportunity to contest the information provided by other interested parties, the Committee will entertain rebuttal briefs filed by any party within 1 week after the close of the hearing. Rebuttal briefs shall conform, in form and number, to the Regulations of the Committee and the provisions of this notice applicable to written briefs. Rebuttal briefs should be strictly limited to demonstrating errors of fact or analysis not pointed out in the briefs or hearing, and should be as concise as possible.

7. *Information open to and exempt from public inspection.* Parties are referred to sections 7 and 8 of the regulations of the Committee (15 CFR 1111.7 and 1111.8) for the provisions concerning information open to and exempt from public inspection. Subject to those regulations, all written materials filed with the Committee in connection with the hearing will be open to public inspection, by appointment, at the office of the Chairman, Room 725, 1800 G Street NW., Washington, D.C. 20506. Transcripts of the hearing will also be available for inspection.

Requests to present oral testimony should contain no confidential information, and any request marked "For Official Use Only", or similarly marked, will not be accepted.

8. *Communications.* All communications with regard to the hearing should be addressed to: Chairman, Trade Information Committee, Office of the Special Representative for Trade Negotiations, Room 725, 1800 G Street NW., Washington, D.C. 20506, phone (395-3434).

LOUIS C. KRAUTHOFF, II,
Chairman,
Trade Information Committee.

[F.R. Doc. 70-13999; Filed, Oct. 15, 1970; 8:50 a.m.]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

TRUAX-TRAER COAL CO. AND HAWLEY COAL MINING CORP.

Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.^{3}) have been accepted for consideration as follows:

(1) ICP Docket No. 10148, Truax-Traer Coal Co., Hillsboro Mine, USBM ID No. 11 00605 0, Coffeen, Montgomery County, Ill., Section ID No. 003, (2d North East Mains). Section ID No. 001, (13th right off the 1st Northeast Mains).

(2) ICP Docket No. 10803, Hawley Coal Mining Corp., No. 5 Mine Raleigh Empire, USBM ID No. 46 01071 0, Raleigh, Raleigh County, W. Va., section ID No. 001 (1st right off East Main).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

OCTOBER 13, 1970.

[F.R. Doc. 70-13964; Filed, Oct. 15, 1970; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4929]

ALABAMA POWER CO.

Notice of Proposed Issue and Sale of Bonds and Preferred Stock

OCTOBER 9, 1970.

Notice is hereby given that Alabama Power Co. (Alabama), 600 North 18th

Street, Birmingham, Ala. 35203, an electric utility subsidiary company of The Southern Co. (Southern), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Alabama proposes to issue and sell, subject to Rule 50 under the Act, $60 million principal amount of First Mortgage Bonds, ____ percent Series. The bonds will be dated as of the second day of the calendar month within which they are issued and will mature not less than 5 years and not more than 30 years therefrom, such date to be determined not less than 72 hours prior to the time of the sale of the bonds. The price, exclusive of accrued interest, to be paid to Alabama will be not less than 99 percent nor more than 102¾ percent of the principal amount thereof. The bonds will be issued under the provisions of the Indenture dated as of January 1, 1942, between Alabama and Chemical Bank, as Trustee, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture dated as of November 1, 1970, which includes a prohibition until November 1, 1975, against refunding the issue with the proceeds of funds borrowed at lower interest cost.

Alabama also proposes to issue and sell, subject to Rule 50 under the Act, 100,000 shares of its Preferred Stock, par value $100 per share. The price to be paid to Alabama will be not less than $100 nor more than $102.75 per share and accrued dividends. The terms of the preferred stock will include a prohibition until November 1, 1975, against refunding the stock, directly or indirectly, with the proceeds of funds derived from the issuance of debt securities at a lower effective interest cost or from the issuance of other stock, which ranks prior to or on a parity with the preferred stock as to dividends or assets, at a lower effective dividend cost.

The net proceeds received from the issue and sale of the bonds and preferred stock together with excess cash on hand and the proceeds from the sale of 240,000 shares of common stock to Southern (200,000 of such shares have been authorized by this Commission [Holding Company Act Release No. 16596], and 40,000 additional shares are the subject of another filing), will be used by Alabama to finance its 1970 construction program estimated at $158,666,000; to pay outstanding short-term bank loans incurred for such purpose; and for other lawful purposes.

It is stated that the Alabama Public Service Commission has expressly authorized the proposed issue and sale of the bonds and preferred stock by Alabama, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the transactions will be supplied by amendment.

Notice is further given that any interested person may, not later than November 5, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[F.R. Doc. 70-13984; Filed, Oct. 15, 1970; 8:49 a.m.]

[70-4930]

AMERICAN ELECTRIC POWER CO., INC., AND MICHIGAN POWER CO.

Notice of Proposed Sale of Gas Pipeline and Related Facilities to Nonassociate Company

OCTOBER 9, 1970.

Notice is hereby given that American Electric Power Co., Inc. (AEP), 2 Broadway, New York, N.Y. 10004, a registered holding company, and one of its public-utility subsidiary companies, Michigan Power Co. (MPC), Post Office Box 413, Three Rivers, Mich. 49093, formerly known as Michigan Gas & Electric Co., have filed with this Commission a joint declaration pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 12(d) and Rule 44 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

MPC proposes to sell to Northern Natural Gas Co. (Northern), a nonassociate company, all of its rights, title and interest in 93,000 feet of 6⅝-inch outside diameter steel pipeline together with all appurtenances, right of way and regulator stations. The pipeline section, which extends from Northern's facilities in Carp Lake Township, Mich., to MPC's distribution facilities in Ontonagon Township, was constructed by MPC pursuant to authorization of the Michigan Public Service Commission. The purchase price, $617,693, which it is stated, approximates MPC's cost of construction, was computed in accordance with Northern's "Branch Line Extension Policy," which is on file and subject to the jurisdiction of the Federal Power Commission and which governs the construction and price to be paid for pipeline sections of the type involved herein.

The Federal Power Commission on August 4, 1970, ordered, among other things, Northern to establish a physical connection with MPC's distribution facilities in Ontonagon, which Northern agreed to construct and operate. However, since MPC had already commenced construction of the line, MPC and Northern agreed to MPC completing the line on a "turnkey basis" and then to sell its interest therein to Northern.

It is stated that a further order of the Michigan Public Service Commission will be necessary to authorize the sale of the pipeline section and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. It is further stated that no fees and expenses are to be paid by MPC, AEP or any associate company in connection with the proposed sale, except for nominal expenses incurred in the preparation of the requisite documents.

Notice is further given that any interested person may, not later than October 28, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[F.R. Doc. 70-13985; Filed, Oct. 15, 1970; 8:49 a.m.]

[File No. 24A-1972]

AUTRY ENTERPRISES, INC.

Order Temporarily Suspending Exempion, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

OCTOBER 7, 1970.

I. Autry Enterprises, Inc. (Issuer), a Georgia corporation, 130 West Wieuca Road NW., Atlanta, Ga. 30305, filed with the Commission on November 3, 1969, a notification and offering circular relating to a proposed offering of 60,000 shares of its 50-cent par value common stock at $5 per share for an aggregate amount of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe on the basis of information reported to it by the staff that:

A. As provided in Rule 252(d) of Regulation A, no exemption is avaialble for the securities of Autry Enterprises, Inc. because:

1. Arthur P. Tranakos, an officer and director of the Issuer, is subject to an order of preliminary injunction enjoining him from violations of the registration requirements of the Securities Act of 1933.

2. Kenneth N. Young, an unnamed underwriter, is subject to an order of permanent injunction enjoining him from further violations of the registration and antifraud provisions of the Securities Act of 1933, and has been convicted within the past 10 years of violations of the securities laws of North Carolina.

B. The terms and conditions of Regulation A have not been complied with in that:

1. The aggregate offering price of the securities covered by the notification, and including all securities required to be computed pursuant to Rule 253(c)(2), exceeds the $300,000 ceiling limit imposed by Rule 254(a);

2. All information required by Form 1-A and Schedule I has not been disclosed, particularly with reference to Items 2, 9, and 11 of Form 1-A and paragraphs 4, 5, 6, 9, and 11 of Schedule I;

3. Stock of the Issuer covered by the Regulation A filing was sold without the use of an offering circular as required by Rule 256(a)(2).

C. The notification and offering circular contain untrue statements of material fact and omit to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made, not misleading in that the material filed:

1. Fails to name the issuer's predecessors and all of its affiliates;

2. Fails to disclose whether any unregistered securities have been issued by any of the issuer's predecessors or affiliated issuers within a year prior to the filing of the notification;

3. Fails to disclose the names and addresses of all underwriters;

4. Fails to disclose adequately and accurately the purchase price of various motels and restaurants acquired by the issuer and the amount still owing on these properties;

5. Fails to describe adequately all material transactions between the Issuer and its officers and directors.

6. Fails to furnish any operating statement of the Issuer but includes in its offering circular projected statements, without any apparent basis therefor, for subsidiaries and other companies which it hopes to acquire.

7. Fails to state accurately the amount of securities to be offered, and the amount of proceeds to be received by the Issuer.

D. The offering, as made, was made in violation of sections 5 and 17 of the Securities Act of 1933, as amended, and if the offering should continue to be made, such further offerings would be in violation of sections 5 and 17 of the Securities Act of 1933, as amended, for the reasons described above.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

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

[F.R. Doc. 70-13983; Filed, Oct. 15, 1970; 8:49 a.m.]

[812-2796]

COMMUNICATIONS FUND, INC.

Notice of Filing of Application for Order Exempting Company

OCTOBER 12, 1970.

Notice is hereby given that Communications Fund, Inc. (Applicant), 1271 Avenue of the Americas, New York, N.Y. 10020, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting it from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant, which was organized under the laws of New York on September 16, 1960, for the purpose of making investments in and loans to small business concerns, was licensed on July 27, 1961, as a small business investment company under the Small Business Investment Act of 1958. Applicant's only securities presently outstanding consist of 22,500 shares of capital stock, subordinated debentures due 1981 (debentures) in the principal amount of $142,500, and 5½ percent promissory notes due 1980 (notes) in the principal amount of $150,000. All of Applicant's outstanding notes and debentures are held by the Small Business Administration (SBA) and all of its capital stock is owned by Communications Corporation of America (Communications).

Applicant states that the outstanding securities of Communications consist of 968,500 shares of common stock of which all but 60,000 shares are held beneficially by 11 individuals. The remaining 60,000 shares, or less than 10 percent of the total outstanding, are held by Industro Transistor Corp. (Industro), a publicly owned corporation. Industro intends, through a stock dividend to make a public distribution to its shareholders of 50,000 shares of Communications upon registration of those shares.

Applicant represents that although its business is that of an investment company as defined in section 3 of the Act, it has been and is at present excluded from the definition of an investment company by reason of section 3(c)(1) of the Act since its outstanding securities other than short term paper are beneficially owned by not more than 100 persons and it itself does not presently propose to make a public offering of any of its securities. Applicant further states, however, that upon the completion of the above offering by Industro, the beneficial ownership of Communications' securities will rest in more than 100 persons and

Applicant will not be able to rely upon the exclusion provided by section 3(c)(1) of the Act.

Applicant states that Communications, which was organized under the laws of Delaware on June 16, 1969, owns all of the outstanding capital stock of four corporations, Colonial Broadcasting Co., Inc. (Broadcasting), Stamp Fortune, Inc., Communications Capital Corporation, and Applicant. Communications carries on no operations of its own and operates exclusively through its four subsidiaries.

Applicant represents that Communications has been primarily engaged since its inception in the business of radio broadcasting through its wholly owned subsidiary, Broadcasting, and that during Communications' fiscal year ending March 31, 1970, Broadcasting accounted for 77 percent of the consolidated gross income of Communications. Applicant also states that as of March 31, 1970, the value of Communications' investment securities was equal to 35.8 percent of the value of Communications' total assets, and that if its schedule of assets were adjusted to eliminate inter-company transactions, the value of investment securities was equal to 25 percent of the total assets, exclusive of cash items.

Applicant represents that Communications is not an investment company as defined in section 3(a) of the Act and that in any event it is excepted from the definition of an investment company by reason of section 3(b)(1) of the Act. Applicant further represents that upon completion of the above offering by Industro, Applicant will be an investment company only because its outstanding long-term debt will be owned by the SBA. Applicant asserts that if such long-term debt were owned by Communications, Applicant would be excepted from the definition of an investment company by reason of section 3(b)(3) of the Act.

Section 3(b)(3) of the Act, generally speaking, excepts from the definition of investment company any issuer all of the outstanding securities of which (other than short-term paper and directors' qualifying shares) are owned directly or indirectly by a company excepted from the definition of investment company by sections 3(b)(1) or 3(b)(2) of the Act.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that it believes that it is not in the public interest to regulate Applicant under the Act because all of its outstanding capital stock is owned by Communications, which is not an investment company and all of the outstanding long-term debt securities of Applicant are held by the SBA which is in a position to protect its investment in Applicant under the provisions of the Small Business Investment Act of 1958.

Applicant has agreed, in the event the Commission grants the application, that the Commission's order may be issued subject to the following conditions:

1. Applicant shall

(a) Not issue any securities (other than short-term paper as defined in section 2(a)(36) of the Act) except to (i) Communications or (ii) the U.S. Small Business Administration, unless this order is modified expressly by another order of this Commission to permit such transaction;

(b) File with the Commission, within 120 days after the close of each fiscal year of Applicant, the data required by Items 5, 6, 7, and 8 of the annual report on Form N-5R adopted by the Commission pursuant to section 30(a) of the Act;

(c) File with the Commission within 120 days after the close of each fiscal year of Applicant and Communications (i) a balance sheet of each company showing assets in reasonable detail as of the close of such fiscal year, with a schedule showing such assets at value (taking securities for which market quotations are readily available at market value and taking other securities and assets at fair value as determined in good faith by the board of directors) and (ii) a statement of income for such fiscal year and a statement of paid-in surplus and retained earnings as of the close of such fiscal year for Applicant and Communications. Applicant may incorporate by reference in any material filed to meet the requirements of this condition, any document or part thereof previously or concurrently filed with the Commission pursuant to any of the Acts administered by the Commission.

2. No person other than Communications or the U.S. Small Business Administration shall at any time own any outstanding security of Applicant (other than short-term paper).

Notice is further given that any interested person, may not later than November 2, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It is ordered, That the Secretary of the Commission shall send a copy of this notice by certified mail to the Deputy Administrator for Investments, Small Business Administration, Washington, D.C. 20416.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[F.R. Doc. 70-13949; Filed, Oct. 15, 1970; 8:46 a.m.]

[70-4869]

CONSOLIDATED NATURAL GAS CO. AND CONSOLIDATED GAS SUPPLY CORP.

Notice of Post-Effective Amendment Regarding Increase in Authorized Amounts of Notes To Be Issued and Sold by Subsidiary Company to Holding Company and by Holding Company to Bank

OCTOBER 9, 1970.

Notice is hereby given that Consolidated Natural Gas Co. (Consolidated), 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, and one of its subsidiary companies, Consolidated Gas Supply Corp. (Supply Corp.), have filed with this Commission a posteffective amendment to the application-declaration in this proceeding pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 6(b), 7, 9(a), 10, and 12(b) and Rules 45 and 50 promulgated thereafter as applicable to the proposed transactions. All interested persons are referred to the posteffective amendment, which is summarized below, for a complete statement of the proposed transactions.

By order dated May 20, 1970 (Holding Company Act Release No. 16729), the Commission, among other things, authorized Consolidated to make open-account advances, which will be converted into long-term notes prior to December 31, 1970, to Supply Corp. of up to $54 million during 1970, for the purpose of financing construction expenditures. Subsequent to May 20, 1970, Supply Corp. has revised its estimate of construction expenditures for 1970 by an additional $5 million. Consequently, Supply Corp. now proposes to borrow and Consolidated proposes to loan an additional $5 million of open-account advances to Supply Corp. during the balance of 1970. Such loans would, in all respects, be made in the same manner and upon the same terms as the

above-mentioned $54 million presently authorized.

By the order of May 20, 1970, the Commission also authorized Consolidated to sell up to $50 million face amount of commercial paper notes from time to time between June 16, 1970 and May 15, 1971, to provide up to $20 million for making of working capital advances to subsidiary companies and up to $30 million of working capital funds for Consolidated. The latter is to be used principally to provide required funds pending completion of debenture financing in 1970. Primarily because of the above-mentioned increased requirements of Supply Corp., Consolidated now finds that it will require additional short-term financing of up to $10 million during the remainder of 1970.

Consolidated, therefore, proposes to borrow during the balance of 1970, from time to time as funds may be required, up to $10 million from The Chase Manhattan Bank (N.A.) (Chase Manhattan) on its unsecured promissory notes maturing December 31, 1970. Such loans will be without commitment fee, will bear interest at the prime rate at Chase Manhattan in effect from time to time, and will be prepayable in whole or in part, upon 5 days' prior written notice, without penalty or premium. It is anticipated that the bank loans will be repaid following completion of the sale of debentures in December, 1970.

In view of the authorization sought herein by Consolidated to obtain additional short-term financing of up to $10 million, Consolidated requests that the 5 percent limitation contained in section 6(b) of the Act be increased to a maximum of 10 percent in order to permit Consolidated to have outstanding at any one time, during the period commencing on the date of the granting of this post-effective amendment and ending December 31, 1970, a maximum of $60 million principal amount of short-term notes.

Consolidated further requests that for the period from January 1, 1971 to May 15, 1971, such limitation revert to the 9 percent as previously authorized by order of May 20, 1970. In all other respects, the transactions authorized by order of May 20, 1970, remain unchanged.

It is stated that the Public Service Commission of West Virginia has jurisdiction over the proposed transactions of Supply Corp. and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the transactions proposed in the posteffective amendment. It is further stated that fees and expenses to be incurred in connection with the proposed transactions will not exceed $750, including $700 for service company charges, at cost. All fees and expenses are to be paid by Consolidated.

Notice is further given that any interested person may, not later than November 2, 1970, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such requests, and the issues of fact or law raised by said post-effective amendment which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended by said posteffective amendment may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-13986; Filed, Oct. 15, 1970; 8:49 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

OCTOBER 12, 1970.

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

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

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-13948; Filed, Oct. 15, 1970; 8:46 a.m.]

[811-1302]

FIRST HARTFORD EXCHANGE FUND, INC.

Notice of Filing of Application for Order Declaring Company Has Ceased To Be an Investment Company

OCTOBER 12, 1970.

Notice is hereby given that The First Hartford Exchange Fund, Inc. (Applicant), c/o Curtis, Mallet-Prevost, Colt & Mosle, 100 Wall Street, New York, N.Y. 10005, a Maryland corporation registered as an open-end diversified management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant's registration statement filed under the Act became effective April 30, 1965. On January 25, 1966, the Commission filed a summons and complaint against Applicant which charged violations of section 31(a) of the Act and Rule 31a-1(b)2 promulgated thereunder for failure to reflect all of Applicant's liabilities and thereby incorrectly stating Applicant's net asset value. The Commission requested a preliminary injunction and final judgment enjoining Applicant, its officers, agents, servants, and employees, and those persons in active concert or participation with them from further transacting business as a registered investment company, from effecting any redemption of Applicant's shares, and from suspending the right of redemption or postponing the date of payment of satisfaction upon redemption of any redeemable security in accordance with its terms. The Commission also requested an order appointing a conservator of all the assets and properties of Applicant and authorizing, empowering and directing such conservator to collect and take charge of same, and to hold the same subject to further order of the court.

On January 25, 1966, Applicant consented to entry of judgment of preliminary injunction and appointment of a conservator. A conservator was appointed, and it prepared a Final Plan of Distribution which was approved by order of Judge Bonsal of the U.S. District Court for the Southern District of New York on March 17, 1969. Pursuant to such order the conservator made distributions in accordance with the Final Plan, which distributions were completed by June 4, 1970.

By virtue of the order of January 25, 1966, which enjoined Applicant from issuing, selling, purchasing, or redeeming any security or securities, or otherwise effecting any transaction or business of a registered investment company and

with which Applicant has complied, Applicant alleges that it is no longer an investment company as defined in section 3 of the Act.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 30, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[F.R. Doc. 70-13951; Filed, Oct. 15, 1970; 8:46 a.m.]

[70-4932]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Bonds at Competitive Bidding

OCTOBER 12, 1970.

Notice is hereby given that Jersey Central Power & Light Co. (Jersey Central), Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960, an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Jersey Central proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $16 million principal amount of First Mortgage Bonds, ____ percent Series due December 1, 2000. The interest rate (which will be a multiple of one-eighth of 1 percent and the price (which will be not less than 100 percent nor more than 102.75 percent of the principal amount thereof plus accrued interest from Dec. 1, 1970, to the date of delivery) will be determined by the competitive bidding. The bonds will be issued under and secured by an Indenture, dated as of March 1, 1946, of Jersey Central to First National City Bank, Successor Trustee, as heretofore supplemented and amended and as to be further supplemented and amended by an 18th supplemental indenture to be dated as of December 1, 1970, and which includes, subject to certain exceptions, a prohibition until December 1, 1975, against refunding the issue with proceeds of funds borrowed at a lower interest cost.

The proceeds from the sale of the bonds will be used to pay a portion of Jersey Central's short-term bank notes outstanding at the date of sale of the bonds. Such notes amounted to $36,600,000 at August 31, 1970, and are expected to aggregate approximately $48 million at the date of sale of the bonds. The proceeds from the sale of such notes have been or will be used directly or indirectly to finance Jersey Central's construction program which for 1970-71 is estimated at approximately $239,600,000. The principal amount of the bonds proposed to be issued is approximately the maximum amount that Jersey Central is permitted to issue on the basis of its earnings for the 12 months ended August 31, 1970, by reason of its debenture indenture, dated as of October 1, 1963, with Irving Trust Co., which specifies the interest coverage requirements for the issuance of additional funded debt by Jersey Central.

It is stated that the fees and expenses to be paid by Jersey Central in connection with the issue and sale of the bonds are estimated at $80,000 including counsel fees of $25,500 and accountants' fees of $6,000 and that the fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

It is further stated that the Board of Public Utility Commissioners of New Jersey has jurisdiction over the proposed issue and sale of bonds by Jersey Central and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 4, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the abovestated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may be deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[F.R. Doc. 70-13950; Filed, Oct. 15, 1970; 8:46 a.m.]

[70-4926]

SOUTHERN CO. ET AL.

Notice of Proposed Issue and Sale of Common Stock by Holding Company at Competitive Bidding and Intrasystem Issues, Sales and Acquisitions of Common Stocks

OCTOBER 12, 1970.

In the matter of The Southern Co., 3390 Peachtree Road NE., Atlanta, Ga. 30326; Georgia Power Co., 270 Peachtree Street, Atlanta, Ga. 30303; Alabama Power Co., 600 North 18th Street, Birmingham, Ala. 35202.

Notice is hereby given that The Southern Co. (Southern), a registered holding company, and two of its electric utility subsidiary companies, Georgia Power Co. (Georgia) and Alabama Power Co. (Alabama), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 6(b), 7, 9(a), 10, and 12(f) of the Act and Rules 43 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Southern proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, such additional shares of its authorized

but unissued common stock of the par value of $5 per share as may be necessary to result in aggregate cash proceeds to it of approximately $75 million. The precise number of shares to be issued and sold will be filed by amendment prior to the entry of an order herein. Southern proposes to use the proceeds from the sale of the common stock together with other available funds (1) to acquire additional common stock of its subsidiary companies as authorized by the Commission on January 29, 1970 (Holding Company Act Release No. 16596), (2) to pay short-term notes of $23,100,000 which were issued for the purpose of making such investments, and (3) for additional investments in 1970 in common stock of its subsidiary companies as follows: $4 million for the purchase of $40,000 additional shares of no-par value common stock of Alabama and $12 million for the purchase of 120,000 additional shares of no-par value common stock of Georgia.

Georgia and Alabama propose to use the proceeds from the sale of their common stocks to pay short-term notes and to finance, in part, their 1970 construction expenditures estimated at $226,761,000 and $158,666,000, respectively.

It is stated that additional funds necessary to finance 1970 construction expenditures have been and will be obtained by such subsidiary companies from (a) internal sources, (b) the sale of short-term promissory notes, and (c) the sale of first mortgage bonds and preferred stock.

The fees and expenses to be incurred by Southern in connection with the transactions proposed by it are to be supplied by amendment. The expenses to be incurred by the subsidiary companies in connection with their proposed transactions are estimated at $200 in the case of each subsidiary company.

It is stated that the issuance and sale of the additional shares of common stock by Alabama has been authorized by the Alabama Public Service Commission; the issuance and sale of additional shares of common stock by Georgia require authorization of the Georgia Public Service Commission; and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 30, 1970, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective, as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[F.R. Doc. 70-13952; Filed, Oct. 15, 1970; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

National Highway Safety Bureau

[Dockets Nos. 70-16; 70-17]

AIR BRAKES ON TRUCKS, BUSES, AND TRAILERS

Subject Matter for Technical Conference

The purpose of this notice is to set forth the matters to be discussed at the technical conference on air brakes on trucks, buses, and trailers, to be held by the National Highway Safety Bureau on October 20, 1970, at 9 a.m. in Room 2230, Department of Transportation Building, 400 Seventh Street SW., Washington, D.C. The conference was announced on September 22, 1970 (35 F.R. 14736).

A part of the conference will be devoted to discussion of research now underway on air brake systems. Information concerning current research efforts by industry is encouraged.

Another area for discussion is the question of compatibility between existing vehicles and vehicles manufactured to comply with the proposed standard. A third area concerns the coordination of braking between vehicles in combination, and the related problems of the means by which coordination is achieved or measured. A fourth broad area concerns the general technique of dynamometer testing as employed in the proposed standards. With respect to the trailer test, there was also considerable comment about the need to specify the capacity of components in the trailer test rig, the flow rates, the pressure drops, and similar characteristics. This question will also be discussed. Other areas of discussion will include definitions, antilockup warning signals, split service brake systems, and the automatic application and release of the parking brakes.

Many of the comments received in response to the June 25, 1970, notice of proposed rulemaking revealed a misunderstanding as to the purpose and legal significance of the safety standards. This misunderstanding was exemplified by several comments to the effect that one of the test conditions proposed, "Wind velocity is zero," would severely limit the number of days available for testing. Actually, the standards are not instructions for, or descriptions of, manufacturer tests. They are statements of requirements that each vehicle or item of equipment must meet when tested by the Bureau. Thus, in the example above, the condition simply means that the vehicles in question must meet the relevant braking tests if (among other things) the air is still, that is, with wind neither helping nor hindering the vehicle's performance. One obvious way in which a manufacturer could check his vehicle's conformity, with reference to that condition, is to run his tests with whatever wind is present adverse to the vehicle (with a resultant tailwind, in the case of braking). No specific types or numbers of tests are required by the standards, however. Manufacturers are required to exercise due care to insure that their vehicles will meet the standards if tested by the Bureau, and they are at their own discretion in devising an appropriate testing program for that purpose.

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegations of authority at 49 CFR 1.51 (35 F.R. 4955) and 49 CFR 501.8 (35 F.R. 11126).

Issued on October 13, 1970.

RODOLFO A. DIAZ, *Acting Associate Director, Motor Vehicle Programs.*

[F.R. Doc. 70-14030; Filed, Oct. 15, 1970; 8:50 a.m.]

National Transportation Safety Board

[Docket No. SA-421]

AIRCRAFT ACCIDENT NEAR SILVER PLUME, COLO.

Notice of Accident Investigation Hearing

In the matter of investigation of accident involving Martin 404, N464M, 8 miles west of Silver Plume, Colo., near Loveland Pass, October 2, 1970.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9 a.m. (local time) on October 21, 1970,

at the Duerksen Fine Art Center Auditorium of Wichita State University, 18th and Hillside, Wichita, Kans.

Dated this 12th day of October 1970.

[SEAL] THOMAS K. MCDILL,
Hearing Officer.

[F.R. Doc. 70-13953; Filed, Oct. 15, 1970; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-293]

BOSTON EDISON CO.

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

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Boston Edison Co., with letter dated September 14, 1970, has submitted an environmental report which discusses environmental considerations relating to the proposed operation of the Pilgrim Nuclear Power Station. A copy of the report is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and in the Office of the Chairman, Board of County Commissioners, Russell Street, Plymouth, Mass. The Boston Edison Co. has requested a license to operate the Pilgrim Nuclear Power Station which is now under construction on the applicant's site on the western shore of Cape Cod Bay in the town of Plymouth, Mass. Provisional Construction Permit No. CPPR-49 authorizing construction of the facility was issued by the Commission on August 26, 1968.

The Commission hereby requests, within 60 days of publication of this notice in the FEDERAL REGISTER, comments on the proposed action and the report from State and local agencies of any affected State (with respect to matters within their jurisdiction) which are authorized to develop and enforce environmental standards. If such State or local agency fails to provide the Commission with comments within 60 days of publication of this notice in the FEDERAL REGISTER, it will be presumed that the agency has no comments to make.

Copies of the applicant's report, dated September 1970, and the comments thereon of Federal agencies (whose comments are being separately requested by the Commission) will be supplied to such State and local agencies upon request addressed to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 12th day of October, 1970.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 70-13929; Filed, Oct. 15, 1970; 8:45 a.m.]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO. ET AL.

Notice of Hearing on Application for Construction Permit

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at 10 a.m. local time, on November 19, 1970, in the Exhibit Hall, Columbia County Fairgrounds, St. Helens, Oreg., to consider the application filed under section 104b of the Act by the Portland General Electric Co., the city of Eugene, Oreg., acting by and through the Eugene Water & Electric Board, and Pacific Power and Light Co. (the applicants), for a construction permit for a pressurized water nuclear reactor, designed to operate initially at 3,423 megawatts (thermal), to be located at the Portland General Electric Co.'s site adjacent to the Columbia River in Columbia County, Oreg., approximately 30 miles northwest of Portland, Oreg.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission, consisting of Mr. Warren E. Nyer, Idaho Falls, Idaho; Mr. Hood Worthington, Wilmington, Del.; and James R. Yore, Esq., Washington, D.C., Chariman. Dr. Thomas H. Pigford, Berkeley, Calif., has been designated as a technically qualified alternate, and Valentine B. Deale, Esq., Washington, D.C., has been designated as an alternate qualified in the conduct of administrative proceedings.

A prehearing conference will be held by the board in the Exhibit Hall, Columbia County Fairgrounds, St. Helens, Oreg., on November 4, 1970, at 2 p.m. local time, to consider the matters provided for consideration by 10 CFR 2.752 and section II of Appendix A to 10 CFR Part 2.

The Director of Regulation proposes to make affirmative findings on Item Nos. 1-3 and a negative finding on Item 4 specified below as the basis for the issuance of a construction permit to the applicants.

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicants have described the proposed design of the facility including, but not limited to, the principal architectural and engineering criteria for the design, and have identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicants and the applicants have identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicants are technically qualified to design and construct the proposed facility;

3. Whether the applicants are financially qualified to design and construct the proposed facility; and

4. Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4 of the Commission's rules of practice, the board will, without conducting a de novo evaluation of the application, consider the issues of whether the application and the record of the proceeding contain sufficient information, and the review by the Commission's regulatory staff has been adequate, to support the findings proposed to be made and the construction permit proposed to be issued by the Director of Regulation.

In the event that this proceeding becomes a contested proceeding, the board will consider and initially decide, as the issues in this proceeding, Item Nos. 1 through 4 above as the basis for determining whether a construction permit should be issued to the applicants.

As they become available, the application, the proposed construction permit, the applicants' summary of the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS) and the Safety Evaluation by the Commission's regulatory staff will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of this notice of hearing, the proposed construction permit, the ACRS report, the applicants' summary of the application and the regulatory staff's Safety Evaluation will also be available at the Law Library, Columbia County Circuit Court, Columbia County Courthouse, St. Helens, Oreg., for inspection by members of the public each weekday during regular business hours. Copies of the proposed construction permit, the ACRS report and the regulatory staff's Safety Evaluation may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene,

may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the board, within such limits and on such conditions as may be fixed by the board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, by October 30, 1970.

Any person whose interest may be affected by the proceeding who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of 10 CFR 2.714 of the Commission's rules of practice, must be received in the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than October 30, 1970, or in the event of a postponement of the prehearing conference, at such time as the board may specify. The petition shall set forth the interest of the petitioner in the proceedings, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating only to matters outside the Commission's jurisdiction will be denied. A petition for leave to intervene which is not timely will be denied unless the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding, and has all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the Commission's rules of practice, must be filed by the applicants on or before October 30, 1970.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the board, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and 20 copies of each such paper with the Commission.

With respect to this proceeding, the Commission has delegated to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission has established the Appeal Board pursuant to 10 CFR 2.785 of the Commission's rules of practice, and has made the delegation pursuant to paragraph (a)(1) of this section. The Appeal Board is composed of the Chairman and Vice Chairman of the Atomic Safety and Licensing Board Panel and a third member who is technically qualified and designated by the Commission. The Commission has designated Dr. Lawrence Quarles, Dean of the School of Engineering and Applied Science, The University of Virginia, as this third member.

Dated at Washington, D.C., this 14th day of October 1970.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. McCOOL,
Secretary of the Commission.

[F.R. Doc. 70-14067; Filed, Oct. 15, 1970; 10:29 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22592; Order 70-10-61]

BUCKEYE AIR SERVICE, INC.

Order To Show Cause

Issued under delegated authority October 12, 1970.

The Postmaster General filed a notice of intent September 23, 1970, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 56.4 cents per great circle aircraft mile for the transportation of mail by aircraft between Fort Wayne, Ind., and Louisville, Ky., via Indianapolis, Ind., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft C-45 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Buckeye Air Service, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 56.4 cents per great circle aircraft mile between Fort Wayne, Ind., and Louisville, Ky., via Indianapolis, Ind., based on five round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f):

It is ordered, That:

1. Buckeye Air Service, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Ozark Air Lines, Inc., Trans World Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Buckeye Air Service, Inc.;

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

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

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307; and

5. This order shall be served upon Buckeye Air Service, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Delta Air Lines,

[1] This order to show cause is not a final action and is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will be applicable to final action taken by the staff under authority delegated in § 385.16(g).

Inc., Eastern Air Lines, Inc., Ozark Air Lines, Inc., and Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70-13979; Filed, Oct. 15, 1970; 8:49 a.m.]

[Docket No. 21357]

CARIBBEAN-ATLANTIC AIRLINES, INC.

Notice of Prehearing Conference Regarding Subsidy Rate

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 5, 1970, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Ross I. Newmann.

The request of the Bureau of Economics for information and evidence should be filed with the Examiner, Caribbean-Atlantic, and the Postmaster General on or before October 29, 1970. Proposed statements of issues and proposed procedural dates by any party should be submitted on or before October 29, 1970.

Dated at Washington, D.C., October 12, 1970.

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

[F.R. Doc. 70-13978; Filed, Oct. 15, 1970; 8:49 a.m.]

[Docket No. 22588; Order 70-10-60]

MONTGOMERY AVIATION CORP.

Order To Show Cause

Issued under delegated authority October 12, 1970.

The Postmaster General filed a notice of intent September 23, 1970, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 54.94 cents per great circle aircraft mile for the transportation of mail by aircraft between Dothan, Ala., and Memphis, Tenn., via Montgomery and Birmingham, Ala., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beech E-18-S aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Montgomery Aviation Corp. in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 54.94 cents per great circle aircraft mile between Dothan, Ala., and Memphis, Tenn., via Montgomery and Birmingham, Ala., based on five round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f):

It is ordered, That:

1. Montgomery Aviation Corp., the Postmaster General, Delta Air Lines, Inc., Eastern Air Lines, Inc., Southern Airways, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Montgomery Aviation Corp.;

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

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

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Montgomery Aviation Corp., the Postmaster General, Delta Air Lines, Inc., Eastern Air Lines, Inc., and Southern Airways, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70-13980; Filed, Oct. 15, 1970; 8:49 a.m.]

[Docket No. 22586; Order 70-10-63]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause

Issued under delegated authority October 12, 1970.

The Postmaster General filed a notice of intent September 23, 1970, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 76.89 cents per great circle aircraft mile for the transportation of mail by aircraft between St. Louis and Kansas City, Mo., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beech Westwind turboprop aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Line, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 76.89 cents per great circle aircraft mile between St. Louis and Kansas City, Mo., based on five round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f):

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., Delta Air Lines, Inc., Frontier Airlines, Inc., Ozark Air Lines,

[1] This order to show cause is not a final action and is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will be applicable to final action taken by the staff under authority delegated in § 385.16(g).

[1] This order to show cause is not a final action and is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will be applicable to final action taken by the staff under authority delegated in § 385.16(g).

Inc., Trans World Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

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

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

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., Delta Air Lines, Inc., Frontier Airlines, Inc., Ozark Air Lines, Inc., and Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-13981; Filed, Oct. 15, 1970; 8:49 a.m.]

[Docket No. 20216, etc.; Order 70-10-51]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause

Issued under delegated authority October 9, 1970.

Final service mail rates for the transportation of mail by aircraft, established by Order 70-3-50, dated March 10, 1970, are currently in effect for the above-captioned air taxi, operating under 14 CFR Part 298. These rates are based on six round trips per week.

On August 28, 1970, the Postmaster General filed petitions in these dockets stating that the volume of mail involved does not justify weekend trips on these routes and that he has been authorized by the carrier to petition for new rates based on five round trips per week. The carrier and the Post Office Department have agreed that the following rates are the fair and reasonable rates for the proposed services: [1]

Docket	Between	Cents per mile
20216	Sioux City and Des Moines, via Carroll, Iowa.	52.26
20218	Dubuque and Des Moines, via Waterloo, Iowa.	49.32
20226	Decorah and Des Moines, via Mason City, Iowa.	51.75
20227	Sheldon and Des Moines, via Spencer and Fort Dodge, Iowa.	53.54
20229	Burlington, and Des Moines, via Ottumwa, Iowa.	48.22

The Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid by the Postmaster General for the transportation of mail by aircraft between the aforesaid points. Upon consideration of the petition and other matters officially noticed, it is proposed to issue an order [2] to include the following findings and conclusions:

1. The fair and reasonable final service mail rates per great circle aircraft mile to be paid on and after August 28, 1970, to Sedalia, Marshall, Boonville Stage Line, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith shall be as follows:

Docket	Between	Cents per mile
20216	Sioux City and Des Moines, via Carroll, Iowa.	52.26
20218	Dubuque and Des Moines, via Waterloo, Iowa.	49.32
20226	Decorah and Des Moines, via Mason City, Iowa.	51.75
20227	Sheldon and Des Moines, via Spencer and Fort Dodge, Iowa.	53.54
20229	Burlington and Des Moines, via Ottumwa, Iowa.	48.22

2. These final rates, to be paid entirely by the Postmaster General, are based on five round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and the Board's regulations (14 CFR Part 302, 14 CFR Part 298) and the authority duly delegated by the Board in its Organization Regulations (14 CFR 385.16(f)):

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Ozark Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, as the fair and reasonable rates of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

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

3. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, and Ozark Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

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

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

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

[F.R. Doc. 70-13982; Filed, Oct. 15, 1970; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 513]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

OCTOBER 12, 1970.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with

[1] By petition filed in Docket 22334, on June 25, 1970, Sedalia requested rate increases for these segments to cover fuel taxes imposed on certain operations by the Airport and Airways Revenue Act of 1970 (Public Law 91-258, 84 Stat. 236). On Sept. 21, 1970, the Internal Revenue Service advised the Postmaster General that the air taxi operations in question are subject to the excise tax imposed by section 4271 of the U.S. Internal Revenue Code and therefore will not be subject to the increased fuel tax in the Act. The Postmaster General has requested that the petition in Docket 22334 be dismissed.

[2] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[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).

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.

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

1836-C2-TC-(2)-71—Mobilephone of Texas. Consent to transfer of control from Cecil A. White, Jr., and June R. White, Transferors, to Roy M. Teel, Transferee. Stations: KQZ708, Beaumont, Tex. (1-way); KLB322, Beaumont, Tex.

1868-C2-P-71—West Texas Rural Telephone Coop., Inc. (New), C.P. for a new 2-way station to be located at 5.5 miles southeast of Friona, Tex., to operate on frequency 152.72 MHz.

1869-C2-P-71—Radiofone (New), C.P. for a new 2-way station to be located on the north side of State Highway No. 44, Dutch Bayou, La., to operate on frequency 454.275 MHz.

1870-C2-P-71—George E. Kitchen & Associates (New), C.P. for a new 1-way station to be located at 552½ West Columbia Avenue, Battle Creek, Mich., to operate on frequency 158.70 MHz.

1871-C2-P-71—3-Rivers Telephone Coop., Inc. (KUA275), C.P. to add frequency 152.630 MHz at station located at 2.6 miles southwest of Fairfield, Mont.

1872-C2-P-71—Mobile Radio Systems Ltd. (KSJ824), C.P. to change the antenna system and relocate facilities operating on 152.21 MHz at location No. 2: 1704 East Jackson Street, Springfield, Ill.

1875-C2-P-71—Oregon Mobile Telephone Co. (New), C.P. for a new air-ground station to be located at Elko Mountain, 8 miles northeast of Elko, Nev., to operate on frequency 454.750 MHz base and 454.675 MHz signaling.

1876-C2-P-71—Citizens Utilities Co. of California (New), C.P. for a new 2-way station to be located at 1455 Main Street, Burney, Calif., to operate on frequency 152.69 MHz.

1877-C2-P-(3)-71—Klamath Falls Mobile Service (New), C.P. for a new 2-way station to operate on frequency 152.12 MHz base and 459.25 MHz repeater at location No. 1: 12 miles north-northeast of Klamath Falls, Swan Lake Point, Oreg., and frequency 454.25 MHz control at location No. 2: 2271 Shasta Way, Klamath Falls, Oreg.

1878-C2-P-(3)-71—Answerite Professional Telephone Service (KIY581), C.P. to add frequencies 454.075, 454.175 and 454.225 MHz at location No. 1: Park Plaza Hotel, 41 East Central Boulevard, Orlando, Fla.

1879-C2-P-(3)-71—New Jersey Bell Telephone Co. (New), C.P. for a new 2-way station to be located on Beverly Street, Parsippany-Troy Hills Township, N.J., to operate on frequencies 454.400, 454.500 and 454.600 MHz.

1880-C2-P-71—Telephone Answering Service (New), C.P. for a new 1-way station to be located at 3050 South Sandstone Road, Jackson, Mich., to operate on frequency 158.70 MHz.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

1881-C2-P-(3)-71—Southwestern Bell Telephone Co. (KKD283), C.P. to change the antenna system operating on frequencies 454.375, 454.450, and 454.500 MHz and relocate same to a new location described as location No. 2: Normandy Road and 42d Street, Fort Worth, Tex.

1882-C2-P-(3)-71—Stockton Mobilphone, Inc. (KMA616), C.P. to add frequency 152.15 MHz base and 72.22 MHz repeater at a new site described as location No. 2: On Bear Mountain Ridge, 4.5 miles southwest of Angels Camp, Calif., and add frequency 75.74 MHz control at new site location No. 3: 2171 Ralph Avenue, Stockton, Calif.

1883-C2-P-(3)-71—Tracy Mobilphone (KMM630), C.P. to add frequency 152.12 MHz base and 72.14 MHz repeater at a new site described as location No. 3: On Bear Mountain Ridge, 4.5 miles southwest of Angels Camp, Calif., and add 75.66 MHz control at location No. 2: 2171 Ralph Avenue, Stockton, Calif.

1932-C2-P-(2)-71—Comex, Inc. (KCC797), C.P. to add frequency 454.275 MHz at a new site described as location No. 2: North Peak, Mount Ascutney, Vt., and add 459.275 MHz control.

7112-C2-R-71—Mobile Radiotelephone Corp. (KIY725), Renewal of license expiring Apr. 1, 1969. Term: Apr. 1, 1969 to Apr. 1, 1974.

871-C2-R-71—Wisconsin Telephone Co. (KC9691), Renewal of developmental license expiring Nov. 1, 1970. Term: Nov. 1, 1970 to Nov. 1, 1971.

Renewal of developmental license expiring Oct. 31, 1970. Term: Oct. 31, 1970 to Oct. 31, 1971, as follows:

The Bell Telephone Co. of Pennsylvania, KGI268.
The Chesapeake & Potomac Telephone Co. of Maryland, KGI270.
The Chesapeake & Potomac Telephone Co. of Maryland, KGI271.
The Chesapeake & Potomac Telephone Co. of Maryland, KGI272.
The Chesapeake & Potomac Telephone Co. of Maryland, KGI273.
The Diamond State Telephone Co., KGI269.
New Jersey Bell Telephone Co., KEK270.
New Jersey Bell Telephone Co., KEK271.
New Jersey Bell Telephone Co., KEK272.

Correction

1681-C2-P-71—Area Wide Paging System (New), Correct to read: Major amendment to 33-C2-P-71, to add frequency 454.325 MHz. All other particulars same as reported on Public Notice dated Oct. 5, 1970.

Informative

3519-C2-TC-70—Industrial Communications Systems, Los Angeles, Calif. (KMD990), Change in name of transferee from California Mobile Telephone Co. to Communication Investments of California, Inc.

5619-C2-P-(2)-70—California Mobile Telephone Co., Fresno, Calif. Change in name from California Mobile Telephone Co., to California Air Communications, Inc.

5291-C2-P-(3)-70—California Mobile Telephone Co., Glendale, Calif. Change in name from California Mobile Telephone Co., to California Air Communications, Inc.

5620-C2-P-(3)-70—California Mobile Telephone Co., San Diego, Calif. Change in name from California Mobile Telephone Co., to California Air Communications, Inc.

4741-C2-P-(2)-70—California Mobile Telephone Co., San Francisco, Calif. Change in name from California Mobile Telephone Co., to California Air Communications, Inc.

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

1837-C1-P-71—The Mountain States Telephone & Telegraph Co. (KLC49), C.P. to add frequency 10,715 and 10,955 MHz toward Sandia Crest, N. Mex. Station location: 120 Fourth Street NW., Albuquerque, N. Mex.

1838-C1-P-71—The Mountain States Telephone & Telegraph Co. (KLS35), C.P. to add frequencies 11,405 and 11,645 MHz toward Albuquerque, N. Mex. Station location: Sandia Crest, 5.8 miles northwest of Sandia Park, N. Mex.

1839-C1-P-71—New York Telephone Co. (KEL91), C.P. to add frequency 6330.7 MHz toward Paterson, N.J. Station location: 200 Park Avenue, New York, N.Y.

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

1840–C1–P–71—New Jersey Bell Telephone Co. (KEK95), C.P. to add frequency 5997.1 MHz toward Pompton Lakes, N.J. Station location: Near Benwell Avenue, Paterson-Hamburg Turnpike, Wayne Township, N.J.

1873–C1–P–71—Illinois Bell Telephone Co. (WAN62), C.P. to add frequencies 11,245 and 11,605 MHz toward Aurora, Ill. Station location: 3.3 miles north-northeast of Plano, Ill.

1874–C1–P–71—Illinois Bell Telephone Co. (New), C.P. for a new station to be located at 619 Indian Trail Road, Aurora, Ill. Frequencies: 10,795 and 11,155 MHz toward Plano, Ill.

1886–C1–P–71—Pacific Northwest Bell Telephone Co. (KOC69), C.P. to add frequency 6204.7 MHz toward Tacoma, Wash. Location: 3.5 miles southeast of Orting, Wash.

1887–C1–P–71—The Mountain States Telephone & Telegraph Co. (KYJ79), C.P. to add frequency 2164.6 MHz toward Jim Bridger Power Plant, Wyo. Location: 18.3 miles south-southwest of Bitter Creek, Wyo.

1888–C1–P–71—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new station to be located at 3.5 miles north of Point of Rocks, Wyo. Frequency: 2114.6 MHz toward Pine Butte, Wyo.

1889–C1–P–71—Southern Bell Telephone & Telegraph Co. (KJW92), C.P. to add frequencies 6034.2 and 6152.8 MHz toward Stuart, Fla. Location: 712 Citrus Avenue, Fort Pierce, Fla.

1890–C1–P–71—Southern Bell Telephone & Telegraph Co. (KOC62), C.P. to add frequencies 6286.2 and 6404.8 MHz toward Jupiter, Fla., and 6286.2 and 6404.8 MHz toward Fort Pierce, Fla.

1891–C1–P–71—Southern Bell Telephone & Telegraph Co. (KOC63), C.P. to add frequencies 6034.2 and 6152.8 MHz toward West Palm Beach, Fla., and 6034.2 and 6152.8 MHz toward Stuart, Fla. Location: 0.1 mile west of Jupiter, Fla.

1892–C1–P–71—Southern Bell Telephone & Telegraph Co. (KJG24), C.P. to add frequencies 6286.2 and 6404.8 MHz toward Jupiter, Fla. Location: 326 Fern Street, West Palm Beach, Fla.

Wisconsin Telephone Co. Fourteen C.P. applications for a new Microwave System between Milwaukee and the Point Beach Nuclear Plant as a system between Madison and the Waunakee substation as well.

1893–C1–P–71—Wisconsin Telephone Co. (New), C.P. for a new station to be located at 918 North 26th Street, Milwaukee, Wis. Frequencies: 6197.2 and 6315.9 MHz toward 1.5 miles south of Granville Center, Wis.

1894–C1–P–71—Wisconsin Telephone Co. (New), For a new station to be located at 1.5 miles south of Granville Center, Wis. Frequencies: 6034.2 and 6093.5 MHz toward 0.5 mile south of Port Washington, Wis.; and 6004.5 and 6123.1 MHz toward Milwaukee, Wis.

1895–C1–P–71—Wisconsin Telephone Co. (New), For a new station to be located at 0.5 mile south of Port Washington, Wis. Frequencies: 6256.5 and 6315.9 MHz toward 1.7 miles northeast of Random Lake, Wis.; and 6286.2 and 6345.5 MHz toward 1.5 miles south of Granville Center, Wis.

1896–C1–P–71—Wisconsin Telephone Co. (New), For a new station to be located at 1.7 miles northeast of Random Lake, Wis. Frequencies: 5974.8 and 6093.5 MHz toward Graham Corners, Wis.; and 5945.2 and 6123.1 MHz toward Sheboygan, Wis., and 6004.5 and 6063.8 MHz toward Port Washington, Wis.

1897–C1–P–71—Wisconsin Telephone Co. (New), For a new station to be located at 2 miles south of Sheboygan, Wis. Frequencies: 6197.2 and 6375.2 MHz toward Random Lake, Wis.

1898–C1–P–71—Wisconsin Telephone Co. (New), For a new station to be located at 6.3 miles west of Graham Corners, Wis. Frequencies: 6197.2 and 6256.5 MHz toward Fond Du Lac, Wis., and 6226.9 and 6345.5 MHz toward Random Lake, Wis.

1899–C1–P–71—Wisconsin Telephone Co. (New), For a new station to be located at 3.5 miles southwest of Fond Du Lac, Wis. Frequencies: 5974.8 and 6093.5 MHz toward Oshkosh, Wis., and 5945.2 and 6004.5 MHz toward Graham Corners, Wis.

1900–C1–P–71—Wisconsin Telephone Co. (New), For a new station to be located at 5.5 miles southwest of Oshkosh, Wis. Frequencies: 6226.9 and 6315.9 MHz toward Hortonville, Wis., and 6226.9 and 6345.5 MHz toward Fond Du Lac, Wis.

1901–C1–P–71—Wisconsin Telephone Co. (New), For a new station to be located at 1.5 miles east-northeast of Hortonville, Wis. Frequencies: 6004.5 and 6123.1 MHz toward Appleton, Wis., and 6034.2 and 6152.8 MHz toward Oshkosh, Wis.

1902–C1–P–71—Wisconsin Telephone Co. (New), For a new station to be located at 126 North Superior Street, Appleton, Wis. Frequencies: 2162.4 MHz toward Appleton, Wis., and 6256.5 and 6375.2 MHz toward Hortonville, Wis.

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

1903–C1–P–71—Wisconsin Telephone Co. (New), For a new station to be located at 8 miles north-northeast of Appleton, Wis. Frequencies: 2122.0 MHz toward Lark, Wis., and 2212.4 MHz toward Appleton, Wis.

1904–C1–P–71—Wisconsin Telephone Co. (New), For a new station to be located at 2 miles north of Lark, Wis. Frequencies: 2162.4 MHz toward Kewaunee, and 2172.0 MHz toward Appleton, Wis.

1905–C1–P–71—Wisconsin Telephone Co. (New), For a new station to be located at 8 miles south of Kewaunee, Wis. Frequencies: 2112.4 MHz toward Lark, Wis., and 2122.0 MHz toward Two Creeks, Wis.

1906–C1–P–71—Wisconsin Telephone Co. (New), For a new station to be located at 122 West Main Street, Madison, Wis. Frequency: 2172.0 MHz toward Waunakee, Wis.

1910–C1–P–71—MCI-New York West, Inc. (New), Site 66: C.P. for a new fixed station at 250 West 87th Street, Chicago, Ill., at latitude 41°44'15" N., longitude 87°37'51" W. Frequencies 11,225 and 11,465 MHz toward John Hancock Building, Chicago, Ill., and frequencies 11,285 and 11,525 MHz toward Gary, Ind.

1911–C1–P–71—MCI-New York West, Inc. (New), Site 67: C.P. for a new fixed station 7.8 miles south of Petersburg, Mich., at latitude 41°46'57" N., longitude 83°42'17" W. Frequencies 11,225 and 11,465 MHz toward Jasper, Mich., and frequencies 11,285 and 11,525 MHz toward Toledo, Ohio.

1912–C1–P–71—MCI-New York West, Inc. (New), Site 68: C.P. for a new fixed station at intersection of Mackenzie and Terrace, Olmsted, Ohio, at latitude 41°23'51" N., longitude 81°55'58" W. Frequencies 11,225 and 11,465 MHz toward Penfield Junction, Ohio, and frequencies 6034.2 and 6152.8 MHz toward Chardon, Ohio.

1913–C1–P–71—MCI-New York West, Inc. (New), Site 69: C.P. for a new fixed station at 753 Northfield Avenue, West Orange, N.J., at latitude 40°46'12" N., longitude 74°17'36" W. Frequencies 5989.7 and 6108.3 MHz toward Woodport, N.J., and frequencies 10,735 and 10,975 MHz toward New York, N.Y.

1914–C1–P–71—MCI-New York West, Inc. (New), Site 70: C.P. for a new fixed station at 0.7 mile southeast of Hartford, Ohio, at latitude 41°18'06" N., longitude 80°33'30" W. Frequencies 6271.4 and 6390.0 MHz toward Ellwood City, Pa. Frequencies 6212.0 and 6330.7 MHz toward Middlefield, Ohio, and frequencies 10,735 and 10,975 MHz toward Youngstown, Ohio.

1915–C1–P–71—MCI-New York West, Inc. (New), Site 71: C.P. for a new fixed station 3.3 miles northeast of Middlefield, Ohio, at latitude 41°29'21" N., longitude 81°00'45" W. Frequencies: 5960.0 and 6078.6 MHz Hartford, Ohio, and frequencies 5989.7 and 6108.3 MHz toward Chardon, Ohio.

1943–C1–P–71—General Telephone Co. of Florida (KJA74), C.P. to change antenna location from: 1.2 miles south of Ruskin, Fla., to: 1.2 miles, 5° east of south from Ruskin, Fla.

1944–C1–P–71—General Telephone Co. of Florida (KPP65), C.P. to change antenna location from: On U.S. No. 301, 0.7 mile south of Parrish, Fla., to: 0.7 mile south of Parrish on U.S. 301, Parrish, Fla.

1945–C1–P–71—The Ohio Bell Telephone Co. (KQH47), C.P. to add frequency 5989.7 MHz toward Paulding, Ohio. Location: Elliott Road, 1.5 miles north of Defiance, Ohio.

1946–C1–P–71—The Ohio Bell Telephone Co. (New), C.P. for a new station to be located at 3.5 miles northwest of Paulding, Ohio. Frequency: 6301.0 MHz toward Defiance, Ohio.

Major Amendment

1366–C1–P–70—MCI-New York West, Inc. (New), Site 1: Change proposed station location to John Hancock Building, Michigan Avenue, Chicago, Ill., latitude 41°53'56" N., longitude 87°37'26" W.; delete Gary, Ind. as a point of communication and change frequencies to 10,735 and 10,975 MHz toward new point of communication at Chicago, Ill.

1367–C1–P–70—MCI-New York West, Inc. (New), Site 2: Delete Dickerson Warehouse, Chicago, Ill., as a point of communication and change frequencies to 10,715 and 10,955 MHz toward a new point of communication at 250 West 87th Street, Chicago, Ill. Station location: 504 Broadway Street, Gary, Ind.

1369–C1–P–70—MCI-New York West, Inc. (New), Site 4: Change frequencies to 5989.7 and 6108.3 MHz toward Pinola, Ind. Station location: 2 miles south-southwest of Mishawaka, Ind.

1370–C1–P–70—MCI-New York West, Inc. (New), Site 5: Change frequencies to 6197.2 and 6315.9 MHz toward Mishawaka, Ind., delete Hillsdale, Mich., as a point to communication and change frequencies to 6197.2 and 6315.9 MHz toward new point of communication at Montgomery, Mich. Station location: 1.5 miles south-southwest of Sturgis, Mich.

1371–C1–P–70—MCI-New York West, Inc. (New), Site 6: Change proposed station location to 3.4 miles west of Montgomery, Mich., latitude 41°46'45" N., longitude 84°52'30" W.; change frequencies to 5945.0 and 6063.8 MHz toward Sturgis, Mich.; delete Adrian, Mich., as a point of communication and change frequencies to 5974.8 and 6093.5 MHz, toward new point of communication at Jasper, Mich.

1372–C1–P–70—MCI-New York West, Inc. (New), Site 7: Change proposed station location to 2 miles southeast of Jasper, Mich., latitude 41°46'28" N., longitude 84°00'20" W.); delete Hillsdale, Mich., and Toledo, Ohio, as points of communication and substitute therefore Montgomery, Mich., and Petersburg, Mich., and change frequencies toward new point of communication at Petersburg to 10,755 and 10,995 MHz.

1373–C1–P–70—MCI-New York West, Inc. (New), Site 8: Delete Adrian, Mich., as a point of communication and change frequencies to 10,735 and 10,975 MHz toward new point of communication at Petersburg, Mich.; change frequencies toward Hessville, Ohio, to 5960.0 and 6078.6 MHz. Station location: Jefferson and St. Claire Streets, Toledo, Ohio.

1374–C1–P–70—MCI-New York West, Inc. (New), Site 9: Change frequencies to 6212.0 and 6330.7 MHz toward Toledo, Ohio. Station location: 2 miles south-southeast of Hessville, Ohio.

1376–C1–P–70—MCI-New York West, Inc. (New), Site 11: Delete Cleveland, Ohio, as a point of communication and change frequencies to 10,735 and 10,975 MHz toward new point of communication at Olmsted, Ohio. Station location: 1.3 miles south of Penfield Junction, Ohio.

1377–C1–P–70—MCI-New York West, Inc. (New), Site 12: Change proposed station location to Euclid and 17th Streets, Cleveland, Ohio (latitude 41°30'06" N., longitude 81°40'50" W.); delete Penfield Junction, Painesville and Mantua Corners, Ohio, as points of communication and associated frequencies; add frequencies 10,755 and 10,995 MHz toward a new point of communication at Chardon, Ohio.

1378–C1–P–70—MCI-New York West, Inc. (New), Site 13: Delete Cleveland, Ohio, as a point of communication and change frequencies to 10,735 and 10,975 MHz toward new point of communication at Chardon, Ohio. Station location: 4.8 miles east-southeast of Painesville, Ohio.

1379–C1–P–70—MCI-New York West, Inc. (New), Site 14: Change frequencies to 5989.7 and 6108.3 MHz toward Painesville, Ohio, and change frequencies to 6049.0 and 6167.6 MHz toward Godard, Pa. Station location: 3.8 miles south of Ashtabula, Ohio.

1383–C1–P–70—MCI-New York West, Inc. (New), Site 18: Change frequencies to 6241.7 and 6360.3 MHz toward Sherman, N.Y. Station location: 2.3 miles west-southwest of New Albion, N.Y.

1384–C1–P–70—MCI-New York West, Inc. (New), Site 19: Change frequencies to 5960.0 and 6078.6 MHz toward Buffalo, N.Y. Station location: 0.9 mile east of Angola, N.Y.

1395–C1–P–70—MCI-New York West, Inc. (New), Site 30: Change radio path azimuth to 352°15' toward Stittville, N.Y. Station location: 102 Lafayette Street, Utica, N.Y.

1397–C1–P–70—MCI-New York West, Inc. (New), Site 32: Change frequencies to 6049.0 and 6167.6 MHz toward Albany, N.Y. Station location: 3.8 miles south of Scotchbush, N.Y.

1398–C1–P–70—MCI-New York West, Inc. (New), Site 33: Change frequencies to 6049.0 and 6167.6 MHz toward Albany, N.Y. Station location; 780–790 State Street, Schenectady, N.Y.

1399–C1–P–70—MCI-New York West, Inc. (New), Site 34: Change frequencies to 6241.7 and 6360.3 MHz toward Scotchbush, N.Y. Station location: 397 State Street, Albany, N.Y.

1403–C1–P–70—MCI-New York West, Inc. (New), Site 38: Change frequencies to 6004.5 and 6123.1 MHz toward Ardonia, N.Y., and to 6034.2 and 6152.8 MHz toward Woodport, N.J. Station location: 3.5 miles east-northeast of Quarryville, N.J.

1404–C1–P–70—MCI-New York West, Inc. (New), Site 39: Change frequencies to 6226.9 and 6345.5 MHz toward Quarryville, N.J.; change frequencies to 6197.2 and 6315.9 MHz toward Roxburg, N.J., and to 6197.2 and 6315.9 MHz toward New York, N.Y. Station location: 0.8 mile northwest of Woodport, N.J.

1405–C1–P–70—MCI-New York West, Inc. (New), Site 40: Change frequencies to 5960.0 and 6078.6 MHz toward Allentown, Pa. Station location: 1.8 miles southeast of Roxburg, N.J.

1406–C1–P–70—MCI-New York West, Inc. (New), Site 41: Delete Woodport, N.J., as a point of communication and change frequencies to 11,305 and 11,625 MHz toward a new point of communication at West Orange, N.J. Station location: 350 Fifth Avenue, New York, N.Y.

1407–C1–P–70—MCI-New York West, Inc. (New), Site 42: Change frequency 6330.7 MHz to 6360.3 MHz toward Roxburg, N.J. Station location: 2 miles southeast of Allentown, Pa.

1408–C1–P–70—MCI-New York West, Inc. (New), Site 43: Change frequencies to 6197.2 and 6315.9 MHz toward Roxburg, N.J., and to 11,445 and 11,685 MHz toward Jenkintown, Pa. Delete Boyertown, Pa., as a point of communication and change frequencies to 6226.9 and 6345.5 MHz toward new point of communication at Pottstown, Pa. Station location: 0.4 mile northeast of Gardenville, Pa.

1409–C1–P–70—MCI-New York West, Inc. (New), Site 44: Change frequencies to 10,915 and 11,155 MHz toward Philadelphia, Pa. Station location: 6300 Old York Road, Jenkintown, Pa.

1411–C1–P–70—MCI-New York West, Inc. (New), Site 46: Change proposed station location to 2 miles northeast of Pottstown, Pa. (latitude 40°16'20" N., longitude 75°35'19" W.) and change frequencies to 6004.5 and 6123.1 MHz toward Gardenville, Pa., and to 5945.2 and 6063.8 MHz toward Womelsdorf, Pa.

1412–C1–P–70—MCI-New York West, Inc. (New), Site 47: Delete Boyertown, Pa., as a point of communication and change frequencies to 6286.2 and 6404.8 MHz toward new point of communication at Pottstown, Pa., change frequencies to 6286.2 and 6404.8 MHz toward Harrisburg, Pa., and to 10,715 and 11,035 MHz toward Reading, Pa. Station location: 1.8 miles south of Womelsdorf, Pa.

1413–C1–P–70—MCI-New York West, Inc. (New), Site 48: Change frequencies to 11,285 and 11,605 MHz toward Womelsdorf, Pa. Station location: Lincoln Hotel, Fifth Street, Reading, Pa.

1414–C1–P–70—MCI-New York West, Inc. (New), Site 49: Change proposed station location to 8 North Queens Street, Lancaster, Pa. (latitude 40°02'18" N., longitude 76°18'23" W.)

1416–C1–P–70—MCI-New York West, Inc. (New), Site 51: Change frequencies to 5945.2 and 6063.8 MHz toward Womelsdorf, Pa. Station location: 6900 Chambers Hill Road, Harrisburg, Pa.

1417–C1–P–70—MCI-New York West, Inc. (New), Site 52: Change frequencies to 6197.2 and 6315.9 MHz toward Harrisburg, Pa., and change point of communication from Wells Tannery, Pa., to Robertsdale, Pa. Station location: 4.2 miles northwest of Newburg, Pa.

1418–C1–P–70—MCI-New York West, Inc. (New), Site 53: Change proposed station location to 3 miles north-northeast of Robertsdale, Pa., change frequencies to 5989.7 and 6108.3 MHz toward Newburg, Pa., change frequencies to 5960.0 and 6078.6 MHz toward Reels Corner, Pa., and change frequencies to 5989.7 and 6108.3 MHz toward Greenwood, Pa.

1419–C1–P–70—MCI-New York West, Inc. (New), Site 54: Change point of communication from Wells Tannery, Pa., to Robertsdale, Pa. Station location: 1.7 miles southeast of Greenwood, Pa.

1421–C1–P–70—MCI-New York West, Inc. (New), Site 56: Change point of communication from Wells Tannery, Pa., to Robertsdale, Pa. Station location: 3.8 miles east of Reels Corner, Pa.

1423–C1–P–70—MCI-New York West, Inc. (New), Site 58: Change proposed station location to 7.7 miles southeast of Ligonier, Pa. (latitude 40°09'37" N., longitude 79°08'24" W.); change frequencies and path azimuth to 5974.8 and 6093.5 MHz and 306°10' respectively toward Delmont, Pa., and change radio path azimuth toward Reels Corner, Pa., to 108°38'.

1424–C1–P–70—MCI-New York West, Inc. (New), Site 59: Change radio path azimuth to 125°54' toward Ligonier, Pa. Station location: 1.6 miles south-southeast of Delmont, Pa.

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

1425–C1–P–70—MCI-New York West, Inc. (New), Site 60: Change frequencies to 6034.2 and 6152.8 MHz toward Ohioville, Pa. Station location: 3.3 miles south-southeast of Imperial, Pa.

1427–C1–P–70—MCI-New York West, Inc. (New), Site 62: Delete Austintown, Ohio, as a point of communication and change frequencies to 6226.9 and 6345.5 MHz toward new point of communication at Ellwood City, Pa. Change frequencies to 6256.5 and 6375.2 MHz toward Imperial, Pa. Station location: 6 miles northwest of Ohioville, Pa.

1428–C1–P–70—MCI-New York West, Inc. (New), Site 63: Change proposed station location to 2.4 miles west of Ellwood City, Pa.; delete Mantua Corners and Youngstown, Ohio, as points of communication, and add Hartford, Ohio, as a new point of communication to receive frequencies 5960.0 and 6078.6 MHz and change frequencies and path azimuth to 5974.8 and 6093.5 MHz and 212°00′, respectively toward Ohioville, Pa.

1429–C1–P–70—MCI-New York West, Inc. (New), Site 64: Delete Austintown, Ohio, as a point of communication and change frequencies to 11,225 and 11,405 MHz toward new point of communication at Hartford, Ohio. Station location: 34 West Federal Street, Youngstown, Ohio.

1430–C1–P–70—MCI-New York West, Inc. (New), Site 65: Change proposed station location to 3.8 miles east of Chardon, Ohio (latitude 41°34′45″ N., longitude 81°16′40″ W.); change frequencies to 11,285 and 11,525 MHz toward Cleveland, Ohio; delete Austintown, Ohio, as a point of communication and replace with Middlefield, Ohio and add frequencies 11,225 and 11,465 MHz toward Painesville, Ohio, and 6286.2 and 6404.8 MHz toward Olmsted, Ohio.

All other particulars same as reported in Public Notice dated Sept. 29, 1969. Report No. 459.

6845–C1–P–70—Florida Telephone Corp. (KIO44), Correct geographic coordinates to read latitude 28°34′02″ N., longitude 81°35′09″ W. Station location: 33 North Main Street, Winter Garden, Fla. All other particulars same as reported in Public Notice dated Apr. 27, 1970, Report No. 489.

463–C1–P–71—North State Telephone Co., Inc (New), Geographic coordinates corrected to latitude 70°24′19″ N., longitude 148°40′34″ W. All other particulars same as reported in Public Notice No. 503 dated Aug. 3, 1970.

976–C1–P/ML–71—The Chesapeake & Potomac Telephone Co. (WAN67), Change frequency to 11,155 MHz. All other particulars same as reported in Public Notice No. 506 dated Aug. 24, 1970.

5687–C1–P–70—Pacific Telephone & Telegraph Co. (KMQ34), Change frequency 6271.4 MHz toward Ranger, Calif., to 6345.5 MHz. Station location: 455 Second Street, San Bernardino, Calif.

5688–C1–P–70—Pacific Telephone & Telegraph Co. (KNL59), Change frequency 6019.3 MHz toward San Bernardino, Calif., to 5960.0 MHz. Station location: Ranger, 6 miles south-southeast of Banning, Calif.

5689–C1–P–70—Pacific Telephone & Telegraph Co. (KY059), Change frequencies 11,325 and 11,565 MHz toward Ranger, Calif., to 11,245 and 11,484 MHz and change frequency 11,605 MHz toward Palm Springs, Calif., to 11,285 MHz. Station location: 2.2 miles north-northwest of White Water, Calif.

5690–C1–P–70—Pacific Telephone & Telegraph Co. (KY060), Change frequency 11,155 MHz toward White Water, Calif., to 11,175 MHz. Station location: 295 North Sunrise Way, Palm Springs, Calif. All other particulars same as reported in Public Notice dated Apr. 6, 1970, Report No. 486. (NOTE: Previous grant of these applications has been rescinded. See Public Notice of actions taken, Oct. 12, 1970.)

Major Amendment

1008–C1–P–71—General Telephone Co. (New), Change frequencies toward Irma, Wis., on azimuth 2°09′ to read: 5945.2 and 6063.8 MHz. Location: Rib Mountain, Wis. All other particulars same as reported in Public Notice dated Aug. 31, 1970.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

1841–C1–AL–71—Columbia Television Co., Inc. (KPV31), Consent to assignment of license from: Columbia Television Co., Inc., Assignor, to: MCI Pacific Coast, Inc., Assignee.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

1884–C1–P–71—Microwave Transmission Corp. (WBO58), C.P. to change location of station to 1.8 miles northeast of Issaquah, Wash., at latitude 47°30′17″ N., longitude 122°02′43″ W. Freqeuncy 6375.2 MHz on azimuth 134°00′.

1885–C1–P–71—Eastern Microwave, Inc. (KEA66), C.P. to power split frequency 5989.7 MHz on an azimuth of 242°41′. Location: Blue Hill, 2 miles southeast of Pine, N.Y., at latitude 44°13′20″ N., longitude 75°07′35″ W.

(Informative: Applicant proposes to provide the signal of television station CJOH–TV of Ottawa, Canada, to General Electric Cablevision Corp. in Watertown, N.Y.)

1907–C1–P–71—Tower Communications Systems (KQO41), C.P. to add frequency 11,015 MHz on azimuth 206°43′. Location: North end of Ridgewood Drive, Coshocton, Ohio, at latitude 40°16′04″ N., longitude 81°50′14″ W.

1908–C1–P–71—Tower Communications Systems (New), C.P. for a new station 1.25 miles east of Zanesville, Ohio, at latitude 39°56′07″ N., longitude 82°03′18″ W. Frequencies: 11,345 and 11,425 MHz on azimuth 172°00′.

1909–C1–P–71—Tower Communications Systems (New), C.P. for a new station 7 miles south-southwest of Ringgold, Ohio, at latitude 39°34′50″ N., longitude 81°59′27″ W. Frequencies: 10,855 MHz and 11,015 MHz on azimuth 194°50′.

(Informative: Applicant proposes to provide the television signals of stations WKBF–TV and WUAB–TV to Continental Cablevision of Ohio, Inc., in Athens, Ohio.)

1933–C1–P–71—West Texas Microwave Co. (New), C.P. for a new station in Amarillo, Tex., at latitude 35°11′28″ N., longitude 101°51′48″ W. Frequencies 10,815 and 10,895 MHz on azimuth 47°23′.

1934–C1–P–71—West Texas Microwave Co. (New), C.P. for a new station 10.5 miles northwest of Panhandle, Tex., at latitude 35°25′37″ N., longitude 101°32′59″ W. Frequencies 11,265 and 11,345 MHz on azimuth 62°32′.

1935–C1–P–71—West Texas Microwave Co. (New), C.P. for a new station 6 miles northwest of Community Center, Tex., at latitude 35°40′46″ N., longitude 100°57′04″ W. Frequencies: 10,815 and 10,895 MHz on azimuths 5°06′ and 196°52′.

1936–C1–P–71—West Texas Microwave Co. (New), C.P. for a new station 19 miles southeast of Spearman, Tex., at latitude 36°02′17″ N., longitude 100°54′42″ W. Frequencies: 11,265 and 11,345 MHz on azimuth 14°19′.

(Informative: Applicant proposes to provide the television signals of stations KTVT–TV and KDTV–TV of Dallas-Fort Worth to LVO Cable, Inc., in Perryton, Tex., and to American Cable Television, Inc., in Pampa, Tex.)

1939–C1–P–71—Minnesota Microwave, Inc. (New), C.P. for a new station at Breckenridge, Minn., at latitude 46°16′19″ N., longitude 96°33′50″ W. Frequency 6160.2 MHz on azimuth 8°29′.

1940–C1–P–71—Minnesota Microwave, Inc. (New), C.P. for a new station at Downer, Minn., at latitude 46°47′27″ N., longitude 96°27′14″ W. Frequency 6352.9 MHz on azimuth 356°36′.

1941–C1–P–71—Minnesota Microwave, Inc. (New), C.P. for a new station at Ada, Minn., at latitude 47°17′59″ N., longitude 96°29′54″ W. Frequency 6100.9 MHz on azimuth 351°53′.

1942–C1–P–71—Minnesota Microwave, Inc. (New), C.P. for a new station 0.2 mile southeast of Crookston, Minn., at latitude 47°45′32″ N., longitude 96°35′43″ W. Frequency: 6293.6 MHz on azimuths 303°41′, and 35°41′.

(Informative: Applicant proposes to provide the television signal of station WTCN–TV of Minneapolis, Minn., to Sjoberg's Inc., in Thief River Falls, Minn., and to Grand Forks Cable T.V., Inc., in Grand Forks, N. Dak.)

Major Amendment

8922–C1–MP–70—Video Service Co. (KSQ36), Application amended to change the designation of the station at Attica, Ind., from Relay to Drop-Relay, for the purpose of providing the television signal of station WGN–TV, Chicago, Ill., to Attica TV Communications, Inc., in Attica, Ind. Other particulars are unchanged. See Public Notice dated July 6, 1970.

[F.R. Doc. 70-13971; Filed, Oct. 15, 1970; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

NACIREMA OPERATING CO., INC., AND HARBORSIDE TERMINAL CO.

Notice of Agreement Filed

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

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

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

Notice of agreement filed by:

Mr. John Cunningham, Attorney for Nacirema Operating Co., Inc., Kominers, Fort, Schlefer & Boyer, 1401 K Street NW., Washington, D.C. 20005.

Agreement No. T-2462, between Nacirema Operating Co., Inc. (Nacirema) and Harborside Terminal Co. provides for Nacirema to perform terminal and stevedoring operations at Harborside's terminal, Jersey City, N.J., and pay to Harborside certain agreed upon rates for the use thereof, subject to a minimum annual payment of $225,000. Nacirema will waive normal loading charges for the palletizing and loading of refrigerated cargo on Harborside's trailers, but will assess normal tariff charges for the loading of other vehicles. Cargo ordered into storage and left on the piers for the convenience of Harborside will be assessed storage charges by and for the account of Harborside.

Dated: October 12, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-13942; Filed, Oct. 15, 1970; 8:46 a.m.]

SACRAMENTO-YOLO PORT DISTRICT AND CARGILL OF CALIFORNIA, INC.

Notice of Agreement Filed

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

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

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

Notice of agreement filed by:

Mr. John J. Hamlyn, Jr., Attorney for the Sacramento-Yolo Port District, Downey, Brand, Seymour & Rohwer, 1007 Seventh Street, Sacramento, Calif. 95814.

Agreement No. T-21-2, between Sacramento-Yolo Port District (District) and Cargill of California, Inc., modifies the basic agreement which provides for the lease of a grain terminal facility at Sacramento, Calif. The purpose of the modification is to increase the required minimum tonnage for the 5-year period ending April 30, 1975.

Dated: October 12, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-13941; Filed, Oct. 15, 1970; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S.O. 1002; Car Distribution Direction 91, Corrected Amdt. 1]

BALTIMORE AND OHIO RAILROAD CO. AND PITTSBURG AND SHAWMUT RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 91, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 91 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., October 25, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., October 11, 1970, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 8, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[F.R. Doc. 70-13987; Filed, Oct. 15, 1970; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 13, 1970.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

AGGREGATE-OF-INTERMEDIATES

FSA No. 42060—*Barley or oats from specified points in Montana.* Filed by North Pacific Coast Freight Bureau, agent (No. 70-1), for interested rail carriers. Rates on barley or oats, feed grade, in carloads, as described in the application, from specified points in Montana, to points in central Washington and Oregon.

Grounds for relief—Maintenance of depressed rates published to meet private truck competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 64 to North Pacific Coast Freight Bureau, agent, tariff ICC 1117.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-13991; Filed, Oct. 15, 1970; 8:50 a.m.]

[No. 11761[1]]

IOWA PASSENGER FARES AND CHARGES

SEPTEMBER 15, 1970.

Notice is hereby given that certain western railroads,[2] through their attorney named below, have filed a petition with the Interstate Commerce Commission, praying that the Commission modify its outstanding orders in the above-captioned proceeding and in the embraced proceedings to allow the petitioners to increase their intrastate passenger fares within the States of Iowa and Texas.

The increases sought are ten (10) percent in the basic one-way and station-to-station round-trip first-class and coach fares, the increase increment to be supplemented where necessary to equal the next multiple of 25 cents, with minimum one-way fares of 50 cents for The Atchison, Topeka, and Santa Fe Railway Co., the Chicago, Rock Island and Pacific Railroad Co., the St. Louis Southwestern Railway Co., and the Southern Pacific Transportation Co., and minimum one-way fares of 75 cents for Burlington Northern, Inc.

The petitioner points out that interstate fares were increased as indicated above effective September 1, 1970; that the intrastate increases are intended to correspond with interstate fare increases; that interstate and intrastate passengers are transported on the same trains under the same conditions; that the intrastate passenger fares maintained at a lower level than the prevailing level of interstate passenger fares are not warranted; and that since maximum intrastate passenger fares are fixed by State statute in Iowa and Texas (fares in excess thereof, which would result from the increases sought herein not being subject to the jurisdiction of the regulatory bodies of those States, namely the Iowa State Commerce Commission and the Railroad Commission of Texas), modifications producing fares in excess of the State statutory limits, if required because of the burdensome effect of the intrastate fares and practices on interstate commerce, and solely within the jurisdiction of the Interstate Commerce Commission, pursuant to section 13 of the Interstate Commerce Act.

Any person interested in the subject matter of the petition may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the petition supporting or opposing the determination sought. An original and 15 copies of such replies must be filed with the Commission and must show service of two (2) copies upon James W. Nisbet, 280 Union Station Building, Chicago, Ill. 60606. Thereafter, the Commission will proceed to render its decision in this matter, including the observance of any additional requirements that appear warranted to assure due process of law.

Notice of the filing of this petition will be given by publication in the FEDERAL REGISTER.

[SEAL] ROBERT L. OSWALD, *Acting Secretary.*

[F.R. Doc. 70-13963; Filed, Oct. 15, 1970; 8:47 a.m.]

[Notice 170]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 12, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67) 49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 52657 (Sub-No. 672 TA), filed October 6, 1970. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating and air-conditioning units and equipment, condensing units, compressors, coils, tubing and stub kits, blowers and blower coil units*, for heating and air-conditioning units and equipment, from Bellevue, Ohio, to Birmingham, Huntsville, Mobile, and Tuscaloosa, Ala.; Little Rock and Searcy, Ark.; Devon, Conn.; Springfield and Rock Island, Ill.; Evansville and Lafayette, Ind.; Des Moines, Ottumawa, Sioux City, and Waterloo, Iowa; Hopkinsville, Ky.; Alexander and Baton Rouge, La.; Portland, Maine; Cumberland, Salisbury, and Waldorf, Md.; Traverse City, Mich.; Duluth, Fridley, Minneapolis, and St. Paul, Minn.; Jackson, Miss.; Denver, Colo.; Tupelo and Meridian, Miss.; North Kansas City and Sedalia, Mo.; Lincoln and Omaha, Nebr.; Manchester, N.H.; Camden, Hawthorne, and Pennsauken, N.J.; Albany, Horsehead, Plattsburg, Poughkeepsie, Ticonderoga, and Valhalla, N.Y.; Miami, Okla.; Johnstown, Meadville, State College, and Williamsport, Pa.; Richardson, Tex.; Barre and Rutland, Vt.; Green Bay and Madison, Wis.; for 180 days. Supporting shipper: Frank DeMaria, Vice President, Johnson Corp., 421 Monroe Street, Bellevue, Ohio 44811. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 105881 (Sub-No. 43 TA), filed October 7, 1970. Applicant: M.R. & R. TRUCKING COMPANY, 715 North Ferdon Boulevard, Post Office Box 997, Crestview, Fla. 32536. Applicant's representative: V. M. Pigott, Post Office Box 977, Crestview, Fla. 32536. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, from Arlington, Ga., to Atlanta, Ga., from Arlington over Georgia Highway 62 to junction Georgia Highway 62 and Georgia Highway 91 to Atlanta, serving no intermediate points, and return over the same route so as to perform a "between" service, for 180 days. NOTE: Applicant does intend to tack Docket No. MC 105881 and Subs with interchange at Atlanta, Ga., and points within 15 miles thereof. Supporting shipper: Sunshine Metal Products Co., Inc., Post Office Box 267, Arlington, Ga. 31713. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 113996 (Sub-No. 10 TA), filed October 7, 1970. Applicant: T. C. DUNLEVY, Post Office Box 325, Johnston, S.C. 29832. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used automobile parts*, unpackaged, from points in Colorado, Montana, New Mexico, and Wyoming to the plantsite of Rayloc Division, Genuine Parts Co., Denver, Colo., for 150 days. Supporting shipper: Rayloc Division of Genuine Parts Co., 4200 Gordon Road SW., Atlanta, Ga. 30336. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia

[1] Embraces also No. 34896, Texas Intrastate Passenger Coach Fares; No. 28846, Increases in Texas Rates, Fares and Charges; and No. 33683, Texas Intrastate Passenger Coach Fares.

[2] In Iowa: Burlington Northern, Inc., Chicago, Milwaukee, St. Paul and Pacific Railroad Co.; and, Chicago, Rock Island and Pacific Railroad Co. In Texas: The Atchison, Topeka, and Santa Fe Railway Co.; Missouri Pacific Railroad Co.; St. Louis Southwestern Railway Co.; Southern Pacific Transportation Co.; and, The Texas and Pacific Railway Co.

Building, 1200 Main Street, Columbia, S.C. 29201.

No. MC 124078 (Sub-No. 458 TA), filed October 7, 1970. Applicant: SCHWERMAN TRUCKING CO. INC., 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and mortar*, from Fairborn, Ohio, and points within 1 mile thereof, to points in Ohio and points in Kentucky more than 175 miles from Fairborn, Ohio, for 180 days. Supporting shipper: Southwestern Portland Cement Co., 1034 Wilshire Boulevard, Los Angeles, Calif. 90017. (G. B. Shannon, General Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 125285 (Sub-No. 8 TA), filed October 7, 1970. Applicant: SKYLINE EXPRESS, INC., 1703 Highway 2, Duluth, Minn. 55810. Applicant's representative: E. L. Newville (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in containers, when moving in mixed shipments with salt, from Duluth, Minn., and Superior, Wis., commercial zone to points in Minnesota and Wisconsin. Applicant intends to transport mixed shipments of lime with salt as presently authorized in MC-125285 Sub 6, for 180 days. Supporting shipper: Cutler-Magner Co., Duluth, Minn. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 125985 (Sub-No. 7 TA), filed October 6, 1970. Applicant: AUTO DRIVEAWAY COMPANY, 343 South Dearborn Street, Chicago, Ill. 60604. Applicant's representative: John F. Sohl (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recreational vehicles*, campers and motor homes (not mobile homes), in driveaway service, between points in California, on the one hand, and, on the other, points in the United States except Hawaii, for 180 days. Supporting shippers: Week-N-Der Campers, Post Office Box 933, 920 Mayberry Street, Hemet, Calif. 92343; Oakland Auto Auction, 10121 East 14th Street, Oakland, Calif.; Pace-Arrow, Inc., 1126 North Fountain Way, Anaheim, Calif. 92806; Jeneen Marine, 235 Fisher Street, Costa Mesa, Calif.; El Cerrito Travel Center, 11909 San Pablo Avenue, El Cerrito, Calif. 94530; Sacramento Auto Auction, 4304 West Capitol, Post Office Box 405, West Sacramento, Calif. 95691. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago Ill. 60604.

No. MC 134871 (Sub-No. 1 TA), filed October 7, 1970. Applicant: MORRIS J. DEMAREE, JR., doing business as GENERAL TRUCKING CO., Post Office Box 20374, 3226 St. John's Avenue, Billings, Mont. 59102. Applicant's representative: Donald R. Herndon, Suite 410, Petroleum Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse* products, fresh and frozen, from ports of entry on the United States-Canadian boundary at Pembina, N. Dak., and Noyes, Minn., to points in the following counties in California: Solano, Marin, Contra Costa, Alameda, San Mateo, Santa Clara, Monterey, Orange, Los Angeles, Ventura, Kern, Fresno, Sacramento, San Joaquin, Stanislaus, San Diego, and Riverside, for 180 days. Supporting shippers: Jack Forgan Wholesale Meats, Ltd., 500 Dawson Road, St. Boniface 6, Manitoba, Canada; Burns Foods Ltd., Post Office Box 70, Winnipeg, Manitoba, Canada. Send protests: to Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 134946 (Sub-No. 1 TA), filed October 7, 1970. Applicant: ANTHONY SILVIDIO, doing business as ZIP'S EXPRESS, Box 127, Newfield, N.J. 08344. Applicant's representative: Wallace L. Schubert, 505 Executive Building, Springfield, Va. 22150. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Daily newspapers, advertising circulars, and trade journals*, from Vineland and Willingboro, N.J., to Philadelphia, Pa., and New York, N.Y., for 180 days. Supporting shippers: Times Printing Co., 7 South Seventh Street, Vineland, N.J. 08360; Bristol Printing Co., Route 130, Willingboro, N.J. 08046. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-13988; Filed, Oct. 15, 1970; 8:50 a.m.]

[Notice 171]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 13, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 98952 (Sub-No. 23 TA), filed October 8, 1970. Applicant: GENERAL TRANSFER COMPANY, a corporation, 2880 North Woodford Street, Post Office Box 2203, Decatur, Ill. 62526. Applicant's representative: Ralph B. Lorenz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and related articles of buttermilk, cheese* (including cottage cheese), *cream, ice cream, milk* (fresh, malted, flavored), *milk beverages, fruit juice and fruit drinks, yogurt*, between Melrose Park, Ill., and points in the Indiana counties of Jasper, Marion, Monroe, Newton, Tippecanoe, and Warren, for 180 days. Supporting shipper: Jewel Cos., Inc., 1955 West North Avenue, Melrose Park, Ill. 60160. Send protests to: Harold Joliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107295 (Sub-No. 455 TA), filed October 8, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, Post Office Box 146, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring systems, hardwood flooring, lumber and lumber products, and accessories* used in the installation thereof, from Ishpeming, Mich., and White Lake, Wis., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, for 180 days. Supporting shipper: Robbins Flooring Co., Ishpeming, Mich. 49849. Send protests to: Harold Joliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 123383 (Sub-No. 49 TA) (Correction), filed September 24, 1970, published in the FEDERAL REGISTER, issue of October 7, 1970, and republished as corrected this issue. Applicant: BOYLE BROTHERS, INC., 941 South Second Street, Camden, N.J. 08103. NOTE: The purpose of this republication is to show that the origin point of Doswell (Hanover County) is located in the State of Virginia. The rest of the notice remains as previously published.

No. MC 123805 (Sub-No. 4 TA), filed October 9, 1970. Applicant: G. H. LOMAX, Rural Route No. 1, 1519 Willman, Hannibal, Mo. 63401. Applicant's representative: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coal*, in bulk, in dump vehicles, from points in Fulton County, Ill., to points in Pike County, Mo.; and (2) *crushed stone*, in bulk, in dump vehicles, from points in Pike County, Mo., to points in Schuyler, Brown, Scott, and Morgan Counties, Ill., for 180 days. Supporting shipper: Wayne B. Smith, Inc., Louisiana, Mo. 63353. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 129080 (Sub-No. 3 TA), filed October 9, 1970. Applicant: CHARLES CORBISHLEY, doing business as QUICKWAY, 24 West Airmount Road, Mahwah, N.J. 07438, Mail: Post Office Box, 602, Glen Rock, N.J. 07452. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dresses on hangers, and such commodities* as are dealt in or used by chain grocery or department stores, from Paramus and Mahwah, N.J., to Rome, N.Y., and *surplus and damaged merchandise*, from the above-named destination point to Paramus and Mahwah, N.J. *Restriction:* The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts, with Grand Union Co., East Paterson, N.J. for 150 days. Supporting shipper: The Grand Union Co., 640 Winters Avenue, Paramus, N.J. 07652. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 13300 (Sub-No. 6 TA), (Correction), filed September 23, 1970, published in the FEDERAL REGISTER, issue of October 2, 1970, and republished as corrected this issue. Applicant: DIAMOND SAND & STONE CO., 744 Riverside Avenue, 32204, Post Office Box 4667, Jacksonville, Fla. 32201. Applicant's representative: Martin Sack, Jr., Gulf Life Tower, Jacksonville, Fla. 32207. NOTE: The purpose of this republication is to add the name of the American Cyanamid Co. of Wayne, N.J., as a supporting shipper, which name was inadvertently omitted from previous publication. The rest of the notice remains as previously published.

No. MC 133202 (Sub-No. 1 TA), filed October 9, 1970. Applicant: BLUE TRANSIT, INC., Box 53, Cottage Grove, Minn. 55016. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, concrete mix*, from points in Washington County, Minn., to points in Wisconsin on and south of Wisconsin Highway 70, on and west of U.S. Highway 53 and on and north of Wisconsin Highway 54, for 180 days. Supporting shipper: Tower Asphalt, Inc., Lakeland, Minn. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 134364 (Sub-No. 2 TA), filed October 9, 1970. Applicant: A. F. & SONS INC., 509 Liberty Street, Syracuse, N.Y. 13204. Applicant's representative: Walter J. Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat*, from Yorkville, N.Y., to Detroit, Mich., Cincinnati, Ohio, and Milwaukee County, Wis., for 180 days. Supporting shipper: Oriskany Beef Corp., Post Office Box 84, Yorkville, N.Y. 13495. Send protests to: Morris H. Gross, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 104, 301 Erie Boulevard West, Syracuse, N.Y. 13202.

No. MC 134794 (Sub-No. 1 TA), filed October 9, 1970. Applicant: BILLIE G. WILSON, doing business as WILSON TRANSPORTATION COMPANY, 16412 Del Mar Lane, Huntington Beach, Calif. 92647. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers and mobile home running gear* requiring the use of flat bed trailers, from Los Angeles, Calif., to Pendleton and La Grande, Oreg., for 180 days. Supporting shipper: Hadco Engineering, 2000 Camfield Avenue, Los Angeles, Calif. 90022. Send protests to: Philip Yallowitz, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 134885 (Sub-No. 1 TA), filed October 8, 1970. Applicant: JULIEN CARIGNAN INC., 163 Beauchemin, Box 353, Cap-de-la-Madeleine, Province of Quebec, Canada. Applicant's representative: Adrien Paquette, 200, rue St-Jacques, Suite 1010, Montreal, Province of Quebec, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat and salt pork*, from points in the Province of Quebec, to points in New York, Vermont, New Hampshire, Massachusetts, Pennsylvania, Ohio, Washington, D.C., Michigan, Indiana, Illinois, Missouri, Iowa, Minnesota, Nebraska, South Dakota, and North Dakota, for 180 days. Supporting shipper: H. St. Jean & Fils, Inc., St. Jacques Street, St. Hyacinthe, Province of Quebec, Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 134976 TA, filed October 9, 1970. Applicant: GAY JOHNSON'S INC., 410 North Avenue, Grand Junction, Colo. 81501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Sinclair, Wyo., to points in Carbon County, Wyo., and Grand, Rio Blanco, Garfield, Eagle, Mesa, Delta, and Montrose Counties, Colo., for 180 days. Supporting shippers: Gay Johnson's Tire & Automobile Service, 240 North Townsend, Montrose, Colo. 81401; Gay Johnson's Super Service, 841 Main Street, Post Office Box 507, Delta, Colo. 81416; Mt. Sophris Oil and Gas, Basalt, Colo. 81621; Reynolds Automotive Service, Kremmling, Colo. 80459. Send protests to: District Supervisor Roger L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-13989; Filed, Oct. 15, 1970; 8:50 a.m.]

[Notice 602]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 13, 1970.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-72437. By application filed October 8, 1970, BRANDYWINE WASTE PAPER CORP., 410 South Brandywine Avenue, Downingtown, Pa. 19335, seeks temporary authority to lease the operating rights of WASTE MOTOR HAULAGE, 410 South Brandywine Avenue, Downingtown, Pa. 19335, under section 210a(b). The transfer to BRANDYWINE WASTE PAPER CORP., of the operating rights of WASTE MOTOR HAULAGE, is presently pending.

No. MC-FC-72438. By application filed October 9, 1970, FRONTIER DISTRIBUTION LINE, INC., 1500 Main Place Tower, Buffalo, N.Y. 14202, seeks temporary authority to lease the operating rights of ANTHONY H. SANTIAGO, doing business as BISON CITY CARTAGE CO., 1285 William Street, Buffalo, N.Y., under section 210a(b). The transfer to FRONTIER DISTRIBUTION LINE, INC., of the operating rights of ANTHONY H. SANTIAGO, doing business as BISON CITY CARTAGE CO., is presently pending.

No. MC-FC-72439. By application filed October 9, 1970, FRONTIER DISTRIBUTION LINE, INC., 1500 Main Place Tower, Buffalo, N.Y. 14202, seeks temporary authority to lease the operating rights of MURRAY'S TRUCKING SERVICE, INC., 150 Myrtle Avenue, Buffalo, N.Y. 14204, under section 210a(b). The transfer to FRONTIER DISTRIBUTION LINE, INC., of the operating rights of MURRAY'S TRUCKING SERVICE, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-13990; Filed, Oct. 15, 1970; 8:50 a.m.]

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