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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3103 is amended to show that positions at grades GS–15 and below in the Office of Special Assistance to the President to which appointments will be made by the Vice President are excepted under Schedule A. Effective on publication in the FEDERAL REGISTER, paragraph (d) is added to § 213.3103 as set out below.

§ 213.3103 Executive Office of the President.

* * * * *

(d) *Office of Special Assistance to the President.* (1) Positions at grades GS–15 and below to which appointments are made by the Vice President.

* * * * *

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

UNITED STATES CIVIL SERVICE COMMISSION.
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70–14071; Filed, Oct. 16, 1970; 8:50 a.m.]

PART 550—PAY ADMINISTRATION (GENERAL)

Miscellaneous Amendments

Part 550 is amended (1) to reflect the new terminology of Executive Order 11491 ("labor organization" instead of "employee organization"), (2) to allow dues withholding for members of an association management officials or supervisors, (3) to limit allotments to labor organizations to those having exclusive recognition (with a saving provision in § 550.310), and (4) to provide for the discontinuance of an allotment when a dues withholding agreement is terminated or suspended and when an employee is suspended or expelled from an organization or association.

§ 550.301 Definitions.

* * * * *

(c) "Allotment" means (1) an allotment or assignment of a definite amount of pay to be paid to an allottee, and (2) an authorization by the allotter to deduct for the payment of income taxes authorized by § 550.304(a) (4), and (3) an authorization by an alloter to deduct an amount certified by an appropriate official of a labor organization or association of management officials or supervisors as the amount of the dues for the labor organization or association of management officials or supervisors.

* * * * *

(h) "Dues" means the regular, periodic amount required to maintain the member in good standing in the labor organization, or association of management officials or supervisors.

(i) "Labor organization" means a labor organization as defined by section 2(e) of Executive Order 11491 of October 29, 1969.

* * * * *

(k) "Association of management officials or supervisors" means an association composed of management officials or of supervisors with which the agency has established official relationships under section 7(e) of Executive Order 11491.

§ 550.302 Authority of Federal Agency.

* * * * *

(c) Subject to the provisions of paragraphs (a) and (b) of this section allotments for the payment of dues to a labor organization as authorized by § 550.304 (a)(5), allotments for the payment of dues to an association of management officials or supervisors as authorized by § 550.304(a)(7), and allotments for charitable contributions to a Combined Federal Campaign as authorized by § 550.304 (a)(6) may be permitted only in accordance with instructions published by the Civil Service Commission in the Federal Personnel Manual. However, allotments for contributions to the Department of Defense Overseas Combined Federal Campaign may be permitted only in accordance with a special agreement between the Commission and the Department of Defense which may contain any necessary exceptions to the provision in this subpart.

* * * * *

§ 550.303 Authorized allotters.

* * * * *

(b) An employee regardless of tenure may be permitted to make an allotment for the payment of income taxes as authorized by § 550.304(a)(4), for the payment of dues to a labor organization as authorized by § 550.304(a)(5), or for the payment of dues to an association of management officials or supervisors as authorized by § 550.304(a)(7).

* * * * *

§ 550.304 Circumstances under which allotments are permitted.

(a) An agency may permit an employee to make an allotment on a current basis when he is:

* * * * *

(5) A member of a labor organization which holds exclusive recognition under Executive Order 11491 for employees in the exclusive unit in which the member is employed, and with which an agency has agreed in writing to deduct allotments for the payment of dues to the labor organization and to recover the costs of making the deductions;

(6) Employed in an area in which a Combined Federal Campaign is established; or

(7) A member of an association of management officials or supervisors with which an agency has agreed in writing to deduct allotments for the payment of dues to the association and to recover the costs of making the deduction.

* * * * *

§ 550.305 Purpose for which allotments may be made.

(a) An agency may permit an employee to make an allotment for any of the following purposes:

* * * * *

(6) Payment of dues to a labor organization of which the employee is a member or to an association of management officials or supervisors of which the employee is a member.

* * * * *

(b) An agency may not permit an employee to make an allotment for any of the following purposes:

* * * * *

(3) Payment of dues to civic, fraternal, or other organizations except as authorized by § 550.304(a)(5) and § 550.304 (a)(7).

§ 550.306 Authorized allottees.

(a) An employee may make an allotment to an individual, a corporation, a financial institution, an agency or State or the District of Columbia, a labor organization, or an association of management officials or supervisors when the allotment is for one of the purposes permitted by § 550.305(a).

* * * * *

§ 550.307 Limitation on allotments.

* * * * *

(d) A change in the amount of an allotment for the payment of dues to a labor organization or association of management officials or supervisors may not be made more frequently than once each 12 months.

(e) An allotment for the payment of dues to a labor organization or an association of management officials or supervisors may be revoked by the allotter only as provided by § 550.308(e).

* * * * *

§ 550.308 Discontinuance of allotment.

An agency shall discontinue paying an allotment when:

(a) The allotter dies, retires, is separated from the Federal service, transfers between agencies (except that an allotment to a Combined Federal Campaign shall be transferred with the employee on his transfer between agencies), or in the case of an allotment for the payment of dues as authorized by § 550.304(a)(5) or § 550.304(a)(7) moves or is reassigned within the agency to an organizational segment having a different payroll office or to an organizational segment for which the labor organization has not been accorded exclusive recognition, or

when (1) the dues withholding agreement between the agency and the labor organization or the association of management officials or supervisors is terminated, suspended, or ceases to be applicable to the employee, or (2) the employee has been suspended or expelled from the labor organization or the association of management officials or supervisors.

* * * * *

(e) The written revocation of an allotment for the payment of dues as authorized by § 550.304(a)(5) or § 550.304(a)(7) is received in the employee's payroll office either by March 1 or September 1 of any calendar year. In this case the agency will discontinue the allotment at the beginning of the first full pay period for which a deduction would otherwise be made either after March 1 or September 1, as appropriate; or

* * * * *

§ 550.309 Fee for service.

An agency shall charge the labor organization, the association of management officials or supervisors, or the Combined Federal Campaign a fee in the amount of $0.02 for each deduction from an employee's pay.

§ 550.310 Saving provision.

(a) This subpart does not preclude (1) the renewal or continuation of an agreement or the initiation of a new agreement for the allotment of dues for an employee organization which holds formal recognition, so long as the organization continues to hold formal recognition, or (2) the renewal or continuation of an agreement for the allotment of dues made prior to October 29, 1969, with an employee organization which was determined by an agency to be eligible for formal recognition, so long as the continuation of formal recognition is authorized under the program.

(b) These regulations do not preclude the continuation of an allotment of dues to a labor organization by a supervisor when he desires to continue the dues withholding authorization which would otherwise be canceled because he is excluded from a formal or exclusive unit of a labor organization by reason of the requirements of section 24(d) of Executive Order 11491.

(5 U.S.C. 5527, E.O. 10982; 3 CFR 1959–1963 Comp., p. 502)

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

[F.R. Doc. 70-14058; Filed, Oct. 16, 1970; 8:50 a.m.]

Chapter XIV—Federal Labor Relations Council and Federal Service Impasses Panel

SUBCHAPTER C—FEDERAL SERVICE IMPASSES PANEL

PART 2470—GENERAL

PART 2471—PROCEDURES OF THE PANEL

On August 25, 1970, there was published in the FEDERAL REGISTER (35 F.R. 13527) a notice of the proposed adoption of rules concerning the procedures of the Panel.

Interested persons were invited to submit their views and suggestions in writing within 20 days after publication of the notice of proposed rule making. All relevant matter which was submitted has been carefully considered, and the Panel has decided to adopt the proposed rules, with changes, as set forth below.

Accordingly, pursuant to sections 5 and 17 of Executive Order 11491 (34 F.R. 17605), the Panel amends Title 5 of the Code of Federal Regulations by adding a new Subchapter C, Parts 2470 and 2471, to Chapter XIV to read as follows:

Subpart A—Purpose

Sec.
2470.1 Purpose

Subpart B—Definitions

2470.2 Definitions

AUTHORITY: The provisions of Part 2470 issued under 5 U.S.C. 3301, 7301; E.O. 11491, 34 F.R. 17605, 3 CFR 191, 1969 Comp.

Subpart A—Purpose

§ 2470.1 Purpose.

The regulations contained in this subchapter are intended to implement the provisions of sections 5 and 17 of Executive Order 11491 of October 29, 1969, entitled "Labor-Management Relations in the Federal Service". They prescribe procedures and methods which the Federal Service Impasses Panel may utilize in the resolution of negotiation impasses when the parties negotiating a labor agreement have failed to reach a full settlement by mediation or other voluntary arrangements.

Subpart B—Definitions

§ 2470.2 Definitions.

The following definitions are used in this subchapter:

"Executive Secretary" means the Executive Secretary of the Panel.

"Factfinder(s)" means members or staff of the Panel, individuals designated by the Panel, or other persons selected jointly by the parties when so authorized or directed by the Panel.

"Impasse" means that point in the negotiation of a labor agreement at which the parties are unable to reach full agreement, notwithstanding their having made earnest efforts to reach agreement by direct negotiations and by the use of mediation or other voluntary arrangements for settlement.

"Panel" means the Federal Service Impasses Panel or a quorum thereof.

"Party" means the Federal agency, establishment or activity or the labor organization, as defined in sections 2 (a) and (e) of the order, participating in the negotiation of a labor agreement.

"Quorum" means three or more members of the Panel.

"Voluntary arrangements" means those methods adopted by the parties for the purpose of assisting them in their negotiation of a labor agreement, which includes utilization of (a) the services of the Federal Mediation and Conciliation Service; or (b) other third-party mediation assistance; or (c) joint factfinding committees without recommendations; or (d) referral to a higher authority within the agency and/or the labor organization; or (e) any other method which the parties deem appropriate except third-party factfinding with recommendations, or arbitration, unless said factfinding or arbitration is expressly authorized or directed by the Panel.

Sec.
2471.1 Who may initiate.
2471.2 What to file.
2471.3 Request form.
2471.4 Where to file.
2471.5 Copies and service.
2471.6 Initial procedures of the Panel.
2471.7 Use of voluntary factfinding with recommendations, or arbitration.
2471.8 Factfinding determination by the Panel; notice of hearing.
2471.9 Authority of factfinder(s).
2471.10 Availability of hearing transcript.
2471.11 Report of the factfinder(s) and action by the Panel.
2471.12 Duties of each party.
2471.13 Settlement action by the Panel.
2471.14 Inconsistent labor agreement provisions.

AUTHORITY: The provisions of Part 2471 issued under 5 U.S.C. 3301, 7301; E.O. 11491, 34 F.R. 17605, 3 CFR 191, 1969 Comp.

§ 2471.1 Who may initiate.

(a) When an impasse occurs during the course of labor agreement negotiations, either party, or the parties jointly, may request the Panel to consider the matter, by filing a request as hereinafter provided.

(b) The Panel may, upon the request of the Federal Mediation and Conciliation Service, undertake the consideration of an impasse when such mediation assistance has failed and neither party has requested the Panel's consideration.

(c) The Panel may, upon the request of the Executive Secretary, undertake the consideration of a matter which has reached impasse and where neither party has requested the Panel's consideration.

§ 2471.2 What to file.

A request to the Panel for consideration of an impasse must be in writing and include the following essential information:

(a) Identification of the parties and person(s) authorized to initiate the request;

(b) Statement that an impasse has been reached;

(c) Statement of issue(s) at impasse and the position(s) of the initiating party or parties with respect to those issues; and

(d) The nature and extent of all voluntary arrangements utilized.

§ 2471.3 Request form.

FSIP Form 1 has been prepared for use by the parties in filing a request to the Panel for consideration of a negotiation impasse.[1] Copies are available upon request to the Office of the Executive Secretary.

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[1] Filed as a part of the original document.

§ 2471.4 Where to file.

Requests to the Panel provided for in this part, and inquiries or correspondence on the status of impasses or other related matters, should be directed to the Executive Secretary, Federal Service Impasses Panel, 1900 E Street NW., Washington, D.C. 20415.

§ 2471.5 Copies and service.

Concurrently with the submission of a request for Panel consideration, a copy of such request shall be served by the party initiating the request on the other party to the dispute and on any third party which may have been utilized. When the Panel acts on its own motion, it will notify the parties to the dispute and any third party which may have been utilized.

§ 2471.6 Initial procedures of the Panel.

(a) Upon receipt of a request for consideration of an impasse, the Panel will review the request and any responses thereto, consult with the parties and with the mediation facility utilized, if any, and then determine whether:

(1) The Panel has jurisdiction; or

(2) Negotiations should be resumed; or

(3) Negotiations should be resumed with mediation assistance; or

(4) Other voluntary arrangements should be utilized; or

(5) The Panel will process the request under the procedures set forth herein.

(b) Where any of the several subjects of an impasse is based on the negotiability of an issue, then such subject(s) shall be referred for handling to the procedures in section 11(c) of the order, and the balance of the dispute may be considered by the Panel.

(c) The parties will be promptly advised in writing of the Panel's determination.

§ 2471.7 Use of voluntary factfinding with recommendations, or arbitration.

The parties may resort to voluntary factfinding with recommendations, or arbitration, to resolve an impasse, only when authorized or directed by the Panel, and provided the parties have:

(a) Made a joint request to the Panel in writing for such authority;

(b) Agreed upon what issue(s) are at impasse;

(c) Agreed on the method of selecting the third party;

(d) Agreed to share the cost of the proceedings; and

(e) Used without success any other voluntary arrangement for settlement.

§ 2471.8 Factfinding determination by the Panel; notice of hearing.

(a) When the Panel determines that resolution of an impasse requires factfinding it will:

(1) Appoint one or more factfinders to investigate the dispute; and

(2) Issue and serve, upon each of the parties, a notice of hearing providing at least 15 calendar days' notice.

(b) The notice of hearing will state:

(1) The names of the parties to the dispute;

(2) The date, time, place and nature of the hearing;

(3) The issues to be resolved; and

(4) The name(s) of the factfinder(s) appointed by the Panel.

§ 2471.9 Authority of factfinder(s).

Factfinder(s), when conducting hearings between the parties to an impasse, shall have the authority to:

(a) Take testimony, including testimony by deposition when he deems it appropriate;

(b) Conduct the hearing in closed session, or in open session if approved by the Panel;

(c) Rule on requests for appearance of witnesses and the production of records;

(d) Permit summary briefs to be filed; and

(e) Regulate all procedural matters of the hearing as to length of sessions, conduct of persons in attendance, recesses, continuances and adjournment; and to take any other appropriate action which, in his discretion, will promote the purpose and objectives of the hearing.

§ 2471.10 Availability of hearing transcript.

The parties will make their own arrangements with the reporter for the purchase of their copies of the official transcript of a factfinding proceeding. A copy will be available for examination at the Office of the Executive Secretary.

§ 2471.11 Report of the factfinder(s) and action by the Panel.

(a) The factfinder(s) shall submit a report to the Panel within a reasonable time, normally not to exceed 30 calendar days, after receipt of the transcript, or after receipt of briefs, if any. The parties will be advised when the report has been transmitted to the Panel. The report will not include recommendations for settlement, and will be limited to findings of fact on:

(1) The history of the current negotiations, including the initial positions of the parties, and a report of items agreed to in whole or part;

(2) The unresolved issues and the efforts made by the parties to reach agreement thereon;

(3) The context within which the negotiations have taken place; and

(4) Any other matters relevant to the impasse.

(b) After receipt of the report of the factfinder(s), the Panel will evaluate the impasse and issue to the parties its recommendations for settlement.

§ 2471.12 Duties of each party.

(a) Within a period not to exceed 30 calendar days following receipt of the Panel's recommendations for settlement, each party must either:

(1) Accept the Panel's recommendations and so notify the Executive Secretary; or

(2) Reach with the other party a settlement of all unresolved issues, and so notify the Executive Secretary; or

(3) Submit a written statement to the Panel setting forth its reasons for not accepting the Panel's recommendations and reaching a settlement of all unresolved issues.

(b) A reasonable extension of the 30-day period may be authorized by the Executive Secretary for good cause shown when requested in writing by either party prior to the expiration of the 30-day period.

§ 2471.13 Settlement action by the Panel.

In the event there remain any unresolved issues at the end of the aforesaid 30-day period or any extension thereof, the Panel, after due consideration of the responses of the parties, will take whatever action it deems necessary to bring the dispute to settlement.

§ 2471.14 Inconsistent labor agreement provisions.

Any provisions of the parties' labor agreements relating to impasse resolution which are inconsistent with the provisions of either Executive Order 11491, sections 5 and 17, or the procedures of the Panel shall be deemed to be superseded by the order and the procedures herein.

Effective date. These parts shall become effective on the date of their publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 13th day of October 1970, for the Panel.

JACOB SEIDENBERG,
Chairman.

[F.R. Doc. 70-14043; Filed, Oct. 16, 1970; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1971 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

The provisions of §§ 722.558 to 722.561 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) (referred to as the "act") with respect to the 1971 crop of extra long staple cotton (referred to as "ELS cotton"). The purpose of these provisions is to (1) proclaim a national marketing quota and national acreage allotment for the 1971 crop of ELS cotton; (2) apportion the national acreage allotment to States; and (3) fix the period for holding the national marketing quota referendum. The latest available statistics of the Federal Government have been used in making determinations under these provisions.

Notice that the Secretary was preparing to make determinations with respect to these provisions was published in the FEDERAL REGISTER on September 15, 1970 (35 F.R. 14462), in accordance with 5 U.S.C. 553. The views and recommendations received in response to such notice have been duly considered.

It is essential that these provisions be made effective as soon as possible since the proclamation of the quota and the national allotment is required to be made not later than October 15, 1970. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and §§ 722.558 to 722.561 shall be effective upon filing this document with the Director, Office of the Federal Register. The material previously appearing in these sections under centerhead "1970 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas" remain in full force and effect as to the crops to which it was applicable.

§ 722.558 National marketing quota for the 1971 crop of ELS cotton.

(a) *Statutory requirements.* (1) Section 347(b)(1) of the act prescribes the formula for establishing the amount of the national marketing quota for the 1971 crop of ELS cotton. Such amount in standard bales of ELS cotton is required to be equal to the sum of the estimated domestic consumption and estimated exports, less estimated imports, for the 1971–72 marketing year, plus such additional number of bales, if any, as the Secretary determines necessary to assure adequate working stocks in trade channels until ELS cotton from the 1972 crop becomes readily available without resort to Commodity Credit Corporation stocks. The Secretary may reduce the quota so determined for the purpose of reducing surplus stocks, but not below the minimum quota of 82,481 standard bales prescribed under section 347(b)(2) of the act.

(2) Under section 347(b)(3) of the act, the minimum quota of 82,481 standard bales cannot be exceeded for any crop for which the Secretary estimates that the carryover of American-grown ELS cotton at the beginning of the marketing year for the crop for which the quota is proclaimed (excluding certain stockpile cotton) will be more than 50 percent of the estimated domestic consumption and exports of American-grown ELS cotton for such marketing year. However, such maximum quota requirement does not apply beginning with any crop for which the carryover so estimated is an amount equal to 50 percent or less of the estimated domestic consumption and exports of American-grown ELS cotton for the marketing year for such crop.

(b) *Carryover determination.* It is hereby determined that the amount of the estimated carryover of American-grown ELS cotton at the beginning of the 1971–72 marketing year will be an amount equal to 50 percent or less of the estimated domestic consumption and exports of American-grown ELS cotton for the 1971–72 marketing year. Accordingly, beginning with the 1971 crop of ELS cotton the minimum quota prescribed under section 347(b)(2) of 82,481 standard bales shall not be required to be a maximum quota under section 347(b)(3) of the act.

(c) *Proclamation of amount of 1971 quota.* The marketing quota for the 1971 crop of ELS cotton is hereby proclaimed to be an amount of 120,000 standard bales determined in accordance with the formula prescribed under section 347(b)(1) of the act. The quota is based on the following data:

Determinations for purpose of:	
(1) Section 722.558(b):	
(i) Estimated domestic consumption, 1971–72 [1]	[2] 100,000
(ii) Estimated exports, 1971–72 [3]	[2] 20,000
Subtotal	120,000
(iii) 50 percent of estimated domestic consumption and exports	[2] 60,000
(iv) Estimated carryover on Aug. 1, 1971 [3]	[2] 55,000
(iii) Adjustment to assure adequate stocks	None
(iv) Estimated imports, 1971–72	[4] 25,000
Subtotal	120,000
(v) Import quota in effect on Aug. 1, 1967	[5] 82,481
(2) Section 722.558(c):	
(i) Estimated domestic consumption, 1971–72 [3]	[2] 125,000
(ii) Estimated exports, 1971–72 [3]	[2] 20,000

[1] American-grown ELS cotton.
[2] Running bales.
[3] All ELS cotton.
[4] Equivalent running bales.
[5] Standard bales.

§ 722.559 National acreage allotment for the 1971 crop of ELS cotton.

It is hereby determined and proclaimed that a national acreage allotment shall be in effect for the crop of ELS cotton produced in the calendar year 1971. The amount of such national allotment is 117,791 acres calculated by multiplying the national quota in bales by 480 pounds (net weight of a standard bale) and dividing the result by the national average yield of 489 pounds per planted acre of ELS cotton for the 4 calendar years 1966, 1967, 1968, and 1969.

§ 722.560 Apportionment of national allotment to the States.

The national allotment of 117,791 acres is apportioned to the States in accordance with section 344(b) of the act as follows:

State:	*State allotment (acres)*
Arizona	51,097
California	780
Florida	209
Georgia	159
New Mexico	23,933
Texas	41,613
U.S. total	117,791

§ 722.561 National marketing quota referendum for the 1971 crop of ELS cotton.

The national marketing quota referendum for the 1971 crop of ELS cotton shall be held during the referendum period December 7 to 11, 1970, each inclusive, by mail ballot in accordance with Part 717 of this chapter (33 F.R. 18345, 34 F.R. 12940).

(Secs. 301, 343, 344, 347, 375, 52 Stat. 38, as amended; 63 Stat. 670, as amended; 63 Stat. 675, as amended; 52 Stat. 66, as amended; 7 U.S.C. 1301, 1343, 1344, 1347, 1375)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C. on October 15, 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-14076; Filed, Oct. 15, 1970; 2:17 p.m.]

PART 722—COTTON

Subpart—1971 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

The provisions of §§ 722.461 and 722.462 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) (referred to as the "act"), with respect to the 1971 crop of upland cotton (referred to as "cotton"). The purpose of these provisions is to proclaim (1) a national marketing quota; (2) the amount of the national marketing quota; and (3) the national acreage allotment for the 1971 crop of cotton. The latest available statistics of the Federal Government have been used in making determinations under these provisions.

It is essential that these provisions be made effective as soon as possible since the proclamation of the quota and the national allotment is required to be made not later than October 15, 1970. Accordingly, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and §§ 722.461 and 722.462 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.461 National marketing quota for the 1971 crop of cotton.

(a) *Finding of total supply.* As defined in section 301(b)(16)(C) of the act, the "total supply" of cotton for the marketing year beginning August 1, 1970 (in terms of running bales or the equivalent), consists of the sum of (1) "carryover" of cotton on August 1, 1970, (2) estimated production of cotton in the United States during 1970, and (3) estimated imports of cotton into the United States during the marketing year beginning August 1, 1970. The following finding of total supply of cotton for the marketing year beginning August 1, 1970, in running bales or equivalent is hereby made by the Secretary:

	Bales
(i) Carryover	5,647,000
(ii) Estimated production	10,512,000
(iii) Estimated imports	30,000
Total supply	16,189,000

(b) *Finding of normal supply.* As defined in section 301(b)(10)(C) of the act, the "normal supply" of cotton for the marketing year beginning August 1, 1970

(in terms of running bales or equivalent), consists of the sum of (1) estimated domestic consumption of cotton for the marketing year beginning August 1, 1970, (2) estimated exports of cotton during the marketing year beginning August 1, 1970, and (3) 30 percent of the sum of such estimated domestic consumption and estimated exports as an allowance for carryover. The following finding of normal supply of cotton for the marketing year beginning August 1, 1970, in running bales or equivalent, is hereby made by the Secretary:

	Bales
(1) Estimated domestic consumption	8,000,000
(ii) Estimated exports	3,200,000
(iii) 30 percent allowance for carryover	3,360,000
Normal supply	14,560,000

(c) *Proclamation of national marketing quota.* It is hereby determined and proclaimed by the Secretary that the total supply of cotton for the marketing year beginning August 1, 1970, will exceed the normal supply of cotton for such marketing year. Therefore, a national marketing quota shall be in effect for the crop of cotton produced in the calendar year 1971.

(d) *Proclamation of amount of national marketing quota in bales.* Section 342 of the act provides that the amount of the national marketing quota for the 1971 crop of cotton (in terms of standard bales of 500 pounds gross weight) shall be the largest of the following:

(1) The number of bales of cotton adequate, together with (i) the estimated carryover at the beginning of the 1971–72 marketing year, and (ii) the estimated imports during the 1971–72 marketing year, to make available a normal supply of cotton .

(2) The number of bales of cotton equal to the estimated domestic consumption and estimated exports (less estimated imports) for the 1971–72 marketing year, except that the Secretary shall make such adjustments in the amount of such quota as he determines necessary after taking into consideration the estimated stocks of cotton in the United States (including the qualities of such stocks) and stocks in foreign countries which would be available for the 1971–72 marketing year, if no adjustment of such quota is made hereunder, to assure the maintenance of adequate but not excessive stocks in the United States, to provide a continuous and stable supply of the different qualities of cotton needed in the United States and in foreign cotton-consuming countries and for purposes of national security; but the Secretary, in making such adjustments, may not reduce the national marketing quota below one million bales less than the estimated domestic consumption and estimated exports for the 1971–72 marketing year.

(3) Ten million bales of cotton.

(4) The number of bales of cotton required to provide a national allotment of 16 million acres for the 1971 crop of cotton.

It is hereby determined and proclaimed that the national marketing quota for the 1971 crop of cotton (in terms of standard bales of 500 pounds gross weight) shall be 14,200,000 bales based on a minimum national allotment of 16 million acres under subparagraph (4) of this paragraph calculated by multiplying the minimum national allotment by the national average yield of 426 pounds per planted acre of cotton for the 4 calendar years 1966, 1967, 1968, and 1969, and dividing the result by 480 pounds (net weight of a standard bale). This determination is based on the following data:

Determinations for purpose of:	
(i) Section 722.461(d)(1)[3]	10,191,000
(ii) Section 722.461(d)(4)[1]	14,200,000
(iii) Section 722.461(d(2)[1]	11,670,000
Based on:	
(iv) Estimated domestic consumption, 1970–71 [3]	8,000,000
(v) Estimated domestic consumption, 1971–72 [3]	8,200,000
(vi) Estimated exports, 1970–71 [2]	3,200,000
(vii) Estimated exports, 1971–72 [2]	3,500,000
(viii) Estimated imports, 1970–71 [3]	30,000
(ix) Estimated imports, 1971–72 [3]	30,000
(x) Adjustment for stocks	None

[1] Standard bales.
[2] Running bales.
[3] Equivalent running bales.

§ 722.462 National acreage allotment for the 1971 crop of cotton.

It is hereby determined and proclaimed that a national acreage allotment shall be in effect for the crop of cotton produced in the calendar year 1971. The amount of such national allotment is 16 million acres calculated as set forth in § 722.461.

(Secs. 301, 342, 344, 375, 52 Stat. 38, as amended, 63 Stat. 670, as amended, 52 Stat. 57, as amended, 66, as amended; 7 U.S.C. 1301, 1342, 1344, 1375)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 15, 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-14077; Filed, Oct. 15, 1970; 2:17 p.m.]

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

[Lemon Reg. 449]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.749 Lemon Regulation 449.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice to engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 13, 1970.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period October 18, 1970, through October 24, 1970, are hereby fixed as follows:

(i) District 1: 1,000 cartons;

(ii) District 2: 72,000 cartons;

(iii) District 3: 103,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: October 14, 1970.

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

[F.R. Doc. 70-14068; Filed, Oct. 16, 1970; 8:50 a.m.]

[Grapefruit Reg. 41]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 913.341 Grapefruit Regulation 41.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 13, 1970.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period October 19, 1970 through October 25, 1970, is hereby fixed at 300,000 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

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

Dated: October 14, 1970.

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

[F.R. Doc. 70-14029; Filed, Oct. 16, 1970; 8:47 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, and 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. A new paragraph (i) is added to § 56.1 to read as follows:

§ 56.1 Definitions.

* * * * *

(i) *Breeding swine.* Grade female swine which are maintained for breeding purposes as a part of a formal breeding program.

2. Paragraph (b) of § 56.7 is amended to read:

§ 56.7 Payment to owners for swine destroyed.

* * * * *

(b) Federal indemnity shall not exceed $100 per head for purbred, inbred, or hybrid swine and for breeding swine or $50 per head for all other swine.

* * * * *

(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, and 134a–134h)

The purpose of the foregoing amendments is to permit the payment of Federal indemnity not to exceed $100 per head for breeding swine which are infected with or exposed to hog cholera and which are maintained for breeding purposes as a part of a formal breeding program.

It is believed the amendments will facilitate the control and eradication of hog cholera outbreaks in this country and will therefore be of benefit to affected persons. Accordingly, under administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendments are impracticable and unnecessary; therefore, they may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. The foregoing amendments shall become effective October 13, 1970.

Done at Washington, D.C., this 13th day of October 1970.

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

[F.R. Doc. 70-14028; Filed, Oct. 16, 1970; 8:50 a.m.]

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 70-281]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, the introductory portion of paragraph (e) is amended by adding thereto the name of the State of Indiana, and a new paragraph (e)(17) relating to the State of Indiana is added to read:

(17) *Indiana.* That portion of Hancock County comprised of Buck Creek Township.

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

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

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

The amendment imposes certain further restrictions necessary to prevent the

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

Done at Washington, D.C., this 14th day of October 1970.

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

[F.R. Doc. 70-14054; Filed, Oct. 16, 1970; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70-SO-73]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Pascagoula, Miss., transition area.

The Pascagoula transition area is described in § 71.181 (35 F.R. 2134). In the description, an extension is predicated on the 082° bearing from Pascagoula RBN. The final approach bearing of the NDB(ADF)-1 Special Instrument Approach Procedure has been changed from 082° to 060°; therefore, it is necessary to alter the description accordingly. Since this amendment is minor in nature and requires no additional airspace, notice and public procedure hereon are unnecessary.

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.

In § 71.181 (35 F.R. 2134), the Pascagoula, Miss., transition area is amended by striking out "082°" and "east" and inserting "060°" and "northeast" in place thereof.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348(a) and of Sec. 6(c) of the 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. 70-14016; Filed, Oct. 16, 1970; 8:46 a.m.]

[Airspace Docket No. 70-SO-66]

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

Alteration of Control Zones and Transition Area

On September 4, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 14088), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Eastover, S.C., control zone and the Sumter, S.C., control zone and transition area.

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

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

In § 71.171 (35 F.R. 2054), the Eastover, S.C., and Sumter, S.C., control zones are amended to read:

EASTOVER, S.C.

Within a 5-mile radius of McEntire ANGB (lat. 33°55'26" N., long. 80°48'14" W.); within 2 miles each side of McEntire ANG TACAN 138° radial, extending from the 5-mile radius zone to 7 miles southeast of the TACAN.

SUMTER, S.C.

Within a 5-mile radius of Shaw AFB (lat. 33°58'15" N., long. 80°28'19" W.); within 1.5 miles each side of Shaw AFB TACAN 033° radial, extending from the 5-mile radius zone to 6.5 miles northeast of the TACAN; within 2 miles east side of Shaw AFB TACAN 213° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the TACAN.

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

SUMTER, S.C.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Shaw AFB (lat. 33°58'15" N., long. 80°28'19" W.); within 5 miles each side of Shaw AFB TACAN 033° radial, extending from the 8.5-mile radius area to 12.5 miles northeast of the TACAN; within 5 miles each side of the 215° bearing from Shaw AFB RBN, extending from the 8.5-mile radius area to 12.5 miles southwest of the RBN; within a 10.5-mile radius of McEntire ANGB (lat. 33°55'26" N., long. 80°48'14" W.); within 5 miles each side of McEntire ANGB TACAN 138° radial, extending from the 10.5-mile radius area to 12.5 miles southeast of the TACAN; within a 5-mile radius of Sumter Municipal Airport (lat. 33°59'39" N., long. 80°21'45" W.); excluding the portion within Columbia transition area.

(Sec. 307(a) of the Federal Aviation Act of 1958, 49 U.S.C. 1348(a) and of Sec. 6(c) of the 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. 70-14017; Filed, Oct. 16, 1970; 8:46 a.m.]

[Docket No. 10636; Amdt. 725]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

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

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

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

1. Section 97.11 is amended by establishing, revising, or canceling the following L/MF-ADF(NDB)-VOR SIAPs, effective November 12, 1970:

Milwaukee, Wis.—General Mitchell Field; NDB Runway 1, Amdt. 24; Revised.
Tacoma, Wash.—Tacoma Industrial Airport; ADF 1, Amdt. 2; Canceled.
Bellingham, Wash.—Bellingham Municipal Airport; VOR 1, Amdt. 7; Canceled.

Bellingham, Wash.—Bellingham Municipal Airport; VOR 2, Amdt. 1; Canceled.
Red Bluff, Calif.—Bidwell Airport; VOR 1, Amdt. 4; Canceled.

2. Section 97.15 is amended by establishing, revising, or canceling the following VOR/DME SIAPs, effective November 12, 1970:

The Dalles, Oreg.—The Dalles Municipal Airport; VOR/DME Runway 2, Original; Canceled.

3. Section 97.23 is amended by establishing, revising, or canceling the following VOR–VOR/DME SIAPs, effective November 12, 1970:

Atlanta, Ga.—Fulton County Airport; VOR–1, Amdt. 11; Canceled.
Atlanta, Ga.—Fulton County Airport; VOR Runway 8R, Original; Established.
Bellingham, Wash.—Bellingham Municipal Airport; VOR–A, Original; Established.
Bellingham, Wash.—Bellingham Municipal Airport; VOR Runway 16, Original; Established.
Brainerd, Minn.—Brainerd-Crow Wing County Municipal Airport; VOR Runway 30, Amdt. 4; Revised.
Chicago, Ill. (West Chicago)—Du Page County Airport; VOR 1, Amdt. 2; Canceled.
Chicago (West Chicago), Ill.—Du Page County Airport; VOR Runway 10, Original; Established.
Chicago, Ill.—Chicago-O'Hare International Airport; VOR Runway 22, Amdt. 9; Revised.
Dallas, Tex.—Redbird Airport; VOR Runway 13, Original; Established.
Devils Lake, N. Dak.—Devils Lake Municipal Airport; VOR Runway 13, Amdt. 3; Revised.
Devils Lake, N. Dak.—Devils Lake Municipal Airport; VOR Runway 31, Original; Established.
East Stroudsburg, Pa.—Birchwood-Pocono Airpark; VOR–A, Original; Established.
Enid, Okla.—Enid Woodring Municipal Airport; VOR Runway 17, Amdt. 2; Revised.
Enid, Okla.—Enid Woodring Municipal Airport; VOR Runway 35, Amdt. 3; Revised.
Fort Worth, Tex.—Greater Southwest International Dallas-Fort Worth Field; VOR Runway 13, Amdt. 10; Revised.
Gary, Ind.—Gary Municipal Airport; VOR–A, Amdt. 7; Revised.
International Falls, Minn.—Falls International Airport; VOR Runway 13, Amdt. 6; Revised.
International Falls, Minn.—Falls International Airport; VOR Runway 31, Amdt. 6; Revised.
Ironwood, Mich.—Gogebic County Airport; VOR Runway 9, Amdt. 4; Revised.
Logansport, Ind.—Logansport Municipal Airport; VOR–A, Amdt. 1; Revised.
Missoula, Mont.—Johnson-Bell Field; VOR–A, Amdt. 10; Revised.
Mount Vernon, Ohio—Mount Vernon Airport; VOR–A, Amdt. 2; Revised.
Red Bluff, Calif.—Red Bluff Municipal Airport; VOR Runway 33, Original; Established.
Robbinsville, N.J.—Trenton-Robbinsville Airport; VOR Runway 28, Amdt. 3; Revised.
Rogers, Ark.—Rogers Municipal Airport; VOR Runway 1, Amdt. 4; Revised.
St. Cloud, Minn.—St. Cloud Municipal Airport; VOR Runway 31, Original; Established.
Savannah, Ga.—Savannah Municipal Airport; VOR Runway 27, Amdt. 8; Revised.
Sheridan, Wyo.—Sheridan County Airport; VOR Runway 13, Amdt. 2; Revised.
South St. Paul, Minn.—South St. Paul Municipal—Richard E. Fleming Field; VOR–A, Amdt. 3; Revised.
South St. Paul, Minn.—South St. Paul Municipal—Richard E. Fleming Field; VOR–B, Amdt. 3; Revised.
Swainsboro, Ga.—Emanuel County Airport; VOR Runway 13, Original; Established.
Toughkenamon, Pa.—The New Garden Flying Field; VOR Runway 24, Original; Established.
Wausau, Wis.—Wausau Municipal Airport; VOR–A, Amdt. 9; Revised.
Bedford, Ind.—Virgil I. Grissom Municipal Airport; VOR/DME Runway 31, Original; Established.
Bellingham, Wash.—Bellingham Municipal Airport; VOR/DME–A, Original; Established.
Brookhaven, Miss.—Brookhaven Municipal Airport; VOR/DME–A, Original; Established.
Dallas, Tex.—Redbird Airport; VOR/DME Runway 13, Amdt. 2; Canceled.
Fort Worth, Tex.—Greater Southwest International Dallas-Fort Worth Field; VOR/DME Runway 35, Amdt. 1; Revised.
Ironwood, Mich.—Gogebic County Airport; VOR/DME Runway 27, Original; Established.
Missoula, Mont.—Johnson-Bell Field; VOR/DME–A, Amdt. 5; Revised.
Rogers, Ark.—Rogers Municipal Airport; VOR/DME Runway 19, Original; Established.
The Dalles, Oreg.—The Dalles Municipal Airport; VOR/DME–A, Original; Established.

4. Section 97.25 is amended by establishing, revising, or canceling the following LOC–LDA SIAPs, effective November 12, 1970:

Charleston, S.C.—Charleston AFB/Municipal Airport; LOC (BC) Runway 33, Amdt. 2; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; LOC (BC) Runway 9R, Amdt. 2; Revised.
Fort Worth, Tex.—Greater Southwest International Dallas-Forth Worth Field; LOC (BC) Runway 31, Amdt. 14; Revised.
Huntington, W. Va.—Tri-State Airport (Walker-Long Field); LOC Runway 11, Amdt. 9; Revised.
San Diego, Calif.—San Diego International Lindbergh Field; LOC Runway 9, Original; Established.

5. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective November 12, 1970:

Athens, Tenn.—McMinn County Airport; NDB Runway 2, Original; Established.
Athens, Tenn.—McMinn County Airport; NDB Runway 20, Original; Established.
Atlanta, Ga.—Fulton County Airport; NDB (ADF)–1, Amdt. 4; Canceled.
Atlanta, Ga.—Fulton County Airport; NDB Runway 8R, Original; Established.
Bedford, Ind.—Virgil I. Grissom Municipal Airport; NDB Runway 13, Original; Established.
Bedford, Ind.—Virgil I. Grissom Municipal Airport; NDB Runway 31, Original; Established.
Chicago, Ill.—Chicago O'Hare International Airport; NDB Runway 9R, Original; Established.
Dallas, Tex.—Redbird Airport; NDB Runway 35, Original; Established.
Dalton, Ga.—Dalton Municipal Airport; NDB Runway 32, Original; Established.
Fort Worth, Tex.—Greater Southwest International Dallas-Fort Worth Field; NDB Runway 13, Amdt. 15; Revised.
Freeport, Ill.—The Albertus Airport; NDB Runway 24, Amdt. 1; Revised.
Huntington, W. Va.—Tri-State Airport (Walker-Long Field); NDB Runway 11, Amdt. 7; Revised.
Juneau, Wis.—Dodge County Airport; NDB Runway 2, Amdt. 1; Revised.
Kissimmee, Fla.—Kissimmee Municipal Airport; NDB Runway 15, Original; Established.
Marathon, Fla.—Marathon Flight Strip; NDB Runway 7, Original; Established.
Michigan City, Ind.—Michigan City Airport; NDB Runway 20, Amdt. 4; Revised.
Missoula, Mont.—Johnson-Bell Field; NDB–A, Amdt. 8; Revised.
Morrilton, Ark.—Petit Jean Park Airport; NDB Runway 2, Original; Established.
Rogers, Ark.—Rogers Municipal Airport; NDB Runway 19, Amdt. 4; Revised.
Spirit Lake, Iowa—Spirit Lake Municipal Airport; NDB Runway 16, Original; Established.
Statesboro, Ga.—Statesboro Municipal Airport; NDB Runway 13, Original; Established.
Sturgis, Mich.—Kirsch Municipal Airport; NDB Runway 24, Amdt. 1; Revised.
Tacoma, Wash.—Tacoma Industrial Airport; NDB Runway 17, Original; Established.
Tacoma, Wash.—Tacoma Industrial Airport; NDB Runway 35, Original; Established.

6. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective November 12, 1970:

Fort Worth, Tex.—Greater Southwest International Dallas-Fort Worth Field; ILS Runway 13, Amdt. 14; Revised.
Milwaukee, Wis.—General Mitchell Field; ILS Runway 1, Amdt. 27; Revised.
Pittsburgh, Pa.—Allegheny County Airport; ILS Runway 27, Amdt. 20; Revised.
San Diego, Calif.—San Diego International Lindbergh Field; ILS Runway 9, Amdt. 9; Canceled.

7. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective November 12, 1970:

Atlanta, Ga.—Fulton County Airport; Radar–1, Amdt. 6; Revised.
Fort Worth, Tex.—Greater Southwest International Dallas-Fort Worth Field; Radar–1, Amdt. 8; Revised.
Tacoma, Wash.—Tacoma Industrial Airport; Radar–1, Amdt. 1; Revised.

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

Issued in Washington, D.C., on October 9, 1970.

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

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

[F.R. Doc. 70–13961; Filed, Oct. 16, 1970; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Quantity of Contents Declaration on Open Basket Type Carriers for Soft Drinks; Extension of Compliance Time

In the matter of adding to the enforcement regulations § 1.8b(s) regarding quantity of contents declarations on

multiunit containers, a ruling on objections was published in the FEDERAL REGISTER of June 3, 1970 (35 F.R. 8550), and the effective date of § 1.8b(s) was established as being February 12, 1971.

In response to an objection by the National Soft Drink Association, requesting that open basket-type carriers be declared not subject to the multiunit regulation, the Commissioner of Food and Drugs reaffirmed in said document of June 3, 1970, that such open basket cartons are considered convenience carriers rather than "packages" within the meaning of section 10(b) of the Fair Packaging and Labeling Act. This opinion stipulated, however, that a manufacturer could render such convenience carriers "packages" by appropriate labeling, particularly with regard to the quantity of contents declaration. This opinion was made necessary by the fact that manufacturers were expressing quantity of contents declarations on these convenience carriers in a variety of ways.

The Paperboard Packaging Council, National Soft Drink Association, and others representing the soft drink carton industry have requested the Commissioner to extend beyond February 12, 1971, the time for completing any revisions made necessary for open basket type carriers by § 1.8b(s). This industry cites and documents mitigating economic circumstances of recent occurrence and other compelling reasons which they feel preclude full compliance by said date.

The Commissioner concludes that the request for such additional time is reasonable since the individual soft drink bottles in such open basket type carriers are fully labeled, easily counted, and completely accessible to consumers for examination.

Therefore, pursuant to provisions of the Fair Packaging and Labeling Act (secs. 4, 5(a), 6(a), 80 Stat. 1297–1300; 15 U.S.C. 1453–55) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under authority delegated to the Commissioner (21 CFR 2.120), the following new section, which has the effect of modifying the effective date of § 1.8b(s), is added to Part 3:

§ 3.82 Quantity of contents declaration on open basket type carriers for soft drinks.

(a) In full recognition that open basket type carriers used in the soft drink industry are not ordinarily considered to be "packages" within the meaning of section 10(b) of the Fair Packaging and Labeling Act, manufacturers may cause them to become packages by appropriate labeling, particularly with respect to the quantity of contents declaration, and thereby make them subject to § 1.8b(s) of this chapter. The effective date of § 1.8b(s) is February 12, 1971.

(b) To facilitate the orderly disposal of such open basket type carriers in inventory, which bear quantity of contents declarations that do not conform to § 1.8b(s), and to provide sufficient time for the necessary revisions, the Commissioner extends the time during which such revisions must be completed to December 31, 1972.

(Secs. 4, 5(a), 6(a), 80 Stat. 1297–1300; 15 U.S.C. 1453–55; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371)

Dated: October 13, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-14055; Filed, Oct. 16, 1970; 8:50 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 0B2552) filed by Life Sciences Division, Syracuse University Research Corp., Merrill Lane, University Heights, Syracuse, N.Y. 13210, and other relevant material, concludes that § 121.2520 of the food additive regulations should be amended to provide for the safe use of *N*-(1,1-dimethyl-3-oxobutyl) acrylamide as a component of food packaging adhesives.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2520(c)(5) is amended by alphabetically inserting a new item in the list of substances as follows:

§ 121.2520 Adhesives.

* * * * *

(c) * * *

(5) * * *

COMPONENTS OF ADHESIVES

Substances	*Limitations*
* * *	* * *
N-(1,1-dimethyl-3-oxobutyl) acrylamide	----
* * *	* * *

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

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

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

Dated: October 5, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-14013; Filed, Oct. 16, 1970; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart A—Vocational Rehabilitation Under 38 U.S.C. 31

BASIC ELIGIBILITY

In § 21.40, paragraph (a) is amended to read as follows:

§ 21.40 Basic eligibility.

To establish eligibility for vocational rehabilitation under 38 U.S.C. ch. 31, the conditions of this section must be met:

(a) *Service.* Active service in the military, naval, or air service of the United States within the dates set forth in § 21.42.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective August 26, 1965.

Approved: October 12, 1970.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 70-14038; Filed, Oct. 16, 1970; 8:48 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 441-70]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart I—Civil Division

CERTAIN CIVIL LITIGATION AND FOREIGN CRIMINAL PROCEEDINGS

By virtue of the authority vested in me by 5 U.S.C. 301 and 28 U.S.C. 509, 510, and 515–519, § 0.46 of Subpart I of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is revised to read as follows:

§ 0.46 Certain civil litigation and foreign criminal proceedings.

The Assistant Attorney General in charge of the Civil Division shall, in addition to litigation coming within the scope of § 0.45, direct all other civil litigation including claims by or against the United States, its agencies or officers, in domestic or foreign courts, special proceedings, and similar civil matters not otherwise assigned, and shall employ foreign counsel to represent before foreign criminal courts, commissions or administrative agencies officials of the Department of Justice and all other law enforcement officers of the United States who are charged with violations of foreign law as a result of acts which they performed in the course and scope of their Government service.

Dated: October 10, 1970.

JOHN N. MITCHELL,
Attorney General.

[F.R. Doc. 70-14000; Filed, Oct. 16, 1970; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

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

§ 1914.4 List of designated areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Los Angeles	Monterey Park	E 06 037 2260 01 E 06 037 2260 02	Department of Water Resources, Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012, and 1407 Market St., San Francisco, Calif. 94103.	Office of the City Engineer, 320 West Newmark Ave., Monterey Park, Calif. 91754.	Oct. 16, 1970.
Florida	Palm Beach	Delray Beach	E 12 099 0820 01 through E 12 099 0820 04	Department of Community Affairs, 309 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, Fla. 32303.	Office of the City Engineer, City Hall, 100 Northwest First Ave., Delray Beach, Fla. 33444.	Do.
Do	do	Highland Beach	I 12 099 1350 03 I 12 099 1350 04	do	Town of Highland Beach, 3612 South Ocean Blvd., Delray Beach Fla., 33444.	Do.
Do	Walton	Unincorporated areas.	E 12 131 0000 01 E 12 131 0000 02	do	County Commissioner's Room, Walton County Courthouse, De Funiak Springs, Fla. 32433.	Do.
New Jersey	Cape May	Stone Harbor	E 34 009 3260 01 E 34 009 3260 02	Department of Environmental Protection, Division of Water Policy and Supply, Post Office Box 1390, Trenton, N.J. 08625. Department of Banking and Insurance, State House Annex, Trenton, N.J. 08625.	Borough Clerk's Office, Municipal Bldg., 95th and Second Ave., Stone Harbor, N.J. 08247.	Do.
Do	Morris	Rockaway	E 34 027 2850 01 through E 34 027 2850 03	do	Borough Clerk's Office, Municipal Bldg., Borough of Rockaway, 1 East Main St., Rockaway, N.J. 07866.	Do.
New York	Chautauqua	Hanover	E 36 013 8000 01 E 36 013 8000 02	New York State Department of Conservation, State Campus, Albany, N.Y. 12226. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Town Clerk's Office, Town of Hanover, 239 Central Ave., Silver Creek, N.Y. 14136.	Do.
Do	Suffolk	Islip	E 36 103 2920 01 through E 36 103 2920 10	do	Office of the Town Clerk, Brookwood Hall, 50 Irish Lane, East Islip, N.Y. 11730.	Do.
Rhode Island	Providence	Woonsocket	E 44 007 0260 01 through E 44 007 0260 04	Rhode Island Statewide Planning Program, Room 123-A, The State House, Providence, R.I. 02903. Rhode Island Insurance Department, Room 418, 49 Westminster St., Providence, R.I. 02903.	Office of the City Engineer, City Hall, Main St., Woonsocket, R.I. 02895.	Do.
Texas	Galveston	Kemah	I 48 167 3607 02	Texas Water Development Board, 301 West Second St., Austin, Tex. 78711. State Board of Insurance, 11th and and San Jacinto, Austin Tex. 78701.	City Hall, City of Kemah, 601 Texas Ave., Kemah Tex. 77565.	Do.
Do	do	LaMarque	I 48 167 3850 03 I 48 167 3850 04	do	Office of the City Clerk, City of LaMarque, 322 Laurel, LaMarque, Tex. 77568.	Do.

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

Effective date. October 16, 1970.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 70-13997; Filed, Oct. 16, 1970; 8:45 a.m.]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

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

§ 1915.3 List of flood hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Los Angeles	Monterey Park	T 06 037 2260 01 T 06 037 2260 02	Department of Water Resources, Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012, and 1407 Market St., San Francisco, Calif. 94103.	Office of the City Engineer, 320 West Newmark Ave., Monterey Park, Calif. 91754.	Oct. 16, 1970.
Florida	Palm Beach	Delray Beach	T 12 099 0820 01 through T 12 099 0820 04	Department of Community Affairs, 309 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, Fla. 32303.	Office of the City Engineer, City Hall, 100 Northwest First Ave., Delray Beach, Fla. 33444.	Do.
Do.	do.	Highland Beach	H 12 099 1350 03 H 12 099 1350 04	do.	Town of Highland Beach, 3612 South Ocean Blvd., Delray Beach, Fla. 33444.	Sept. 11, 1970.
Do.	Walton	Unincorporated areas.	T 12 131 0000 01 T 12 131 0000 02	do.	County Commissioner's Room, Walton County Courthouse, De Funiak Springs, Fla. 32433.	Oct. 16, 1970.
New Jersey	Cape May	Stone Harbor	T 34 009 3260 01 T 34 009 3260 02	Department of Environmental Protection, Division of Water Policy and Supply, Post Office Box 1390, Trenton, N.J. 08625. Department of Banking and Insurance, State House Annex, Trenton, N.J. 08625.	Borough Clerk's Office, Municipal Bldg., 95th and Second Ave., Stone Harbor, N.J. 08247.	Do.
Do.	Morris	Rockaway	T 34 027 2850 01 through T 34 027 2850 03	do.	Borough Clerk's Office, Municipal Bldg., Borough of Rockaway, 1 East Main St., Rockaway, N.J. 07866.	Do.
New York	Chautauqua	Hanover	T 36 013 8000 01 T 36 013 8000 02	New York State Department of Conservation, State Campus, Albany, N.Y. 12226. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Town Clerk's Office, Town of Hanover, 239 Central Ave., Silver Creek, N.Y. 14136.	Do.
Do.	Suffolk	Islip	T 36 103 2920 01 through T 36 103 2920 10	do.	Office of the Town Clerk, Brookwood Hall, 50 Irish Lane, East Islip, N.Y. 11730.	Do.
Rhode Island	Providence	Woonsocket	T 44 007 0260 01 through T 44 007 0260 04	Rhode Island Statewide Planning Program, Room 123-A, The State House, Providence, R.I. 02903. Rhode Island Insurance Department, Room 418, 49 Westminster St., Providence, R.I. 02903.	Office of the City Engineer, City Hall, Main St., Woonsocket, R.I. 02895.	Do.
Texas	Galveston	Kemah	H 48 167 3607 02	Texas Water Development Board, 301 West Second St., Austin, Tex. 78711. State Board of Insurance, 11th and San Jacinto, Austin, Tex. 78701.	City Hall, City of Kemah, 601 Texas Ave., Kemah, Tex. 77565.	June 5, 1970.
Do.	do.	LaMarque	H 48 167 3850 03 H 48 167 3850 04	do.	Office of the City Clerk, City of LaMarque, 322 Laurel, LaMarque, Tex. 77568.	May 26, 1970.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 26, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Effective date. October 16, 1970.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 70-13998; Filed, Oct. 16, 1970; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Alamosa National Wildlife Refuge, Colo.

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

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

COLORADO

ALAMOSA NATIONAL WILDLIFE REFUGE

The public hunting of pheasants on the Alamosa National Wildlife Refuge, Colo., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,267 acres, is delineated on maps available at refuge headquarters, Alamosa, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103.

Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants subject to the following special conditions:

(1) The pheasant hunting season the refuge extends from November 21 through November 29, 1970, inclusive.

(2) Dogs—Not to exceed two dogs per hunter may be used in the hunting of pheasants.

(3) Admittance—Entrance to the open area and parking of vehicles will be restricted to designated parking areas.

(4) Hunting with rifles and hand guns is prohibited. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 30, 1970.

CHARLES R. BRYANT,
Refuge Manager, Alamosa National Wildlife Refuge, Alamosa, Colo.

OCTOBER 1, 1970.

[F.R. Doc. 70-14022; Filed, Oct. 16, 1970; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

DEFINITION OF POOLED INCOME FUND

Notice of Hearing

Proposed regulations under section 642(c)(5) of the Internal Revenue Code of 1954, relating to definition of pooled income fund, were published in the FEDERAL REGISTER of July 17, 1970.

A public hearing on the provisions of these proposed regulations will be held on Thursday, November 5, 1970, at 10 a.m., e.s.t., in Room 3313, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by October 30, 1970. Notification of intention to attend or comment at the hearing may be given by telephone, 202-964-3935.

K. Martin Worthy,
Chief Counsel.

JAMES F. DRING,
Director, Legislation and Regulations Division.

[F.R. Doc. 70-14128; Filed, Oct. 16, 1970; 10:18 a.m.]

[26 CFR Part 1]

CHARITABLE REMAINDER TRUSTS

Notice of Hearing

Proposed regulations under sections 664 and 6012 of the Internal Revenue Code of 1954, relating to charitable remainder trusts, were published in the FEDERAL REGISTER of August 5, 1970.

A public hearing on the provisions of these proposed regulations will be held on Friday, November 6, 1970, at 10 a.m., e.s.t., in Room 3313, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by October 30, 1970. Notification of intention to attend or comment at the hearing may be given by telephone, 202-964-3935.

K. Martin Worthy,
Chief Counsel.

JAMES F. DRING,
Director, Legislation and Regulations Division.

[F.R. Doc. 70-14129; Filed, Oct. 16, 1970; 10:18 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 201]

[General Order 41, Amdt. 3]

APPEARANCE AND PRACTICE BEFORE THE ADMINISTRATION

Notice of Proposed Rule Making

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 553) and authority under Reorganization Plan No. 7 of 1961, Department of Commerce Department Organization Order 25-2A (formerly Department Order 117-A, 31 F.R. 8087, 35 F.R. 115), and section 204(b), Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b)), that the Maritime Administration proposes to amend its rules of practice and procedure by amending its rule regarding the practice and appearance of former employees before the Maritime Administration.

The purposes of the proposed amendment are essentially (1) to clarify the areas of past participation which will permanently disqualify former employees, (2) to clarify the areas in which former officers and employees may appear and practice before the Maritime Administration, (3) to clarify the areas in which former employees or officers can give assistance to or be employed by any person who is duly qualified to practice and appear before the Maritime Administration and (4) to amend the rules of the Maritime Administration to take into account the standards provided by Public Law 87-849, approved October 23, 1962 (18 U.S.C. sec. 207), as such standards are clarified by the Attorney General's memorandum of January 28, 1963, which was published on February 1, 1963 (28 F.R. 985).

Accordingly, the rules of practice and procedure identified as General Order 41, 3d Rev. 29 F.R. 14475, October 22, 1964, are proposed to be amended by deleting in its entirety § 201.26 of Subpart B entitled Former Employees and substituting in lieu thereof the following new § 201.26:

Subpart B—Appearance and Practice Before the Administration

§ 201.26 Former employees.

(a) No former officer or employee of the Administration, after his or her employment with the Administration has ceased, shall act as agent or attorney for anyone other than the United States in connection with any particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and in which the former officer or employee participated personally and substantially as an officer or employee of the Maritime Administration through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise while so employed by the Maritime Administration;

(b) No former officer or employee of the Administration shall practice, appear, or represent anyone, directly or indirectly, other than the United States, before the Administration in any matter for a period of 1 year subsequent to the termination of his or her employment with the Administration in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter involving a specific party or parties in which the United States is a party or directly and substantially interested and which was under his or her official responsibility as an officer or employee of the Administration at any time during the last year of his service.

(c) Any person in doubt as to the applicability of paragraphs (a) or (b) of this § 201.26 to a particular case or to the postemployment activities of a former officer or employee of the Administration may address an application to the Administration for the Administration's consent to appear, stating his former connection with the Administration or predecessor agency identifying the matter in which he or she desires to appear and describe in detail his participation in or responsibility for the particular matter and the specific party or parties involved and the extent, if any, in which the former officer or employee had participated while employed by the Administration. The applicant shall be promptly advised as to his privilege to appear in the particular matter. Separate consents to appear must be obtained in each particular matter.

These revised rules relating to the postemployment activities of former officers or employees of the Administration shall apply to all cases now pending before the Administration and to all future cases.

Paragraph (a) is a permanent postemployment prohibition and paragraph (b) is a 1-year postemployment prohibition in respect of those matters which were within the area of official responsibility of a former officer or employee of the Administration at any time during the last year of his or her service but which do not come within the prohibition of paragraph (a) because he or she did not participate in them personally and substantially. The proposed paragraphs (a) and (b), as aforesaid, eliminate from the rules the present prohibition against postemployment activities by former officers or employees of the Administration which may fairly be characterized as no more than aiding or assisting another.

Any person, firm, or corporation desiring to submit data, views, or arguments for consideration in connection with the proposed rules should file the same in writing with five copies, with the Secretary, Maritime Administration, Washington, D.C. 20230, by the close of business on November 16, 1970. Upon receipt of such comments, or if no comments are received, the Maritime Administrator and the Maritime Subsidy Board shall take such action as may be deemed appropriate.

By Order of the Acting Maritime Administrator and the Maritime Subsidy Board.

Dated: October 13, 1970.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 70-14059; Filed, Oct. 16, 1970; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 47]

[Docket No. 10038; Notice 70-40]

CANCELLATION OF CERTIFICATE OF AIRCRAFT REGISTRATION FOR EXPORT PURPOSE

Recorded Rights-Satisfaction or Consent To Transfer

The Federal Aviation Administration is considering amending § 47.47 of the Federal Aviation Regulations to provide that the holder of a Certificate of Aircraft Registration who wishes to cancel the Certificate for the purpose of export to a foreign country that has not ratified or does not adhere to the Convention on International Recognition of Rights in Aircraft (Mortgage Convention) must submit evidence satisfactory to the Administrator that each holder of a recorded right (other than a contract of conditional sale) has been satisfied or has consented to the transfer.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before November 18, 1970, will be considered by the Administrator before taking action upon the proposed rule. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Paragraph (b) of § 47.47 now provides that if the aircraft is to be exported to a foreign country that has ratified or adheres to the Mortgage Convention, the holder must submit evidence satisfactory to the Administrator that each holder of a recorded right has been satisfied or has consented to the transfer. This provision fulfills the obligations of the United States under Article IX of the Mortgage Convention. However, the provision does not apply where the aircraft is to be exported to a country that has not ratified or does not adhere to the Convention, and in such a case the certificate holder need only request cancellation and in addition, if there is a contract of conditional sale, submit written consent of the seller, bailor, or lessor under the contract. As a result, when a recorded right in the aircraft is not a contract of conditional sale, and the aircraft is to be exported to a non-Mortgage Convention country, satisfaction of the recorded right or consent to the transfer need not be shown. In such a case, the obligations under the Convention may be frustrated by a request indicating that the aircraft is to be exported to a non-Mortgage Convention country when in fact it will be exported to a Mortgage Convention country either directly or after a period of registration in the non-Mortgage Convention country.

The proposal would amend § 47.47 to treat all cancellations of Certificates of Aircraft Registration in the same manner and would afford a greater protection to holders of recorded rights in the United States. It also would more fully comply with the objectives of the Mortgage Convention.

In consideration of the foregoing, it is proposed to amend § 47.47 of the Federal Aviation Regulations to read as follows:

§ 47.47 Cancellation of Certificate for export purpose.

(a) The holder of a Certificate of Aircraft Registration who wishes to cancel the Certificate for the purpose of export must submit to the FAA Aircraft Registry—

(1) A written request for cancellation of the Certificate describing the aircraft by make, model, and serial number, stating the U.S. identification number and the country to which the aircraft will be exported; and

(2) The applicable satisfaction of conveyance or consent to transfer, as follows:

(i) When the aircraft is under a contract of conditional sale, the written consent of the seller, bailor, or lessor under the contract.

(ii) When the aircraft is subject to a recorded right other than a contract of conditional sale, evidence satisfactory to the Administrator that the holder of the recorded right has been satisfied or has consented to the transfer.

(b) [Reserved]

(c) The FAA notifies the country to which the aircraft is to be exported of the cancellation by ordinary mail, or by airmail at the owner's request. The owner must arrange and pay for the transmission of this notice by means other than ordinary mail or airmail.

These amendments are proposed under the authority of sections 313(a) and 503 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1403), section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)), and §1.47(a) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.47(a)).

Issued in Oklahoma City, Okla., on October 1, 1970.

A. L. COULTER,
Director, Aeronautical Center.

[F.R. Doc. 70-14015; Filed, Oct. 16, 1970; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-WA-38]

ATLANTA, GA., TERMINAL CONTROL AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Atlanta, Ga., terminal control area (TCA) by eliminating the VFR corridor; lowering the floor in an area south of the Atlanta Airport and a small area southeast of the Fulton County Airport; and raising the floor in an area north of the Atlanta Airport.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. 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. The proposal contained in this notice may be changed in the light of comments received.

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

The Atlanta TCA was implemented June 25, 1970, in Airspace Docket No. 69-WA-32 (34 F.R. 15805, 35 F.R. 4521, 4639, 7784, 12836). The first 90 days of operation of this TCA indicate that very few aircraft use the VFR corridor. Some actual counts made of both known users and unidentified radar targets within the corridor area indicate that only three to six aircraft used the corridor during an 8-hour period while 500 to 600 aircraft were required to avoid the corridor during the same period. These figures indicate inefficient use of the prime Atlanta terminal area airspace; therefore, the

FAA proposes to eliminate the VFR corridor.

There are several types of turbine-powered aircraft operating at Atlanta that cannot perform well enough to operate within the limits of the TCA without climb restrictions or off-course radar vectors. This is particularly true when attempting to avoid the VFR corridor. To operate within the TCA, turbine-powered aircraft are normally given climb restrictions or radar vectors considerably off course to avoid the VFR corridor. To alleviate this problem the FAA proposes to adjust the floors of certain portions of the TCA. In addition, to provide more airspace for aircraft operating at Fulton County Airport, it is proposed to raise the floor of the northern part of area A from the surface to 3,500 feet MSL.

If this proposed action is taken, the Atlanta, Ga., TCA would be amended to read as follows:

ATLANTA, GA., TERMINAL CONTROL AREA

PRIMARY AIRPORT

Atlanta Airport (lat. 33°38'42" N., long. 84°25'37" W.).

BOUNDARIES

Area A

That airspace extending upward from the surface to 8,000 feet MSL within a 7-mile radius of the Atlanta Airport including that area within lines drawn 2 statute miles each side of the 267° M radial of the Rex VOR extending from the 7-mile-radius circle to the Rex VOR, excluding the Fulton County control zone and excluding the airspace north of a line 4 miles north of and parallel to the extended centerline of Runways 9L/27R.

Area B

That airspace extending upward from 2,500 feet MSL to 8,000 feet MSL within a 12-mile radius of the Atlanta Airport, excluding area A, the Fulton County control zone, and the airspace north of a line 4 miles north of and parallel to the extended centerline of Runways 9L/27R.

Area C

That airspace extending upward from 3,500 feet MSL to 8,000 feet MSL within a 20-mile radius of the Atlanta Airport, excluding area A, area B, and the airspace north of a line 1 mile south of and parallel to the 270° M and 090° M radials of the Fulton County VOR.

Area D

That airspace extending upward from 6,000 feet MSL to 8,000 feet MSL north of the Atlanta Airport bounded on the east by a 20-mile-radius arc from the Atlanta Airport, on the south by a line 1 mile south of and parallel to the 270° M and 090° M radials of Fulton County VOR, on the west by a 20-mile-radius arc from the Atlanta Airport, and on the north by the southern boundary of the area described as the Dobbins AFB control zone and the 259° M radial of Norcross VOR east of the Dobbins AFB control zone.

This amendment is proposed under the authority of sections 307(a) and 313 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 13, 1970.

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

[F.R. Doc. 70-14014; Filed, Oct. 16, 1970; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 399]

[Docket No. 21866-3]

TREATMENT OF DEFERRED FEDERAL INCOME TAXES FOR RATE MAKING PURPOSES

Notice of Proposed Rule Making

OCTOBER 13, 1970.

Notice is hereby given that the Civil Aeronautics Board is proposing to amend Part 399 of the regulations to establish a policy for the treatment for rate purposes of the accelerated depreciation pursuant to section 167 of the Internal Revenue Code of 1954. While specific rules are not proposed at this time, the nature of alternative rules which may be adopted is set forth in the attached statement. The notice is issued under the authority of sections 204 and 404 of the Federal Aviation Act of 1958, as amended (72 Stat. 743 and 760; 49 U.S.C. 1324 and 1374), and section 553 of the Administrative Procedure Act (80 Stat. 378, 381; 5 U.S.C. 553).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before November 16, 1970, and reply comments received on or before December 1, 1970, will be considered by the Board before taking action. Each party to the Domestic Passenger Fare Investigation, Docket 21866, shall serve a copy of its response hereto and of its reply comments on all other parties to that investigation. Upon receipt by the Board, copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

Explanatory Statement. This rulemaking proceeding constitutes Phase 3 of the Domestic Passenger Fare Investigation. That investigation is an omnibus inquiry into the domestic passenger fare level and structure, and has been broken down into a number of substantive phases, each involving specific substantive issues. The Board has previously determined that the issue of the appropriate treatment of deferred taxes for ratemaking purposes shall be handled by rulemaking procedures.[1]

The issue of deferred taxes involves the question of the extent to which the tax allowance for fare purposes should reflect the impact of liberalized depreciation taken by the carriers for tax purposes pursuant to section 167 of the Internal Revenue Code. There are two basic alternative policies which are under consideration. Under the first, known as normalization, taxes are allowed as if book and tax depreciation were identical.[2] Under the second method, known as flow-through, the tax allowance reflects the depreciation actually taken for tax purposes. The Board at this time has made no tentative determination as to which of these methodologies should be adopted. This statement sets forth the nature of the problem, certain relevant economic data, and considerations bearing on the issue. Following comments and, if found appropriate, oral argument, the Board intends to issue a final policy statement setting forth its determination on this issue.[3]

General. In determining a carrier's depreciation expenses and investment for rate purposes, the Board has always employed the conventional "straight-line" depreciation method, under which the cost of each unit of property (less residual value) is amortized over its estimated useful life in equal annual installments. On the other hand, section 167 of the Internal Revenue Code[4] permits taxpayers to depreciate property on an accelerated basis during the earlier years of service life, leaving smaller amounts to be depreciated in later years. Thus, if the taxpayer utilizes but one depreciable item of property, the effect of employing liberalized depreciation

[1] Order 70-2-121, Feb. 26, 1970.

[2] This was the method which the Board adopted in the General Passenger-Fare Investigation, 32 C.A.B. 291, 326-8 (1960). The Board's decision in that case largely turned on its belief that normalization was required under the tax laws, a view then widely held. See Amere Gas Utilities Co., 15 F.P.C. 760, 781-2 (1956). It was subsequently established that the choice of rate-making methods was within the agency's jurisdiction. See Alabama-Tennessee Natural Gas Co., 31 F.P.C. 208 (1964) aff'd, 359 F. 2d 318 (5th Cir., 1966), cert. denied, 385 U.S. 847. Sec. 441 of the Tax Reform Act of 1969, Public Law 91-172, which requires the use of normalization in utility rate-making in certain circumstances, is not applicable to air carriers.

[3] Any interested person who believes that a hearing is required should so state in his comments and support his request with the evidence he would intend to submit at such a hearing. All parties should be on notice that in the event that an evidentiary hearing is held, its scope will be confined to the introduction into evidence of the materials contained in this notice, the comments submitted on response, and cross-examination on the foregoing except to the extent that the Examiner may determine that additional evidence is required in order to assure a fair hearing. (Cf. 14 CFR Part 302, Subpart M.)

[4] 26 U.S.C. 167.

would be to reduce his taxes in the early period of ownership, but increase his taxes in the later period, as compared with his taxes under straight-line depreciation.

In order to compare depreciation as might be reported for book purposes with that allowed for tax purposes, a hypothetical situation involving assets costing $10 million is shown in Appendix A.[5] The book depreciation based on a 14-year straight line, 10-percent residual value is compared with an 8-year double declining balance (DDB) method of depreciation allowable for tax purposes. The 8-year DDB method allowed by IRS permits writing off 25 percent of the asset value in the first year, 25 percent of the remaining balance in the second year, and so on. As the appendix shows, there is a substantial difference of $4.4 million in the first 5 years between depreciation allowed for tax purposes and that reported for book purposes.

The higher depreciation allowed for tax purposes under section 167 of the Internal Revenue Code during the early years produces related tax savings. However, for any particular asset, these savings are later offset by tax increases with respect to that asset. The example outlined on Appendix A shows this trend: Higher taxes become effective in the sixth year of the service life period.

The fact that tax savings in the early years are offset by additional taxes in the later years has given rise to the concept of normalization. Under this concept, the tax "saving" is regarded as in the nature of an interest-free loan from the Government which must ultimately be repaid in the form of higher taxes in the future. Accordingly, the tax saving is treated as merely a deferral of present taxes to the future, and, employing conventional accounting principles, provision is made for the future payment by the accumulation of a deferred tax reserve.[6] Accruals and charges to the reserve are based upon the tax effect of the difference between straight-line and liberalized depreciation. Accruals to the reserve have the effect of increasing the carrier's recorded tax expense to the "normal" level, and charges to the reserve in the later years have the effect of reducing recorded tax expense to the "normal" level. Thus, where normalization is used for rate purposes, the effect is to construct a tax allowance for the carrier or utility in an amount equal to the taxes which would have been paid had the carrier employed straight-line depreciation for tax purposes. As previously indicated, the Board adopted the normalization method in its 1960 decision in the General Passenger Fare Investigation.[7]

The example described above in Appendix A shows the tax impact of section 167 as related to any single item of property. However, if the taxpayer is expanding, new depreciable assets may be acquired more rapidly than old assets are retired. As a consequence, the tax savings resulting from above-normal (i.e., above straight-line) depreciation of newer assets more than offset the additional taxes resulting from below-normal depreciation of older assets. In other words, if liberalized depreciation for tax purposes is evaluated from a company's entire depreciable investment base and not in terms of each single piece of equipment, it produces a savings in cash tax payments for a company so long as its investment base continues to grow. This consideration has caused some ratemaking agencies to conclude that no occasion arises for accruing reserves to cover future tax increases. Such agencies "flow through" to earnings, and thus to the consumer, the cash tax savings produced by liberalized depreciation.

Economic factors. Attached to this statement are a series of appendices containing data and forecasts showing the growth of the industry and the tax consequences of that growth under section 167.

During the period 1960 through 1969, revenue traffic has been growing at a substantial rate. Appendix B[8] shows system revenue ton-miles by carrier groups for the 10-year period. The 1960 volume for the combined carrier groups was 3.8 billion compared to 15 billion revenue ton-miles for 1969, or an increase of approximately 400 percent during this period. These increases in traffic have required a constantly expanding fleet of aircraft. Moreover, revenue ton-miles are also expected to increase in the future. Appendix C[8] indicates an upward trend moving from 15 billion in 1969 to 20.5 billion in 1972 for both the trunkline and local service carriers.

Appendix D[8] shows the year-by-year net increase in flight equipment for the trunkline and local service carrier groups from 1960 through 1969. During this period, the net original cost in flight equipment increased by almost $6 billion. The yearly net purchases ranged from a low of $42.5 million in 1963 to a high of $1.4 billion in 1968. Flight equipment purchases in 1969 amounted to nearly $800 million.

Appendix E[8] shows gross investment in flight equipment for 1960 through 1969. A carrier-by-carrier comparison during the 10-year time period shows a continuous increase in the flight equipment account with minor and occasional downward variations. The combined totals for trunk and local service carriers show a gross investment in flight equipment in 1960 of $2.4 billion compared to $8.3 billion in 1969.

From all indications, the increase in fleet size will continue into the foreseeable future. The second generation jet purchase program comprising such aircraft types as the B–747, DC–10, and L–1011 along with reorders of the first generation jets are shown on Appendix F[8] for deliveries in 1970, 1971, and 1972. Conservative estimates indicate these aircraft without spare parts will cost about $1.2 billion, $1 billion, and $1.4 billion respectively, for the years shown. The American SST program, at an estimated unit price of $40 million planned for the late 70's may result in further fleet expansions.

A 10-year review from 1960–69 of the Deferred Federal Income Taxes, CAB Account 2340, for the individual trunk and local service carriers is shown on Appendix G.[8] The deferred tax account reflects the different treatment accorded expenses generally on the tax return as compared to the carriers' books, and thus includes accruals and charges related to liberalized tax depreciation as well as other factors. The system tax accruals arising from accelerated depreciation differences have been isolated from the deferred tax account and are shown on Appendix H[8] for the individual trunk and local service carriers during the 10-year period 1960 through 1969. Both appendices reflect the increase that has taken place in the deferred tax reserve during the past decade.

Opposing considerations. The argument in favor of flow-through proceeds upon the assumption that for the foreseeable future the operation of the liberalized depreciation provisions of section 167 will result in sizable reductions in carriers' income tax payments which will not in fact be offset by future tax increases occasioned by lesser depreciation taken in the future under section 167. This assumption is in turn predicated upon the likelihood that the carriers' investment base will continue to expand in the indefinite future as it has in the past and that the liberalized depreciation provisions of section 167 will remain essentially intact. It is recognized, however, that either of these assumptions may involve elements of uncertainty. Thus, the investment base may decline for particular carriers because of a leveling off of traffic, a slowdown in the rate of technological growth in the manufacturing industry resulting in slower replacement of aircraft types, and the use of leasing rather than purchasing of aircraft. Moreover, there is no assurance that the provisions of section 167 will in fact remain substantially intact, and in the event that Congress were to repeal liberalized depreciation, it is evident that very substantial tax increases would occur in the future. Of course, these risks may be ameliorated by the ratemaking process: To the extent that taxes increase by virtue of the operation of the liberalized depreciation laws, the carriers can claim compensating adjustments in their rates and fares.

The arguments in favor of normalization proceed initially on the proposition that for each item of equipment the lower taxes in the earlier years do not represent true savings, but rather represent deferrals of tax payments which must be made in later years. To the accountant, these "savings" are in fact additional costs which must be provided for concurrently, notwithstanding the fact that there may be offsetting "savings" in the future. While ratemaking

[5] Filed as part of the original document.
[6] See American Institute of Certified Public Accountants, Accounting Research Bulletin No. 43, Sept. 11, 1959.
[7] See note 2, supra.
[8] Filed as part of the original document.

does not necessarily follow accounting theory, there are certain practical consequences which flow from the fact that accountants generally require provision for deferred taxes relating to the use of liberalized depreciation. Thus, carriers are required to compete in the financial markets for capital with other corporations who make current provision in their accounts for deferred taxes. The lending institution or investment analyst may well insist upon adjusting the carriers' earnings to reflect accruals for deferred taxes. If the carriers' earnings for rate and fare purposes are computed on the basis of flow-through by the Board but on the basis of normalization by the investor, then the investor may well consider that the carrier is realizing a lower return than that which the Board computes for rate purposes. If this assumption were correct, it could lead to the conclusion that a higher rate of return would be required if the Board shifts from the policy of normalization to flow-through.

In summary, it appears that the considerations which may prove to be critical to determination of the proper policy in this area include (a) whether it is likely that the investment base of the carriers, both individually and collectively, will continue to rise or at least remain stable for an indefinite period in the future; (b) the extent to which increased taxes which may occur in the future as the result of a decline in investment base or repeal of section 167 may reasonably be expected to be recouped through rates and fares; (c) the impact that adoption of normalization might have on the carriers' ability to compete for capital in the financial markets and hence on the rate of return required. We will expect the respondents to address themselves to these factors as well as any others which may be deemed pertinent.

Investment base issues. There remains for consideration the question of the treatment of the deferred tax reserves for investment purposes. In the General Passenger Fare Investigation, supra, the Board, while recognizing accruals to the deferred tax reserves, determined not to include them in the rate base. The Board noted that in this fashion normalization would not result in any increase in the level of recognized tax expenses nor burden the public with additional charges over and above those which would obtain if the companies did not employ section 167.[10] In reaching this determination, the Board expressed agreement with the examiner's finding that this treatment is consistent with the handling of deferred taxes as an interest-free loan from the government, and that since there is no obligation to pay interest or dividends to any outside investor, their exclusion from the rate base is consistent with the prudent investment method of rate-base determination.[11] We will expect the respondents to address themselves to the continued validity of this determination in the event that the Board decides to adhere to the use of normalization.

The treatment of the reserves becomes more complicated in the event that the Board determines to adopt the flow-through method of reflecting the tax benefits under section 167, since the question will then arise as to the handling of the reserves for deferred taxes which have been accumulated under the Board's normalization policy. Under the Board's Uniform System of Accounts, these reserves, to the extent that they relate to section 167 of liberalized depreciation, would begin to be written off the books as the depreciation taken for tax purposes on each specific item of equipment to which the reserve relates drops below the straight-line depreciation. When liberalized depreciation on all of the present equipment has been taken, the reserves would thus be fully written off the books. Were we to follow this policy for rate purposes, the effect of the amortization would be to substantially reduce the tax allowances during the period of amortization.

At least two other alternatives suggest themselves. First, the reserves could be retained on the carriers' books indefinitely to be utilized in the event that at some future time the carriers' actual tax liability increased as a result of the operation of section 167. Since, under the principle established in the General Passenger Fare case, the reserve is treated as a deduction from the rate base, the effect of this alternative would be to permanently deprive the carriers of any return on the amounts represented by the reserve. Therefore, from the standpoint of the carriers, it may be that writing down the reserve over a reasonable period of time might be a preferable course of action, although this method would result in a reduction in allowable expenses during the period of write down.[12] At this juncture, the Board has not reached a tentative judgment as to which of the foregoing alternatives is preferable, or whether some other treatment would represent a more reasonable solution to the problem.

[F.R. Doc. 70-14052; Filed, Oct. 16, 1970; 8:49 a.m.]

[10] 32 C.A.B. at 327.
[11] Ibid. at 310, n. 55, and 401-2.

[12] Cf. Alabama Tennessee Natural Gas Co., 31 F.P.C. 208 (1964).

FEDERAL POWER COMMISSION

[18 CFR Parts 2, 4, 5, 157]

[Docket No. R-398]

IMPLEMENTATION OF NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

Notice of Proposed Policy Statement and Rule Making; Correction

In the notice of proposed policy statement and rule making, issued September 17, 1970, and published in the FEDERAL REGISTER September 24, 1970, 35 F.R. 14848, the 16th and 17th lines of the middle column on page 14849 should read "applications filed under § 157.7(b), (c), (d), and (e) of the Commission's regulations, need not con-". Section 2.82 (b), lines three and four, should read "viated applications filed under § 157.7 (b), (c), (d), and (e) of this chapter,".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-14020; Filed, Oct. 16, 1970; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 217]

[Reg. Q]

INTEREST ON DEPOSITS

Methods of Computing Interest

The Board of Governors proposes to amend Regulation Q, in the following respects:

(1) By changing § 217.3(e) to read:

§ 217.3 Interest on time and savings deposits.

* * * * *

(e) *Computation of interest on time deposits.* In the computation of simple daily interest, the time factor should be expressed as a fraction in which the actual number of days the funds are on deposit is the numerator, and the denominator is either 360 or 365. When a time deposit matures in 1 month (or multiples thereof), the bank may use 30 days in the numerator (or corresponding multiples thereof).

§ 217.6 [Amended]

(2) By deleting the last sentence of § 217.6(b).

The effect of the proposed amendments can best be viewed in the light of the methods of computing interest presently permitted.

a. The maximum rate of simple interest that a member bank may pay on a deposit is established by § 217.7. In January 1970, the Board established certain rates on deposits with a maturity of "1 year or more". To qualify for a rate that may be paid on such a deposit, the deposit must not mature before 1 full year—365 or 366 days as the case may be—from the date of deposit.

b. The formula for continuous compounding is $A=Pe^{RN}$, where A is the final amount, P is the amount on which interest is compounded, e is the base for Naperian or natural logarithms, R is the nominal rate, and N is the number of years. At the present, in view of the intent of § 217.3(e), in expressing the number of years, the numerator is the actual number of days the funds are on deposit—except if the grace periods of § 217.3(e) apply—and the denominator must be 365. If the proposed amendment is adopted, the denominator could be either 360 or 365. This would be consistent with § 217.3(a), which provides that the effects of compounding may be disregarded in determining whether a member bank is paying interest in excess of

the rates established in § 217.7. For example, on a deposit made on February 1 for 1 month the time element could be expressed as 30/360 or 30/365 rather than 28/360 or 28/365.

c. The formula for other than continuous compounding is $A=P\left(1+\frac{R}{M}\right)^{N}$, where A is the final amount, P is the amount on which interested is compounded, R is the nominal rate, M is the number of compounding periods in a year, and N is the actual number of periods for which interest is compounded. At present, when compounding interest daily, the number of compounding periods in a year must be 365. Again, if the proposed amendment is adopted, the denominator could be either 360 or 365. For example, a bank could compound 5 percent interest daily on a $10,000 deposit for 91 days in accordance with either of the following:

$$A=\$10{,}000\left(1+\frac{0.05}{360}\right)^{(91)} \text{ or } \$10{,}127.20;$$

or

$$A=\$10{,}000\left(1+\frac{0.05}{365}\right)^{(91)} \text{ or } \$10{,}125.40.$$

d. The formula for computation of simple interest is A=PRT, where A is the final amount, P is the amount on which interest is computed, R is the nominal rate, and T is the time period. In stating the time period § 217.3(e) presently authorizes (1) the use of 360 in the denominator only with respect to deposits of 30 days or multiples thereof, and (2) the use of 30 (and multiples thereof) in the numerator on a deposit for 1 month (or multiples thereof). The proposed amendment would (1) authorize the use of 360 as the denominator for any deposit, and (2) continue the present practice of authorizing a bank to consider 1 month as 30 days. For example, a bank would be permitted to consider the time factor for simple daily interest on a 365-day deposit as 365/360 or 365/365. On a 360-day deposit, the factor could be 360/360 or 360/365; it could not be 365/360. The present provisions for technical grace periods are derived from the current requirement for 365 in the denominator for deposits with maturities of other than 30 days, or multiples thereof. Since the proposed amendment would authorize the use of 360 in the denominator on all deposits, the references to such grace periods in the caption of § 217.3(e), and in the third sentence of § 217.6(b) would be deleted.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 16, 1970. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

By order of the Board of Governors, October 12, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-14012; Filed, Oct. 16, 1970; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

National Park Service

MESA VERDE NATIONAL PARK, COLO.

Nonsuitability as Wilderness; Hearing

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132), and in accordance with departmental procedures as identified in 43 CFR 19.5, that a public hearing will be held beginning at 1 p.m. on December 16, 1970, in the Grace Speck Room, Cortez City Hall, 210 East Main Street, Cortez, Colo., for the purpose of receiving comments and suggestions as to the nonsuitability of lands within Mesa Verde National Park for designation as wilderness. The park is located in Montezuma County, Colo.

A packet containing a map depicting the roadless area studied and providing additional information about the suitability study may be obtained from the Superintendent, Mesa Verde National Park, Mesa Verde National Park, Colo. 81330, or from the Director, Southwest Region, National Park Service, Old Santa Fe Trail, Post Office Box 728, Santa Fe, N. Mex. 87501.

A description and a map of the areas studied for their suitability or nonsuitability as wilderness are available for review in the above offices and in Room 1013 of the Department of the Interior Building at 18th and C Streets NW., Washington, D.C. The draft master plan for the park, likewise may be inspected at these locations.

Interested individuals, representatives of organizations, and public officials are invited to express their views in person at the aforementioned public hearing, provided they notify the Hearing Officer, in care of the Superintendent, Mesa Verde National Park, Mesa Verde National Park, Colo. 81330, by December 14, of their desire to appear. Those not wishing to appear in person may submit written statements on the wilderness proposal to the Hearing Officer, at that address for inclusion in the official record, which will be held open for 30 days following conclusion of the hearing.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to determinations that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements.

1. Governor of the State or his representative.
2. Members of Congress.
3. Members of the State Legislature.
4. Official representatives of the counties in which the proposed wilderness is located.
5. Officials of other Federal agencies or public bodies.
6. Organizations in alphabetical order.
7. Individuals in alphabetical order.
8. Others not giving advance notice, to the extent there is remaining time.

Dated: October 7, 1970.

JOE F. HOLT,
Acting Deputy Director,
National Park Service.

[F.R. Doc. 70-13777; Filed, Oct. 16, 1970; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

HOLMAN AUCTION CO. ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
GEORGIA	
W. L. Mosely Livestock Co., Blakely, Dec. 18, 1959..	Holman Auction Co., Sept. 8, 1970.
INDIANA	
Rushville Community Sale Barn, Inc., Rushville, Apr. 22, 1959.	Rushville Community Sale Barn, June 1, 1970.
NEBRASKA	
Sidney Livestock Sales Pavilion, Inc., Sidney, Jan. 29, 1963.	Western Plains Auction Co., Sept. 14, 1970.
OKLAHOMA	
Cordell Livestock Auction, Cordell, Apr. 9, 1959....	Cordell Livestock Auction, Inc., Mar. 18, 1969.
TEXAS	
Bee County Livestock Auction, Beeville, Apr. 30, 1957.	Bee County Livestock Market, Inc., Aug. 1, 1970.
Menard County Commission Co., Menard, Apr. 2, 1957.	Menard County Commission Company, Inc., Mar. 1, 1970.

Done at Washington, D.C., this 13th day of October 1970.

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

[F.R. Doc. 70-14053; Filed, Oct. 16, 1970; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce

COLD SPRING HARBOR LABORATORY, NEW YORK

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. 70-00652-33-46040. Applicant: Cold Spring Harbor Laboratory (of Quantitative Biology), Post Office Box

100, Cold Spring Harbor, N.Y. 11724. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany.

Intended use of article: The article will be used in a number of ongoing research projects, most of which require microscopy at the molecular level. Investigations concern the structure and functions of E. coli ribosomes; the structure of replicating DNA; and the structure of RNA synthesizing complexes between RNA-polymerase (E. coli, and mammalian) and DNA.

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 22, 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. 70-14001; Filed, Oct. 16, 1970; 8:45 a.m.]

COLUMBIA 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. 70-00653-33-46040. Applicant: Columbia University, Department of Biological Sciences, New York, N.Y. 10027. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, Inc., West Germany.

Intended Use of Article: The article will be used as a training instrument in two courses, cell and developmental biology. The students will be predominantly undergraduates at the junior and senior level and the intent of the use of the microscope is to provide initial exposure to a variety of techniques involved in 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 microscope 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 22, 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. 70-14002; Filed, Oct. 16, 1970; 8:45 a.m.]

OHIO 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. 70-00448-33-46500. Applicant: Ohio State University Research Foundation, 1314 Kinnear Road, Columbus, Ohio 43212. Article: Ultramicrotome, Model LKB 4800A, and accessories. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used in an investigation to evaluate the enhancement effect of high amounts of Vitamin A on DMBA—carcinoma of the hamster cheek pouch epithelium. This will involve histochemistry and electron microscopy. Soft tissue specimens will be used and section thickness between 50 angstroms and 2 microns will be needed.

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

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

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

The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of September 22, 1970, that capability for cutting speeds in excess of 4 mm./sec. is pertinent to the applicant's research studies involving soft tissue specimens of carcinoma of the hamster cheek pouch which are to be sectioned for histochemistry and electron microscopy, and which will require series of uniform sections. HEW cites as a precedent its prior recommendation relating to Docket No. 70-00519-33-46500 which conforms in many particulars with the captioned application.

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

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for 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. 70-14004; Filed, Oct. 16, 1970; 8:45 a.m.]

PENNSYLVANIA 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. 70-00377-33-46040. Applicant: The Pennsylvania State University, College of Science, University Park, Pa. 16802. Article: Two (2) electron microscopes, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands.

Intended use of article: The microscopes will be used for both teaching and research. Students and faculty will be taught how to properly use the instruments. One research project is studying bacterial cell walls. Another study concerns organelles of bacteria and the component parts of viruses. The surface structure of cells, spores, and macromolecular architecture of viruses will be investigated by the faculty.

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 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 22, 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. 70-14005; Filed, Oct. 16, 1970; 8:45 a.m.]

PURDUE 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. 70-00527-07-46100. Applicant: Purdue University, Lafayette, Ind. 47907. Article: Milko tester, Model MK-111. Manufacturer: A/S N. Foss Electric Denmark.

Intended use of article: The article will be used for automated measurement of fat in milk (lipid fraction), as well as measurements such as protein and cell counts. Besides research purposes, the article will be used in courses designed to give the student broad training in the principles of animal and food 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 foreign article provides an automated technique for the analysis of fat content in milk samples at a rate of approximately 180 samples per hour.

We are advised by the National Bureau of Standards in its memorandum dated September 9, 1970, that the automated technique for the analysis of milk fat at a rate of approximately 180 samples per hour is pertinent to the purposes, for which the foreign article is intended to be used.

NBS further advises that it knows of no domestically manufactured system for the analysis of milk samples for fat content that uses the automated technique of the foreign article.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[F.R. Doc. 70-14006; Filed, Oct. 16, 1970; 8:45 a.m.]

UNIVERSITY OF NOTRE DAME DU LAC

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. 71-00190-33-46040. Applicant: The University of Notre Dame DU LAC, College of Science, Notre Dame, Ind. 46556. Article: Electron microscope, EM 801. Manufacturer: Associated Electrical Industries, United Kingdom. Intended use of article: The article will be used for graduate student instruction combined with research in advanced cytology. Program includes demonstrations of three dimensional reconstruction of virus-like particles in nephroblastoma; comparison of the developmental ultrastructure of Habrobracon during vetellogenesis and early embryogenesis; origin of hymenopteran accessory nuclei based on serial sectioning and reconstruction of the nurse-follicle cell-oocyte complex; investigating cuticle

formation in parasitic nematodes; intestinal cell differentiation in parastic nematodes, and structure and function of mitochrondria. Application received by Commissioner of Customs: October 5, 1970.

Docket No. 71-00172-33-46040. Applicant: Sloan-Kettering Institute for Cancer Research, 410 East 68th Street, New York, N.Y. 10021. Article: Electron microscope, Elmiskop 101. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used for biological studies on crystalline and semicrystalline structures: lipoprotein macromolecules; and enzyme localizations. Application received by Commissioner of Customs: September 24, 1970.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[F.R. Doc. 70-14003; Filed, Oct. 16, 1970; 8:45 a.m.]

National Oceanic and Atmospheric Administration

[Docket No. G-474]

CLYDE CHANCY CORNETT

Notice of Loan Application

OCTOBER 13, 1970.

Clyde Chancy Cornett, Post Office Box 207, Panacea, Fla. 32346, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 36-foot length overall fiber glass vessel to engage in the fishery for sea bass.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20240. Any person desiring to submit evidence that the comtemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[F.R. Doc. 70-14041; Filed, Oct. 16, 1970; 8:48 a.m.]

[Docket No. A-549]

JAMES F. AND PATRICIA A. LEWIS

Notice of Loan Application

OCTOBER 13, 1970.

James F. Lewis and Patricia A. Lewis, Elfin Cove, Alaska 99825, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 30-foot length overall vessel to engage in the fishery for salmon and halibut.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[F.R. Doc. 70-14035; Filed, Oct. 16, 1970; 8:48 a.m.]

[Docket No. C-324]

CHARLES D. AND GAYLE C. WHITE

Notice of Loan Application

Charles D. White and Gayle C. White, 1318 Cedar Street, Fort Bragg, Calif. 95437, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 50-foot length overall wood vessel to engage in the fishery for salmon, albacore, Dungeness crab, sablefish and shrimp.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[F.R. Doc. 70-14042; Filed, Oct. 16, 1970; 8:48 a.m.]

[Docket No. A-479]

PATRICK A. WODYGA

Notice of Loan Application

Patrick A. Wodyga, Post Office Box 371, Poulsbo, Wash. 98370, has applied for permission to transfer the operations of the 36.5-foot registered length wood fishing vessel "Edrie," purchased with the aid of a fisheries loan, from the fishery for salmon to the fishery for salmon and albacore.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received, it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[F.R. Doc. 70-14036; Filed, Oct. 16, 1970; 8:48 a.m.]

Office of the Secretary

[Dept. Organization Order 30-2B]

NATIONAL BUREAU OF STANDARDS

Organization and Function

This material supersedes the material appearing at 33 F.R. 19255 of December 25, 1968; 34 F.R. 5611 of March 25, 1969; 35 F.R. 9295 of June 13, 1970; and 35 F.R. 12422 of August 4, 1970.

SECTION 1. *Purpose.* This order prescribes the organization and assignment of functions within the National Bureau of Standards (NBS).

SEC. 2. *Organization.* The organization structure and line of authority of the National Bureau of Standards shall be as depicted in the attached organization chart. (A copy of the organization chart is on file with original of this document with the Office of the Federal Register.)

SEC. 3. *Office of the Director.* .01 The Director determines the policies of the Bureau and directs the development and execution of its programs.

.02 The Deputy Director assists the Director in the direction of the Bureau, with particular regard to planning and internal coordination of its programs, and performs the functions of the Director in the latter's absence.

SEC. 4. *Staff units reporting to the Director.* .01 The Office of Academic

Liaison shall serve as the focal point for the Bureau's cooperation with the academic institutions, and serve as liaison office for cooperative research activities between the Bureau and other Government agencies.

.02 The Office of Legal Adviser shall, under the professional supervision of the Department's General Counsel and as provided in Department Organization Order 10-6, serve as the law office of and have responsibility for all legal services at the National Bureau of Standards.

SEC. 5. *Office of the Associate Director for Programs.* The Office of the Associate Director for Programs shall perform the functions of policy development, program analysis, and program promotion; sponsor and coordinate the performance of issue and impact studies; relate Bureau programs to national needs; generate planning formats and develop information on NBS program plans and status for internal and external audiences; administer advisory panels; and define alternatives for the allocation of resources and advise Bureau management on their implications.

SEC. 6. *Office of the Associate Director for Administration.* .01 The Associate Director for Administration shall be the principal assistant and adviser to the Director on management matters and is responsible for the conduct of administrative management functions, including the management of NBS buildings, plants, and nonscientific facilities. He shall carry out these responsibilities primarily through the organization units specified below, which are under his direction.

.02 The Accounting Division shall administer the official system of central fiscal records, payments and reports, and provide staff assistance on accounting and related matters.

.03 The Administrative Services Division shall be responsible for security, safety, emergency planning, and civil defense activities; provide mail, messenger, communications, duplicating, and related office services; manage use of auditorium and conference rooms; conduct records and forms management programs; operate an NBS records holding area; manage the NBS motor vehicle fleet; and provide janitorial service.

.04 The Budget Division shall provide advice and assistance to line management in the preparation, review, presentation, and management of the Bureau's budget, encompassing its total financial resources.

.05 The Management and Organization Division shall provide consultative services to line management in organization, procedures, and management practices; develop administrative information systems; maintain the directives system; and perform reports management functions.

.06 The Personnel Division shall advise on personnel policy and utilization; administer recruitment, placement, classification, employee development and employee relations activities; and assist operating officials on these and other aspects of personnel management.

.07 The Plant Division shall maintain the physical plant at Gaithersburg, Md., and perform staff work in planning and providing grounds, buildings, and improvements at other Bureau locations.

.08 The Supply Division shall perform or facilitate the procurement and distribution of material; keep records and promote effective utilization of property; act as the coordinating office for all research, construction, supply and lease contracts of the Bureau, and administer communication services.

.09 The Instrument Shops Division shall design, construct, and repair precision scientific instruments and auxiliary equipment.

SEC. 7. *Office of the Associate Director for Information Programs.* .01 The Associate Director for Information Programs shall promote optimum dissemination and accessibility of scientific information generated within NBS and other agencies of the Federal Government; promote the development of the National Standard Reference Data System and a system of information analysis centers dealing with the broader aspects of the National Measurement System; provide appropriate services to ensure that the NBS staff has optimum accessibility to the scientific information of the world; and direct public information activities of the Bureau.

.02 The Office of Standard Reference Data shall administer the National Standard Reference Data System which provides critically evaluated data in the physical sciences on a national basis. This requires arrangement for the continuing systematic review of the national and international scientific literature in the physical sciences, the evaluation of the data it contains, the stimulation of research needed to fill important gaps in the data, and the compilation and dissemination of evaluated data through a variety of publication and reference services tailored to user needs in science and industry.

.03 The Office of Technical Information and Publications shall foster the outward communication of the Bureau's scientific findings and related technical data to science and industry through reports, articles, conferences and meetings, films, correspondence and other appropriate mechanisms; and assist in the preparation, scheduling, printing and distribution of Bureau publications.

.04 The Library Division shall furnish diversified information services to the staff of the Bureau, including conventional library services, bibliographic, reference, and translation services; and serve as a reference and distribution center for Congressional legislative materials and issuances of other agencies.

.05 The Office of Public Information shall conduct the public information activities of the Bureau, including coordination of relations with the general press, and policy guidance for inquiry service for the general public.

.06 The Office of International Relations shall serve as the focal point for Bureau activities in the area of international scientific exchanges.

SEC. 8. *Center for Radiation Research.* .01 The Center for Radiation Research shall constitute a prime resource within the Bureau for the application of radiation, not only to Bureau mission problems, but also to those of other agencies and other institutions. The resulting multipurpose and collaborative type functions reinforce the capability of the Center for response to Bureau mission problems.

.02 The Director shall direct the development, execution, and evaluation of the programs of the Center. The Deputy Director shall assist in the direction of the Center and perform the functions of the Director in the absence of the latter.

.03 The organizational units of the Center for Radiation Research are as follows:

Reactor Radiation Division.
Linac Radiation Division.
Nuclear Radiation Division.
Applied Radiation Division.

Each of these Divisions shall engage in research, measurement, and application of radiation to the solution of Bureau and other institutional problems, primarily through collaboration.

SEC. 9. *Center for Computer Sciences and Technology.* .01 The Center for Computer Sciences and Technology shall conduct research and provide technical services designed to aid Government agencies in improving cost effectiveness in the conduct of their programs through the selection, acquisition, and effective utilization of automatic data processing equipment (Public Law 89-306); and serve as the principal focus within the executive branch for the development of Federal standards for automatic data processing equipment, techniques, and computer languages.

.02 The Director shall direct the development, execution, and evaluation of the programs of the Center.

.03 The functions of the organizational units of the Center are as follows:

a. The Office of Information Processing Standards shall provide leadership and coordination for Government efforts in the development of information processing standards at the Federal, national, and international levels.

b. The Office of Computer Information shall function as a specialized information center for computer sciences and technology.

c. The Computer Services Division shall provide computing and data conversion services to NBS and other agencies on a reimbursable basis; and provide supporting problem analysis and computer programming as required.

d. The Systems Development Division shall conduct research in information sciences and computer programing; develop advanced concepts for the design and implementation of data processing systems; and provide consultative services to other agencies in software aspects of the design and implementation of data processing systems.

e. The Information Processing Technology Division shall conduct research

and development in selected areas of information processing technology and related disciplines to improve methodologies and to match developing needs with new or improved techniques and tools.

SEC. 10. *Institute for Basic Standards.* .01 The Institute for Basic Standards shall provide the central basis within the United States of a complete and consistent system of physical measurement; coordinate that system with measurement systems of other nations; and furnish essential services leading to accurate and uniform physical measurements throughout the Nation's scientific community, industry, and commerce.

.02 The Office of the Director.

a. The Director shall direct the development, execution, and evaluation of the programs of the Institute.

b. The Deputy Director shall assist in the direction of the institute and perform like functions of the Director in the latter's absence.

c. The Deputy Director, Institute for Basic Standards/Boulder shall assist in the direction of the Institute's programs at Boulder and report to the Associate Director for Administration through the Director, IBS, in supervising the administrative divisions at Boulder.

d. The administrative divisions reporting to the Deputy Director, Institute for Basic Standards/Boulder include: within his own office, the Office of Program Development and Evaluation and the Office of Management Systems. The following divisions are also included:

Administrative Services Division, Plant Division, Instrument Shops Division.

These units shall provide administrative guidance, technical and public information services, physical facilities, management planning, financial management, and related technical and administrative services for the NBS organization at Boulder, Colo. The administrative divisions shall also be responsible for servicing, as needed, Environmental Science Services Administration units at Boulder, Colo., and appropriate field stations of the Boulder organizations of NBS and ESSA.

.03 The Office of Measurement Services shall coordinate the Bureau's measurement services program, including development and dissemination of uniform policies on Bureau calibration practices.

.04 The other organization units of the Institute for Basic Standards are as follows:

LOCATED AT BUREAU HEADQUARTERS

Applied Mathematics Division.
Electricity Division.
Heat Division.
Mechanics Division.
Optical Physics Division.

LOCATED AT BOULDER, COLO.

Cryogenics Division.
Electromagnetics Division.
Laboratory Astrophysics Division.
Quantum Electronics Division.
Time and Frequency Division.

a. Each Division except the Applied Mathematics Division shall engage in such of the following functions as are appropriate to the subject matter field of the Division:

1. Develop and maintain the national standards for physical measurement, develop appropriate multiples and submultiples of prototype standards, and develop transfer standards and standard instruments;

2. Determine important fundamental physical constants which may serve as reference standards, and analyze the self-consistencies of their measured values;

3. Conduct experimental and theoretical studies of fundamental physical phenomena of interest to scientists and engineers with the general objective of improving or creating new measurement methods and standards to meet existing or anticipated needs;

4. Conduct general research and development on basic measurement techniques and instrumentation, including research on the interaction of basic measuring processes on the properties of matter and physical and chemical processes;

5. Calibrate instruments in terms of the national standards, and provide other measurement services to promote accuracy and uniformity of physical measurements;

6. Correlate with other nations the national standards and definitions of the units of measurement; and

7. Provide advisory services to Government, science, and industry on basic measurement problems.

b. The Applied Mathematics Division shall conduct research in various fields of mathematics important to physical and engineering sciences, automatic data processing, and operations research, with emphasis on statistical, numerical and combinatorial analysis and systems dynamics; provide consultative services to the Bureau and other Federal agencies; and develop and advise on the use of mathematical tools, in checking mathematical tables, handbooks, manuals, mathematical models, and computational methods.

SEC. 11. *Institute for Materials Research.* .01 The Institute for Materials Research shall conduct materials research leading to improved methods of measurement, standards, and data on the properties of materials needed by industry, commerce, educational institutions, and Government; provides advisory and research services to other Government agencies; and develop, produce, and distribute standard reference materials.

.02 The Director shall direct the development, execution and evaluation of the programs of the Institute. The Deputy Director shall assist in the direction of the Institute and perform the functions of the Director in the latter's absence.

.03 The Office of Standard Reference Materials shall evaluate the requirements of science and industry for carefully characterized reference materials which provide a basis for calibration of instruments and equipment, comparison of measurements and materials, and aid in the control of production processes in industry; and stimulate the Bureau's efforts to develop methods for production of needed reference materials and directs their production and distribution.

.04 The other organization units of the Institute for Materials Research are as follows:

Analytical Chemistry Division.
Polymers Division.
Metallurgy Division.
Inorganic Materials Division.
Physical Chemistry Division.

Each Division shall engage in such of the following functions as are appropriate to the subject matter field of the Division:

a. Conduct research on the chemical and physical constants, constitution, structure, and properties of matter and materials;

b. Devise and improve methods for the preparation, purification, analysis, and characterization of materials;

c. Investigate fundamental chemical and physical phenomena related to materials of importance to science and industry, such as fatigue and fracture, crystal growth and imperfections, stress, corrosion, etc.;

d. Develop techniques for measurement of the properties of materials under carefully controlled conditions including extremes of high and low temperature and pressure and exposure to different types of radiation and environmental conditions;

e. Assist in the development of standard methods of measurement and equipment for evaluating the properties of materials;

f. Conduct research and development methodology leading to the production of standard reference materials, and produce these materials;

g. Provide advisory services to Government, industry, universities, and the scientific and technological community on problems related to materials;

h. Assist industry and national standards organizations in the development and establishment of standards; and

i. Cooperate with and assist national and international organizations engaged in the development of international standards.

SEC. 12. *Institute for Applied Technology.* .01 The Institute for Applied Technology shall provide technical services to promote the use of available technology and to facilitate technological innovation in industry and Government; cooperate with public and private organizations leading to the development of technological standards (including mandatory safety standards), codes and methods of test; and provide technical advice and services to Government agencies upon request. The Institute shall also monitor NBS engineering standards activities and provide liaison between NBS, national, and international engineering standards bodies.

.02 The Director shall direct the development, execution, and evaluation of the programs of the Institute. The Deputy Director shall assist in the direction of the Institute and perform the

functions of the Director in the latter's absence.

.03 The Office of Weights and Measures shall provide technical assistance to the States with regard to model laws and technical regulations, and to the States, business, and industry in the areas of testing, specifications, and tolerances for weighing and measuring devices, the design, construction, and use of standards of weight and measure of associated instruments, and the training of State and local weights and measures officials. The office includes the Master Railway Track Scale Depot, Clearing, Ill.

.04 The Office of Engineering Standards Services shall cooperate with and assist producers, distributors, users and consumers of products, and agencies of the Federal, State and local governments in the development of standards for products; develop safety standards required by statute; conduct appropriate sampling, testing and evaluation; and provide information services with respect to engineering standards.

.05 The Office of Flammable Fabrics shall conduct research into the flammability of products, fabrics, and materials; conduct feasibility studies on reduction of flammability of products, fabrics, and materials; develop flammability test methods and testing devices; offer appropriate training in the use of flammability test methods and testing devices; and carry out research and investigation to determine what flammability standards and regulations are needed and should be issued by the Secretary of Commerce.

.06 The Office of Invention and Innovation shall analyze the effect of Federal laws and policies (e.g., tax, antitrust, and regulatory policies) on the national climate for invention and innovation; undertake studies in related areas with other agencies; and assist and encourage inventors through inventors' services and programs, including cooperative activities with the States.

.07 The Office of Vehicle Systems Research, as mutually agreed upon by the Bureau and the National Highway Safety Bureau, shall perform for the latter, or under contract or grant obtains the performance of, the research, development, testing and evaluation necessary to provide the technical basis for Federal safety standards for motor vehicles and motor equipment; develop methods of testing to determine compliance with these standards; and perform other related services.

.08 The Building Research Division shall develop criteria for performance standards of building products, structures, and systems; and cooperate with industry, other Government agencies, and the professional associations of the industry in the development of standards and measurement.

.09 The Electronic Technology Division shall develop criteria for the evaluation of products and services in the general field of electronic instrumentation; cooperate with appropriate public and private organizations in identifying needs for improved technology in this field; and cooperate in the development of standards, codes, and specifications. Further, it shall apply the technology of electronic instrumentation to the development of methods of practical measurement of physical quantities and properties of materials.

.10 The Technical Analysis Division shall conduct benefit-cost analyses and other basic studies required in planning and carrying out programs of the Institute. This includes the development of simulations of industrial systems and of Government interactions with industry, and the conduct of studies of alternative Institute programs. On request, the Division shall provide similar analytic services for other programs of the Department of Commerce, in particular, those of the science-based bureaus, and, as appropriate, for other agencies of the executive branch.

.11 The Product Evaluation Technology Division shall develop measurement techniques and test methods for evaluating the performance of technological materials and for determining their properties; establishes and maintains standard reference materials for rubber and paper; cooperate in standardizing activities with Govenment agencies and with national and international organizations; and conduct for other Government agencies research and evaluations on technological materials of specific interest to them.

.12 The Measurement Engineering Division shall serve the Bureau in an engineering consulting capacity in measurement technology; and provide technical advice and apparatus development supported by appropriate research, especially in electronics, and in the combination of electronics with mechanical, thermal, and optical techniques.

Effective date: September 30, 1970.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 70-14007; Filed, Oct. 16, 1970; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-112; NDA No. 9-965 etc.]

DRUGS CONTAINING RUTIN, QUERCETIN, HESPERIDIN, OR ANY BIOFLAVONOIDS

Notice of Withdrawal of Approval of New-Drug Applications

On July 10, 1968, there was published in the FEDERAL REGISTER (33 F.R. 9908) 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 new-drug applications listed therein on the ground that there is a lack of substantial evidence that rutin, quercetin, hesperidin, or any bioflavonoid has the effect which the drugs purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof, or that such articles alone, or as added components with other drugs, are effective for use in man for any condition.

The firms listed below elected to avail themselves of the opportunity for a hearing. By letters of July 7, 1970, these firms were notified that their request for a hearing should be amended to comply with the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250) describing the scientific content of adequate and well-controlled clinical investigations and setting forth the procedural requirements for requesting public hearings and demonstrating that there is a genuine and substantial issue of fact that requires a hearing. Such amendment to the request for hearing has not been received. Counsel for U.S. Vitamin Pharmaceutical Corp. responded to the July 7, 1970 letter and requested a stay of any further proceedings in the proposal to withdraw approval of their new drug applications, citing pending litigation in the U.S. District Court for the Eastern District of Virginia and the U.S. District Court for the District of Delaware as grounds for delay. The fact that there is pending litigation does not provide sufficient grounds for the request, and the Commissioner concludes that further delay of the proposed withdrawal of approval is not justified.

NDA No.	Drug name	Applicant's name and address
9-965.....	C.V.P.; C.V.P. w/ Vitamin K; Bivan Tablets; Duo-C.V.P. w/Vitamin K Capsules.	U.S. Vitamin Corp., 26 Vark St., Yonkers, N.Y. 10701.
11-474....	Predny! Tablets.....	Arlington-Funk Labs., Division of U.S. Vitamin Corp., 26 Vark St., Yonkers, N.Y. 10701.
11-475....	Predni-C.V.P. Capsules.	Do.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (e)), 52 Stat. 1053, as amended; (21 U.S.C. 355(e)), and under the authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to each of said drugs, evaluated together with the evidence available to him when each application was approved, there is a lack of substantial evidence that each of the drugs will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

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

Dated: October 15, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-14072; Filed, Oct. 16, 1970; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22587; Order 70-10-71]

BUCKEYE AIR SERVICE, INC.

Order To Show Cause

Issued under delegated authority October 13, 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 52.75 cents per great circle aircraft mile for the transportation of mail by aircraft between Detroit, Mich., and Paducah, Ky., via Toledo and Columbus, Ohio, and Lexington and Louisville, Ky., 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 52.75 cents per great circle aircraft mile between Detroit, Mich., and Paducah, Ky., via Toledo and Columbus, Ohio, and Lexington and Louisville, Ky., 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., Piedmont Aviation, Inc., Trans World Airlines, Inc., United 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 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, 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 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., Piedmont Aviation, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-14046; Filed, Oct. 16, 1970; 8:49 a.m.]

[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).

[Docket No. 22590; Order 70-10-69]

BUCKEYE AIR SERVICE, INC.

Order To Show Cause

Issued under delegated authority October 13, 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 67 cents per great circle aircraft mile for the transportation of mail by aircraft between Youngstown, Canton/Akron, and Columbus, Ohio, 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 67 cents per great circle aircraft mile between Youngstown, Canton/Akron, and Columbus, Ohio, 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., Eastern Air Lines, Inc., United 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 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, 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;

[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).

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., Eastern Air Lines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-14047; Filed, Oct. 16, 1970; 8:49 a.m.]

[Docket No. 22591; Order 70-10-68]

BUCKEYE AIR SERVICE, INC.

Order To Show Cause

Issued under delegated authority October 13, 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 60.50 cents per great circle aircraft mile for the transportation of mail by aircraft between Ashland and Louisville, via Lexington, Ky., 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 60.50 cents per great circle aircraft mile between Ashland and Louisville, via Lexington, Ky., 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., Delta Air Lines, Inc., Eastern Air Lines, Inc., Piedmont Aviation, 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, 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 Buckeye Air Service, Inc., the Postmaster General, Allegheny Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., and Piedmont Aviation, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-14048; Filed, Oct. 16, 1970; 8:49 a.m.]

[Docket No. 22598]

DEUTSCHE LUFTHANSA AKTIENGESELLSCHAFT (LUFTHANSA GERMAN AIRLINES)

Notice of Prehearing Conference and Hearing

Application for amendment of foreign air carrier permit pursuant to section 402(f) of the Federal Aviation Act of 1958, as amended (inclusion of Montreal).

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on October 29, 1970, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Ross I. Newmann.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for further postponement on or before October 27, 1970.

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

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 70-14044; Filed, Oct. 16, 1970; 8:49 a.m.]

[Dockets Nos. 22283, 22284; Order 70-10-77]

FONTANA AVIATION, INC.

Order Amending Final Service Mail Rates

Issued under delegated authority October 13, 1970.

By petitions filed June 17, 1970, the Postmaster General requested that the service mail rates previously established for Fontana Aviation, Inc. (Fontana), in Docket 22283, for service between Iron Mountain and Detroit, via Lansing, and Docket 22284, for service between Iron Mountain and Chicago, via Green Bay and Milwaukee, be increased to 56.93 cents and 63.71 cents, respectively, to provide for a reduction in service from six to five round trips per week. These rates were fixed by Order 70-7-103, issued July 22, 1970.

On August 19, 1970, the Postmaster General filed a new petition in these dockets stating that through inadvertence the incorrect rates had been set forth in his petitions of June 17, 1970, and requesting amendments of Order 70-7-103, to establish the agreed rate of 57 cents per mile in both markets. His petition further states that although the rates fixed by Order 70-7-103 were reflected in the cost submissions executed by Fontana, the air taxi and the Postmaster General had agreed that a rate of 57 cents per great circle aircraft mile would be a fair and reasonable rate for each of these markets.[1]

Upon consideration of the petition and other matters officially noticed, Order 70-7-103 will be amended to establish the correct rates.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, 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(g),

It is ordered, That:

[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] By letter of Oct. 1, 1970, the Postmaster General submitted additional evidence that Fontana had agreed to a great circle aircraft mile rate of 57 cents for both markets.

1. On and after June 17, 1970, the fair and reasonable final service mail rates per great circle aircraft mile to be paid to Fontana Aviation, 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, based on five round trips per week, shall be as follows:

Docket	Between	Cents per mile
22283	Iron Mountain and Detroit, via Lansing, Mich.	57.00
22284	Iron Mountain, Mich., and Chicago, Ill., via Green Bay and Milwaukee, Wis.	57.00

2. The final service mail rates have fixed and determined are to be paid entirely by the Postmaster General;

3. The service mail rates here fixed and determined are in lieu of those set forth in Order 70-7-103, July 22, 1970;

4. This order shall be served on Fontana Aviation, Inc., the Postmaster General, Eastern Air Lines, Inc., Northwest Airlines, Inc., North Central Airlines, Inc., Ozark Air Lines, Inc., and United Air Lines, Inc.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-14049; Filed, Oct. 16, 1970; 8:49 a.m.]

[Docket No. 22572]

GERMANAIR BEDARFSLUFTFAHRT GESELLSCHAFT m.b.H. & CO. KG (GERMANAIR)

Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on October 27, 1970, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Edward T. Stodola.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for further postponement on or before October 23, 1970.

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

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 70-14045; Filed, Oct. 16, 1970; 8:49 a.m.]

[Docket No. 20993; Order 70-10-76]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Terminal Charges

Issued under delegated authority October 13, 1970.

By Order 70-9-150, dated September 29, 1970, action was deferred, with a view toward eventual approval, on an agreement embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA) and adopted subsequent to the second meeting of the Cargo Traffic Procedures Committee. The agreement related to IATA provisions governing terminal charges which are agreed locally and generally apply alike within a country.

In deferring action on the agreement, 10 days were granted in which interested person might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 70-9-150 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 21807, R-2, be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-14050; Filed, Oct. 16, 1970; 8:49 a.m.]

[Docket No. 20993; Order 70-10-67]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority October 13, 1970.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated September 30, 1970, names additional specific commodity rates, as set forth below, which reflect significant reductions from the general cargo rates. In addition, rates on Item 7107 (newspapers), previously approved by the Board, between New York and London and points beyond, are to be revalidated beyond October 31, 1970.[1]

[1] R-29.

R-28:
Commodity Item No. 1082—Hatching Eggs, 160 cents per kg., minimum weight 2,000 kgs., New York to Teheran.

R-30:
Commodity Item No. 8280—Phonograph Records and Recording Tape, 195 cents per kg., minimum weight 300 kgs., New York to Tokyo, 198 cents per kg., minimum weight 300 kgs., New York to Osaka.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided*, That tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 21753, R-28 through R-30, be and hereby is deferred with a view toward eventual approval: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-14051; Filed, Oct. 16, 1970; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on November 24, 1970, the applications for increase in daytime power of Class IV standard broadcast stations listed below, will be considered as ready and available for processing.

The purpose of this notice is not to invite applications which may conflict with the listed applications, but to apprise any party in interest who desires to file pleadings concerning any of the applications pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, of the necessity of complying with § 1.580(i) of the Commission's rules governing the time of filing and other requirements relating to such pleadings.

Adopted: October 12, 1970.

Released: October 14, 1970.

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

BP-18804 WVIM, Vicksburg, Miss.
Radio Mississippi, Inc.
Has: 1490 kc., 250 w., U.
Req: 1490 kc., 250 w., 1 kw-LS, U.

BP-18814 KSOX, Raymondville, Tex.
Edgar L. Clinton.
Has: 1240 kc., 250 w., U.
Req: 1240 kc., 250 w., 1 kw-LS, U.

BP-18815 KLAV, Las Vegas, Nev.
Arthur Powell Williams.
Has: 1230 kc., 250 w., U.
Req: 1230 kc., 250 w., 1 kw-LS, U.

BP-18826 WOCN, Miami, Fla.
WOCN Broadcasters.
Has: 1450 kc., 250 w., U.
Req: 1450 kc., 250 w., 1 kw-LS, U.

BP-18827 WEDG, Soddy-Daisy, Tenn.
Ra-ad of Soddy.
Has: 1240 kc., 250 w., U.
Req: 1240 kc., 250 w., 1 kw-LS, U.

BP-18828 WVOZ, Carolina, P.R.
International Broadcasting Corp.
Has: 1400 kc., 250 w., 500 w.-LS, U.
Req: 1400 kc., 250 w., 1 kw-LS, U.

BP-18829 KWRW, Guthrie, Okla.
Austin Oil Co.
Has: 1490 kc., 100 w., U.
Req: 1490 kc., 250 w., 500 w.-LS, U.

BP-18831 WANA, Anniston, Ala.
Anniston Radio Co.
Has: 1490 kc., 250 w., U.
Req: 1490 kc., 250 w., 1 kw.-LS, U.

BP-18832 KQIL, Grand Junction, Colo.
Mesa Broadcasting Co.
Has: 1340 kc., 250 w., U.
Req: 1340 kc., 250 w., 1 kw.-LS, U.

BP-18843 KGMY, Missoula, Mont.
Mission Broadcasters, Inc.
Has: 1450 kc., 250 w., U.
Req: 1450 kc., 250 w., 1 kw.-LS, U.

BP-18847 KNEL, Brady, Tex.
Radio Brady, Inc.
Has: 1490 kc., 250 w., S.H.
Req: 1490 kc., 250 w., 1 kw.-LS, U.

BP-18848 WBMA, Beaufort, N.C.
Richard Ray Cummins.
Has: 1400 kc., 250 w., U.
Req: 1400 kc., 250 w., 1 kw.-LS, U.

BP-18857 KLOA, Ridgecrest, Calif.
Glenn E. Shoblom.
Has: 1240 kc., 250 w., U.
Req: 1240 kc., 250 w., 1 kw.-LS, U.

BP-18858 KSLY, San Luis Obispo, Calif.
Homer H. Odom.
Has: 1400 kc., 250 w., U.
Req: 1400 kc., 250 w., 1 kw.-LS, U.

BP-18859 KNOR, Norman, Okla.
Cleveland County Broadcasting Co.
Has: 1400 kc., 250 w., U.
Req: 1400 kc., 250 w., 1 kw.-LS, U.

BP-18860 KADS, Elk City, Okla.
Beckham Broadcasting Co.
Has: 1240 kc., 250 w., U.
Req: 1240 kc., 250 w., 1 kw.-LS, U.

BP-18861 WSYL, Sylvania, Ga.
Sylvania Broadcasting System, Inc.
Has: 1490 kc., 250 w., S.H.
Req: 1490 kc., 250 w., 1 kw.-LS, U.

BP-18863 KIHN, Hugo, Okla.
Little Dixie Broadcasting Corp.
Has: 1340 kc., 250 w., U.
Req: 1340 kc., 250 w., 1 kw.-LS, U.

BP-18864 KYLT, Missoula, Mont.
Scottie Broadcasting Co.
Has: 1340 kc., 250 w., U.
Req: 1340 kc., 250 w., 1 kw.-LS, U.

BP-18865 KOBE, Las Cruces, N. Mex.
Las Cruces Broadcasting Co. (NSL).
Has: 1450 kc., 250 w., U.
Req: 1450 kc., 250 w., 1 kw.-LS, U.

BP-18866 WUSJ, Lockport, N.Y.
Hall Communication, Inc.
Has: 1340 kc., 250 w., U.
Req: 1340 kc., 250 w., 1 kw.-LS, DA-Day, U.

BP-18867 KILE, Galveston, Tex.
Galveston Radio, Inc.
Has: 1400 kc., 250 w., U.
Req: 1400 kc., 250 w., 1 kw.-LS, U.

BP-18868 WCYN, Cynthiana, Ky.
WCYN Radio, Inc.
Has: 1400 kc., 250 w., U.
Req: 1400 kc., 250 w., 500 w.-LS, U.

BP-18870 KVOZ, Laredo, Tex.
Border Broadcasters, Inc.
Has: 1490 kc., 250 w., U.
Req: 1490 kc., 250 w., 1 kw.-LS, U.

BP-18871 KXGN, Glendive, Mont.
Glendive Broadcasting Corp.
Has: 1400 kc., 250 w., U.
Req: 1400 kc., 250 w., 1 kw.-LS, U.

BP-18872 WCOF, Immokalee, Fla.
Carl Richard Buckner.
Has: 1490 kc., 250 w., U.
Req: 1490 kc., 250 w., 1 kw.-LS, U.

BP-18873 WBBZ, Ponca City, Okla.
The Ponca City Publishing Co.
Has: 1230 kc., 250 w., U.
Req: 1230 kc., 250 w., 1 kw.-LS, U.

BP-18874 KWMC, Del Rio, Tex.
Amistad Broadcasting Co.
Has: 1490 kc., 250 w., U.
Req: 1490 kc., 250 w., 1 kw.-LS, U.

BP-18875 KRDG, Redding, Calif.
Redding Broadcasting Co.
Has: 1230 kc., 250 w., U.
Req: 1230 kc., 250 w., 1 kw.-LS, U.

BP-18876 KVOU, Uvalde, Tex.
Uvalde Broadcasters, Inc.
Has: 1400 kc., 250 w., U.
Req: 1400 kc., 250 w., 1 kw.-LS, U.

BP-18877 KHUZ, Borger, Tex.
Communications Enterprises of Texas, Inc.
Has: 1490 kc., 250 w., U.
Req: 1490 kc., 250 w., 1 kw.-LS, U.

BP-18878 WUNA, Aguadilla, P.R.
Noroeste Broadcasting Corp.
Has: 1340 kc., 250 w., U.
Req: 1340 kc., 250 w., 1 kw.-LS, U.

BP-18879 KBMI, Henderson, Nev.
1400 Corp.
Has: 1400 kc., 250 w., U.
Req: 1400 kc., 250 w., 1 kw.-LS, U.

BP-18880 KOBO, Yuba City, Calif.
General Broadcasting Co.
Has: 1450 kc., 250 w., U.
Req: 1450 kc., 250 w., 500 w.-LS, U.

BP-18881 WHCO, Sparta, Ill.
Hirsch Communications Engineering Corp.
Has: 1230 kc., 250 w., U.
Req: 1230 kc., 250 w., 1 kw.-LS, U.

BP-18882 WKRO, Cairo, Ill.
The Cairo Broadcasting Co.
Has: 1490 kc., 250 w., U.
Req: 1490 kc., 250 w., 1 kw.-LS, U.

BP-18883 KTMC, McAlester, Okla.
McAlester Broadcasting Co., Inc.
Has: 1400 kc., 250 w., U.
Req: 1400 kc., 250 w., 1 kw.-LS, U.

BP-18884 KGUC, Gunnison, Colo.
Gunnison Broadcasting Co.
Has: 1490 kc., 250 w., U.
Req: 1490 kc., 250 w., 1 kw.-LS, U.

BP-18885 KIBL, Beeville, Tex.
Bee Broadcasting Co.
Has: 1490 kc., 250 w., U.
Req: 1490 kc., 250 w., 1 kw.-LS, U.

BP-18888 KDAC, Fort Bragg, Calif.
Fort Bragg Broadcasting Co.
Has: 1230 kc., 250 w., U.
Req: 1230 kc., 250 w., 1 kw.-LS, U.

BP-18890 KTEO, San Angelo, Tex.
Western Radio Corp.
Has: 1340 kc., 250 w., U.
Req: 1340 kc., 250 w., 1 kw.-LS, U.

[F.R. Doc. 70-14034; Filed, Oct. 16, 1970; 8:48 a.m.]

[Docket Nos. 19040-19042; FCC 70-1090]

TOWN RADIO, INC., ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Town Radio, Inc., McConnellsburg, Pa., Docket No. 19040, File No. BP-17321, requests: 1530 kc., 1 kw., 250 w. (CH), day; William A. Jordan, Carl W. Amick, Robert P. Sneed, Charles M. Mackall, Jr., and Robert B. Miller doing business as Laurel Highlands Broadcasting Co., Ligonier, Pa., Docket No. 19041, File No. BP-17685, requests: 1530 kc., 250 w., day; and Verna M. Calisti and John K. Seremet doing business as Central Westmoreland Broadcasting Co., Jeannette, Pa., Docket No. 19042, File No. BP-17690, requests: 1530 kc., 1 kw., 250 w.(CH), day; for construction permits.

1. The Commission has for consideration the above-captioned and described applications; a petition to deny or designate for hearing, a supplemental petition to deny and a further supplemental petition to deny the Jeannette application filed by WHJB, Inc., licensee of stations WHJB(AM) and WOKU-FM, Greensburg, Pa.; the Jeannette applicant's oppositions to the petitions and supplements; and the petitioner's replies.

2. The application of Central Westmoreland Broadcasting Co. (formerly Albert A. Calisti & Associates) is mutually exclusive with the application of the Laurel Highlands Broadcasting Co. because studies indicate an overlap of the proposed 0.05 mv/m contours with the proposed 1 mv/m contour of the other. The Central Westmoreland proposal is also mutually exclusive with the Town Radio, Inc., proposal, notwithstanding the proposals to provide a first standard broadcast station to their respective communities, since simultaneous operation would result in prohibited overlap of 0.5 and 0.025 mv/m contours. This is so because the less stringent standards provided in § 73.37(b) of the Commission's rules for the first stations in town cannot apply to Central Westmoreland since Jeannette is within the Pittsburgh urbanized area and has a population of less than 25,000. The population of Jeannette is 15,078 (1970 census). Accordingly, the three applications must be designated for hearing in a consolidated proceeding.

2. WHJB claims standing to oppose the Jeannette proposal as a broadcast licensee in Greensburg, which would be served by the proposed Jeannette station. Central Westmoreland concedes that WHJB has standing, and the Commission agrees that WHJB is a party in interest within the meaning of section 309(d)(1) of the Communications Act of 1934, as amended. Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470, 9 RR 2008 (1940).

3. The Central Westmoreland application was originally filed by Albert A. Calisti, Verna M. Calisti, John K.

Seremet, and L. Stanley Wall doing business as Albert A. Calisti & Associates (Associates). In opposing the application, WHJB questioned the financial qualifications of the applicant and the personal qualifications of Albert A. Calisti on the ground of his convictions of crimes involving moral turpitude. In reply, Associates contended that Calisti's convictions have no relevance to the future broadcast performance of the applicant and that Calisti has a satisfactory performance record as an employee, both at WHJB and at WTRA, Latrobe, Pa.[1]

4. Also in response to WHJB's objections the application was amended to substitute a new firm as the applicant, Verna M. Calisti, John K. Seremet, and L. Stanley Wall doing business as Central Westmoreland Broadcasting Co. The amendment purported to remove Albert A. Calisti as an interested party and to limit his participation in the operation of the station to the position of chief engineer. Mr. Calisti who was formerly proposed as general manager of the station was replaced in that position by his wife, Verna M. Calisti, and Mrs. Calisti acquired an interest of 84.2 percent in the new firm, an interest equal to her interest in the former partnership plus her husband's interest in the original applicant.[2] In commenting on this amendment, WHJB draws attention to evidence that Mr. Calisti had been the guiding force in the preparation and prosecution of the application up to that point and contends that Mr. Calisti would fill the important position of chief engineer and continue to have a financial interest in the proposal through a joint loan to the applicant from Calisti and his wife, that the Calisti family group would still have a voice in the operation of the station through Mrs. Calisti and that Mr. Calisti has not been effectively removed from the applicant by the amendment.

5. Central Westmoreland then contended that Mr. Calisti was removed from the original partnership to eliminate delay in Commission action on the proposal; that WHJB has failed to establish a basis for its assumption that the original application represents the product of Mr. Calisti's exclusive effort and that his marriage to one of the present partners perpetuates his active interest in the application; that the application was the product of the cooperative efforts of all the partners; and that Mrs. Calisti is an experienced businesswoman capable of transferring her management skills to radio station operations. Central Westmoreland also stated that Seremet and Wall, both with station operation experfence, would be active in the management of the station. (As previously indicated, however, Wall has since withdrawn.) Central Westmoreland also stated that Mrs. Calisti "was solely responsible for arranging real estate rights involved in the proposal." With reference to this last assertion, WHJB observed that documents dealing with the rights to Central Westmoreland's proposed transmitter site were signed by Mr. Calisti with Mrs. Calisti's name appearing only on a lease extension as notary public.

6. In further response to WHJB's supplemental petition, Central Westmoreland amended to submit additional financial information showing the availability of a line of credit to be secured, in part, by real estate, "none of which is owned in whole or in part by Albert A. Calisti." In addition, the amendment indicates that Mr. Calisti is no longer proposed as chief engineer of the station; that Mr. Calisti is employed at station WTRA, Latrobe, Pa.; and that he will not be an employee at the proposed Jeannette station or associated in any manner with the proposed facility.

7. Following that amendment, WHJB filed a further supplement to its petition to deny the Central Westmoreland application. In its further supplement, WHJB draws attention to the fact that the real estate, none of which is owned in whole or in part by Albert A. Calisti, appears to be real estate previously listed in the application as the joint property of Mr. and Mrs. Calisti. WHJB claims that these facts raise a question as to whether Albert A. Calisti has ownership interests in at least three and probably four of the properties utilized to secure a line of credit, and that Calisti's coownership of these properties would be relevant to the question of control or participation in the Jeannette enterprise. WHJB points out that station WTRA and the proposed Jeannette station would serve a substantial area common to both stations' service areas and that Calisti's continued employment at WTRA raises a substantial question under the Commission's policies with respect to cross-interests in the operation of neighboring stations.

8. Responding to the foregoing contentions, Central Westmoreland insists that Mr. Calisti is not and will not be associated in any manner or any degree with Central Westmoreland and cited Commission precedent holding that family relationship alone, or the presence of aid, advice or assistance from family members or the withdrawal of a family member from an application, does not warrant the conclusion that a concentration of control exists. Commenting on WHJB's reservations with respect to whether Mr. Calisti retains an interest in the real estate in question, Central Westmoreland suggested the most expeditious avenue of satisfaction for WHJB would be a check of the land records of Washington, Westmoreland, and Allegheny Counties.

9. Thereafter, WHJB followed Central Westmoreland's suggestion to check land records. As a result of this check, WHJB found that in July of 1968, Mr. and Mrs. Calisti, then coowners of the real estate, had conveyed the property to Mrs. Calisti as sole owner for a stated total sum of $3. Copies of the instruments of conveyance were filed by WHJB. The appraised value of all the real estate appears to be $58,500. WHJB suggests that Central Westmoreland's failure to fully disclose the circumstances under which the divestiture of Mr. Calisti's interest took place reflect adversely on Central Westmoreland's qualifications. With respect to the cross-interest question, WHJB urges that the question is not one of undue concentration but of cross-interests in competing AM stations, a situation which the Commission has consistently declined to sanction.

10. The Commission would agree that Central Westmoreland's cryptic assertion that real estate pledged as security for a loan is not owned in whole or in part by Albert A. Calisti, after it had been previously represented that Calisti did have interests in the property, is less than satisfactory. The assertion, when made, appeared on its face to be inconsistent with previous representations. WHJB has now supplied some clarification in furnishing information with respect to what pertinent land records show. However, under the circumstances, the Commission must infer that there may well be an undisclosed understanding with respect to the true ownership of the real estate. Upon consideration of the successive steps apparently intended to create the appearance of the gradual withdrawal of Calisti from the Jeannette applicant, the Commission is not persuaded that the applicant has achieved an effective isolation from Calisti. There remains the close family relationship between Mr. and Mrs. Calisti, and in view of the course of events, the Commission infers that there may yet be undisclosed agreements or understandings with respect to the ownership, operation, and control of the proposed Jeannette station. The Commission finds that the true relationship of Mr. Calisti to Central Westmoreland can best be determined on the basis of a hearing record.

11. If, after weighing the evidence, it is concluded that Mr. Calisti continues to have an interest, direct or indirect, in the Jeannette proposal, the dispute over his basic qualifications remains unresolved. The more satisfactory resolution of this question can be reached after hearing.

12. Whether or not it is determined that Mr. Calisti retains some interest in the Jeannette proposal, there is the question of cross-interests in two facilities in the same broadcast service serving substantially the same area. Mrs. Calisti proposes to have a substantial interest in a proposed station which will provide service to an area now served by WTRA, while Mr. Calisti apparently holds a position of significant responsibility at WTRA. Moreover, Mrs. Calisti's partner, John K. Seremet, appears to have some connection with WTRA. This situation would appear to be inconsistent with the Commission's policy underlying the multiple-ownership rule, § 73.35(a). K & M Broadcasters, Inc., 17 RR 2d 543 (1969);

[1] The Jeannette applicant objected to WHJB's failure to support its allegations with an affidavit of a person with knowledge of the facts. However, WHJB relies on matters disclosed by the applicant of which the Commission may take official notice.

[2] Mrs. Calisti's interest has since been increased to 92.1 percent as a result of the withdrawal of L. Stanley Wall from the partnership.

Martin Lake Broadcasting Co., et al., 21 FCC 2d 180, 18 RR 2d 245 (1970). Accordingly, this matter will be placed in issue.

13. The questions of Mr. Calisti's possible interest in the Central Westmoreland Broadcasting Co., his personal qualifications, and the cross-interests in connection with the proposed station and WTRA involve matters within the personal knowledge of the Central Westmoreland principals or persons in privity with them. Therefore, the burden of proceeding with the introduction of evidence and the burden of proof with respect to those questions shall be upon the Central Westmoreland Broadcasting Co.

14. In its first petition to deny the Central Westmoreland application, WHJB alleged that Central Westmoreland was not financially qualified. WHJB has not commented on the applicant's amended financial data. On the basis of amendments filed by Central Westmoreland, the Commission finds the applicant is financially qualified. Based on the applicant's estimates, it appears that the applicant will require $64,109 for construction costs and 1-year's operating expenses. This amount includes down payment on equipment, $5,076; first-year payments with interest on equipment, $4,572; down payment and first-year payments on land, $5,659; building, $1,250; miscellaneous, $6,735; interest on a line of credit, $3,000; and first-year's working capital, $37,817. To meet these costs, Central Westmoreland has $15,920 in cash and in the banks, and a line of credit with a banking institution in the amount of $50,000. In addition, as a result of a canvass of the business community, it appears that additional funds may be received from the sale of advertising. It appears, therefore, that Central Westmoreland has established its financial qualifications.

15. On the basis of financial information filed by Town Radio in 1966, it appeared that the applicant was financially qualified. However, the information is not sufficiently current to provide a satisfactory basis for a determination of the applicant's financial qualifications. Therefore, an issue will be specified to permit a showing of the applicant's current financial position, its present financial plans, and whether Town Radio is now qualified financially.

16. Similarly, the information submitted by Laurel Highlands is not sufficiently current to provide an adequate basis for determining its financial qualifications. Unlike Town Radio, however, Laurel Highlands did not submit estimates of construction cost and operating expenses, which appeared to be reasonable. Moreover, Laurel Highlands failed to show the availability of funds in a sufficient amount to meet the unreasonably low construction and operating costs. Therefore, a financial issue must be specified with respect to Laurel Highlands.

17. Arthur K. Greiner, president, director, and principal stockholder (51 percent), is one of the principals of Lebanon Valley Radio, Inc., applicant for a construction permit for a new standard broadcast station in Lebanon, Pa. The Lebanon Valley proposal is one of two applications in a hearing proceeding now in progress. During the course of the proceeding, a question arose concerning the accuracy of representations made by Mr. Greiner and other Lebanon Valley principals regarding the availability of the proposed transmitter site. After receiving evidence on the question in the hearing proceeding, the presiding officer concluded that the Lebanon Valley principals, including Mr. Greiner, had, in dealing with the Commission, engaged in misrepresentations and conduct lacking in candor. Lebanon Valley Radio, Inc., et al., FCC 70D-19, Docket No. 15835 et al. The matter is now before the Review Board on exceptions to the Examiner's decision, and, therefore, no final determination has been reached with respect to the qualifications of Lebanon Valley's principals. Accordingly, in the event of favorable action on the application of Town Radio, Inc., in this proceeding, final action on Town Radio's application will be withheld pending the outcome of the Lebanon Valley proceeding.

18. During the pendency of the applications, Town Radio and Central Westmoreland have filed amendments in which the applicants describe their efforts to ascertain community needs. Town Radio and Central Westmoreland have indicated those needs which have been ascertained, and the manner in which their proposed program service will be responsive to those needs. By letter of January 15, 1970, Laurel Highlands was requested to furnish additional information concerning its efforts to ascertain community problems. In response, Laurel Highlands stated that because of full-time employment of the applicant's principals, travel conditions and other circumstances, the partners have been unable to conduct or reconduct surveys as required. Recent consultation with a few named individuals was mentioned. Laurel Highlands apparently found evidence of local interest in radio service generally, as well as interests in commercial pursuits, education, and expansion of cultural facilities. However, the applicant has not provided full information on their awareness of and responsiveness to local community problems. See Suburban Broadcasters, 30 FCC 1020, 20 RR 951 (1961); City of Camden (WCAM), 18 FCC 2d 412, 16 RR 2d 1903 (1969); proposed Primer on Ascertainment of Community Problems by Broadcast Applicants, 34 FR 20282, 20 FCC 2d 880, Pike and Fischer R. C., Current Service, page 53:273 (1969). Accordingly, a Suburban issue is required.

19. In order to protect station WCKY, Cincinnati, Ohio, Central Westmoreland proposes to reduce the horizontal inverse distance field at 1 mile to 175 mv/m per kilowatt or 87.5 mv/m for 250 watts by the addition of a series resistor in the transmission line. Therefore, in the event of favorable action on the application, the construction permit will contain an appropriate condition.

20. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the application of the Central Westmoreland Broadcasting Co. is mutually exclusive with the other two applications, all three applications must be designated for hearing in a consolidated proceeding on the issues specified below.

21. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary aural service (1 mv/m or greater in the case of FM) to such areas and populations.

(2) To determine all the facts and circumstances surrounding the preparation and filing of the application of the Central Westmoreland Broadcasting Co. (formerly Albert A. Calisti & Associates) and the amendments thereto and, in the light of the evidence adduced, whether Albert A. Calisti must be deemed to have an interest in the application of the Central Westmoreland Broadcasting Co.

(3) To determine, if it concluded pursuant to the foregoing issue, that Albert A. Calisti is a party to the application, and in the light of representations to the contrary and the evidence adduced concerning Calisti's criminal record, whether the Central Westmoreland Broadcasting Co. has the requisite qualifications to be a broadcast licensee.

(4) To determine whether a grant of the application of the Central Westmoreland Broadcasting Co. would contravene the Commission's policy requiring divorcement of interests between stations in the same broadcast service and serving substantially the same area.

(5) To determine whether Town Radio, Inc., and the Laurel Highlands Broadcasting Co., are financially qualified to construct and operate their proposed stations.

(6) To determine the efforts made by the Laurel Highlands Broadcasting Co. to ascertain the community needs and interests of the area to be served and the means by which it proposes to meet those needs.

(7) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the applications would best provide a fair, efficient, and equitable distribution of radio service.

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

22. *It is further ordered*, That the petition to deny the application of the Central Westmoreland Broadcasting Co. filed by WHJB, Inc., and the supplements thereto are granted to the extent indicated above and are denied in all other respects.

23. *It is further ordered*, That the burden of proceeding with the introduction

of evidence and the burden of proof with respect to Issues 2, 3, and 4, above, shall be upon the Central Westmoreland Broadcasting Co.

24. *It is further ordered*, That WHJB, Inc., licensee of stations WHJB(AM) and WOKU-FM, is made a party to the proceeding.

25. *It is further ordered*, That, in the event of favorable action on the application of Town Radio, Inc., final action on the application will be withheld pending the ultimate determination in the proceeding on the application of Lebanon Valley Radio, Inc., Docket No. 15835.

26. *It is further ordered*, That, in the event of a grant of the application of the Central Westmoreland Broadcasting Co., the construction permit shall include the following condition:

Before program tests are authorized, the permittee shall submit a complete nondirectional proof of performance which will include measured radials at 250°, 260°, and 270° true to show that the radiation has been reduced to essentially 175 mv/m per kilowatt at 1 mile.

27. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

28. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: October 7, 1970.

Released: October 13, 1970.

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

[F.R. Doc. 70-14032; Filed, Oct. 16, 1970; 8:48 a.m.]

[Docket Nos. 19038, 19039; FCC 70-1087]

WAYNE COUNTY BROADCASTING CORP. AND PETER L. PRATT

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Wayne County Broadcasting Corp., Honesdale, Pa., Docket No. 19038, File No. BP-18018, requests: 1590 k.c., 500 w., day, and Peter L. Pratt, Honesdale, Pa., Docket No. 19039, File No. BP-18233, requests: 850 k.c., 250 w., DA, day; for construction permits.

1. Each of the above applications proposes a first local service to Honesdale, Pa. However, notwithstanding that different frequencies are proposed, only one of the applications can be granted. This is so since, in each case, there would be overlap involving the proposed 0.5 mv/m contour and the 0.025 mv/m contours of an existing station. Accordingly, a comparative hearing is necessary.[1] In the case of Wayne County Broadcasting Corp. (Wayne County), overlap would be involved as to station WERA, Plainfield, N.J.; in the case of the Pratt application, the overlap would involve WEEU, Reading, Pa.

2. The Pratt application was filed on June 18, 1968, the deadline fixed by the Commission's public notice of May 14, 1968, for the filing of applications in conflict with the Wayne County application. The application shows Mr. Stanley H. Sidicane as legal counsel. Additionally, Sidicane signed the engineering portions of the application as the technical director. On the same day, Sidicane filed in his own name an application (File No. BP-18226) for a construction permit for a new standard broadcast station in Monticello, N.Y. In addition to signing the latter application as the applicant, Sidicane also signed the engineering portions thereof as technical director. The Monticello application specified a frequency of 1590 kilocycles, the same frequency specified in the Wayne County applications. Due to prohibited overlap of contours, the Wayne County and Sidicane application were also mutually exclusive.

3. On June 17, 1968, the day preceding the filing of the Pratt and Sidicane applications, Sidicane filed an application on behalf of the General Broadcasting Corp. The General Broadcasting application (File No. BP-18219) requests authority to construct a standard broadcast station at Yorktown Heights, N.Y. General Broadcasting specifies a frequency of 850 kilocycles, the frequency also specified in the Pratt application. Because of prohibited overlap of contours, the General Broadcasting and Pratt applications are mutually exclusive. The General Broadcasting application lists Stanley H. Sidicane as legal counsel and technical director, and was signed by Sidicane as president of the corporation. The principals first specified as to General Broadcasting were Sidicane; his wife, Mary Jo Sidicane; Peter L. Pratt; and Pratt's wife, Janet G. Pratt. When General Broadcasting and Pratt were officially advised by the Commission that the applications could not both be accepted because of Pratt's interest in each,[2] General Broadcasting's application was amended to show Mrs. Sidicane as the sole stockholder.[3]

4. Earlier, on April 10, 1968, an application was filed with the Commission in the name of L. M. Young, trading as Monticello Broadcasters (File No. BP-18157). The application specified operation on 1580 kilocycles and indicated on its face that it had been prepared entirely by the applicant, without legal or technical counsel. However, from information available to the Commission, it appears that L. M. Young did little more than sign the application on the respective signature pages, and that the application was almost wholly the product of Stanley H. Sidicane. It also appears that L. M. Young is Lily Mariah Young, Mrs. Sidicane's aunt. The representation of Mrs. Young as the preparer of the application appears wholly false, and there are other possible misrepresentations in the application as well.[4]

5. From the foregoing, the following appears:

(a) On April 10, 1968, at a time when there was pending Wayne County's application specifying 1590 kc. at Honesdale, Pa., Sidicane caused to be filed an application in the name of his wife's aunt, L. M. Young, on 1580 kc. at nearby Monticello, N.Y.

(b) Sidicane's involvement in the Young application was nowhere indicated therein, notwithstanding that he had prepared it; and the Young application is otherwise riddled with misrepresentations to the Commission.

(c) On June 17, 1968, there was filed with the Commission, General Broadcasting's application for 850 kc. at Yorktown Heights, N.Y. Originally specifying the Pratts and Sidicanes as principals, the application was later amended to show Mrs. Sidicane as the sole owner, and is now the subject of a dismissal request by her. Sidicane has been legal counsel and technical director with respect to that application.

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[1] Cf. Brainerd Broadcasting Co. (KLIZ), 38 FCC 1195, 5 RR 2d 351 (1965).

[2] Section 1.518 of the Commission's rules precludes the filing of an application in conflict with another pending application by the same or on behalf of the same applicant.

[3] The Commission now has before it a request to dismiss the General Broadcasting application; this request is being granted simultaneously with the present action. Sidicane's Monticello application was dismissed at his request on May 12, 1969.

[4] For example, in that part of the application calling for the applicant's occupation or business, it is stated: "Self employed-investments". However, it appears from the Commission's information that the foregoing was wholly misleading, and that Mrs. Young was a housewife with no financial circumstances warranting the foregoing description. Again, in one of the exhibits in the application, it is stated that the applicant conducted a survey of the radio needs and interests of the Monticello area. However, the Commission's information is that Mrs. Young has never been to Monticello, and that the representation, therefore, was wholly false. It was also represented that all exhibits were prepared by L. M. Young; however, it now appears that all were prepared by Sidicane. In an affidavit accompanying a request to dismiss the application, even Mrs. Young's sex was misstated. Thus, in the affidavit appears the phrase, "he is requesting dismissal of his application". Following the receipt of a request to dismiss the application, it was dismissed on Aug. 27, 1968.

(d) On June 18, 1968, Sidicane filed a second application for Monticello, this one in his own name, and showing himself as legal counsel and technical director. The frequency specified was 1590 kc., the same specified by Wayne County at Honesdale.

(e) Also on June 18, 1968, there was filed Peter Pratt's application for Honesdale. This application specifies 850 kc., the same frequency specified in General Broadcasting's application. The application gave rise to further mutual exclusivity and, indeed, presented a conflict as to General Broadcasting's. Sidicane has been legal counsel and technical director with respect to this application. The Commission has information that the typewriter used to prepare parts of the Pratt application was also used to prepare the Young application.

(f) On August 27, 1968, at the applicant's request, the L. M. Young application was dismissed by the Commission.

(g) On May 12, 1969, at the applicant's request, the Sidicane application (BP-18226) was dismissed by the Commission.

(h) On February 16, 1970, General Broadcasting requested dismissal of its application.

6. In light of the above, it is clear to the Commission that a thorough airing of all pertinent facts and circumstances surrounding the events in question must be had on the evidentiary record herein. In connection with the development of such facts and circumstances, the Commission's instant concern is (a) the determination of the degree to which there have been abuses of the Commission's processes; (b) the precise interrelationship of the four applications of which Sidicane appears to have been the principal architect, including, but not limited to (1) the interrelationship, if any, of the four financial proposals; (2) the precise relationships or arrangements or understandings between and among the Sidicanes, the Pratts and L. M. Young; (3) whether Sidicane and/or either of the Pratts had an undisclosed interest in the L. M. Young application; (4) whether either of the Pratts had an undisclosed interest in the Sidicane application; (5) whether Sidicane or either of the Pratts had an undisclosed interest in the General Broadcasting application at such times as it has shown Mrs. Sidicane as the sole owner; and (6) whether Mrs. Pratt or either of the Sidicanes has an undisclosed interest in the Pratt application; (c) whether, as appears to have been the case in the L. M. Young application, misrepresentations were made to the Commission in the Pratt, General Broadcasting and Sidicane applications; and (d) if so, Pratt's participation, if any, therein.

7. Since the relevant facts are within the personal knowledge of Pratt and/or his attorney, the burden of proof and the burden of proceeding with the introduction of evidence will be upon that applicant.

8. Both Wayne County and Pratt have filed copies of notices published in The Wayne Independent, a triweekly newspaper of general circulation published in Honesdale, announcing the filing of their respective applications. The notices appeared once each week for 3 consecutive weeks. The notices were published pursuant to § 1.580(c) of the rules. Although the rule prescribes the frequency of publication required in daily newspapers and in weekly newspapers, publication in triweekly newspapers is not specifically covered. In this instance, it appears that ample notice was given, and the Commission will consider the publication once each week for 3 consecutive weeks as substantial compliance with the requirements of the rule. It appears that the last notice published by Pratt appeared on July 20, 1968, a date several days from the expiration of the prescribed 4-week period within which the notices should be published (the 4-week period ended July 17, 1968). Nevertheless, the Commission will accept the notice as sufficient in this respect. The Wayne County notice contains all the information which the rules require. Pratt's notice, however, on its face, does not comply with § 1.580(f) (10) in that it does not include a statement that a copy of the application and related materials are on file for public inspection at a stated address in Honesdale. Accordingly, it may be assumed that Pratt also failed to comply with § 1.526, which requires an applicant to maintain a file available for public inspection. Therefore, the Commission is specifying an issue to determine whether noncompliance with those provisions reflect adversely on Pratt's comparative and requisite qualifications to be a broadcast licensee.

9. On the basis of Wayne County's figures, this applicant will require approximately $64,596 to meet the costs of construction and operation during the first year. These costs include the following: Down payment on equipment, $3,975; first-year payment with interest on equipment, $4,246; land, $6,000; building, $2,500; miscellaneous, $3,000; estimated interest at 7½ percent on the bank loan, $4,875; 1-year's working capital, $40,000. To meet these costs, the applicant has $2,500 in existing capital and will also rely on a bank loan of $65,000. The availability of the bank loan is evidenced by a letter dated in December 1967, in which it is stated that the loan will be made on terms satisfactory to the bank, and that the rate of interest will be set at the time of borrowing. Under these circumstances, it appears necessary to determine if the loan is still available, the rate of interest, and the terms and conditions of the loan.

10. Pratt represents that the necessary equipment will be acquired at a cost of $5,750. He does not itemize other costs, but has shown the entire cost to be $8,750. Presumably, the $3,000 difference between $5,750 and $8,750 represents an estimate of the cost of leasing land and a building. Pratt states in his application that equipment costs are based on prices of "good used equipment on the market", but submits no evidence that such equipment is actually available at such low prices. Pratt also states that the cost of construction and the first-year's operation will be met with cash on hand and in banks and a loan from a banking institution. Assuming the reasonableness of his construction costs, Pratt will require a total of $38,750, including $30,000 in working capital. Cash on hand and in banks is shown in the amount of $11,500, but there is no evidence of the availability of a bank loan. Under the circumstances, it will be necessary to determine the basis of the estimate of construction costs and operating expenses, and, if a bank loan is available, the rate of interest and the terms and conditions of the loan.

11. On January 28, 1970, both Wayne County and Pratt were sent copies of the Commission's proposed "Primer on Ascertainment of Community Problems * * *", 34 F.R. 20282, 20 FCC 2d 880, 1 RR, page 53:273 (1969); and, in accompanying letters, it was suggested to both applicants that they compare their efforts in ascertaining community needs with the criteria in the Primer to determine whether amendments to their respective applications (section IV) should be filed. In response to the letter, Wayne County filed an amendment describing its efforts and indicated the nature of the service which will be responsive to needs that had been ascertained.

12. In the case of Pratt, no response to the Commission's letter has been received. His showing on file consists only of a brief statement referring to "an informal survey". Some discussion was had with three named individuals and an unspecified number of unnamed individuals. Apparently the "need" ascertained was simply radio service generally. Pratt's showing is inadequate, and an appropriate issue will be specified.

13. In preparing his own Monticello application and the Honesdale application for Pratt, Sidicane prepared two dissimilar exhibits on which are drawn 25 mv/m and 5 mv/m contours. Both exhibits are labeled "Monticello, N.Y." One of the exhibits indicates that the omnidirectional pattern formerly proposed for Monticello might well produce the contours depicted on that exhibit. Examination of the other exhibit discloses that the contours might be produced by the directional antenna system proposed for Honesdale, and that the area shown on the exhibit is not the Monticello area but is the Honesdale area. Since both exhibits are labeled "Monticello, N.Y.," both exhibits were routinely filed in the Monticello application by the Commission's clerical staff. Therefore, it will be necessary for Pratt to seek leave to amend his application to include a required exhibit. The exhibit mislabeled Monticello purports to show that 25 mv/m coverage of the business area and 5 mv/m coverage of the community of Honesdale as required by § 73.188(b) (1) and (2) may be achieved. However, the site selected appears to be such that coverage of part of Honesdale will be obtained from a deep null area of the proposed radiation pattern. Accordingly, an issue regarding the suitability of the proposed antenna site for the purpose intended will be specified.

14. Finally, according to data submitted by each applicant, the Wayne County proposal will serve 795 square miles in which the population is 25,847, while the Pratt proposal will serve 1,357 square miles in which the population is 140,301. Because of the disparity in coverage, an issue will be specified to permit the adduction of area and population evidence to serve as the basis of a determination as to whether either applicant should have a comparative advantage.

15. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, for the reasons stated above, they must be designated for hearing in a consolidated proceeding on the issues specified below.

16. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary aural service to such areas and populations (1.0 mv/m or greater in the case of FM).

(2) To determine what circumstances, if any, exist which would justify Peter L. Pratt's selection of an antenna site from which signals would be produced over the community of Honesdale from the minimums of the proposed radiation pattern.

(3) To determine with respect to the application of the Wayne County Broadcasting Corp.:

(a) Whether a loan is available from a banking institution and, if so, the rate of interest, terms, and conditions of such loan; and

(b) In light of the evidence adduced pursuant to the foregoing, whether the Wayne County Broadcasting Corp. is financially qualified.

(4) To determine with respect to the application of Peter L. Pratt:

(a) The basis for his estimate of construction costs and 1-year's operating expense and whether such estimate is reasonable;

(b) Whether a bank loan is available and, if so, the rate of interest, terms, and conditions; and

(c) In light of the evidence adduced pursuant to the foregoing (a and b), whether the applicant is financially qualified.

(5) To determine whether Peter L. Pratt's failure to comply with the provisions of §§ 1.526 and 1.580(f)(10) reflect adversely on his requisite and/or comparative qualifications to be a Commission licensee.

(6) To determine the efforts made by Peter L. Pratt to ascertain the community needs and interests of the area to be served, and the means by which the applicant proposes to meet those needs and interests.

(7) To determine which of the proposals would better serve the public interest.

(8) To determine, as more particularly discussed in paragraph 6 of the opinion, all of the facts and circumstances surrounding the events referred to in paragraphs 2–4 of the opinion, and summarized in paragraph 5 thereof.

(9) To determine whether the facts adduced pursuant to the foregoing issue reflect adversely on Peter L. Pratt's requisite and/or comparative qualifications to be a Commission licensee.

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

17. In light of his involvement in the matters contemplated by issue 8: *It is further ordered*, That Stanley H. Sidicane is made a party to the proceeding.

18. *It is further ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the burden of proceeding with the introduction of evidence and the burden of proof on the issues herein shall be upon the applicant to which the respective issues relate.

19. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issue specified in this order.

20. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: October 7, 1970.

Released: October 13, 1970.

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

[F.R. Doc. 70-14033; Filed, Oct. 16, 1970; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

MOORE-McCORMACK LINES INC., AND AMERICAN EXPORT ISBRANDTSEN LINES, 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 10 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. Manuel Diaz, Vice Chairman of the Board, American Export Isbrandtsen Lines, Inc., 29 Broadway, New York, N.Y. 10004.

Agreement No. 9905 between the captioned lines provides for the purchase by a newly formed subsidiary of American Export Isbrandtsen Lines, Inc. (AEIL) of four Container Roll-On/Roll-Off (C5–S–78a) Cargo Vessels from Moore-McCormack Lines (Moore - Mac) for $38,400,000.

The agreement which is in the form of a contract of sale also reflects Moore-Mac and AEIL's understanding as to transfer of vessel equipment, assignment of the construction contracts and guarantees, transfer and assumption of collective bargaining agreements and other conditions of sale, including Maritime Administration approval of the assignment of Moore-Mac's operating-differential subsidy agreement and approval of any other government agency having jurisdiction thereof.

Dated: October 15, 1970.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-14075; Filed, Oct. 16, 1970; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP71-7]

ALABAMA-TENNESSEE NATURAL GAS CO.

Order Providing for Hearing, etc.

OCTOBER 13, 1970.

Order providing for hearing, suspending proposed revised tariff volume, providing hearing procedures, rejecting for

filing revised tariff sheets containing purchased gas adjustment provision, denying motion, and permitting intervention.

Alabama-Tennessee Natural Gas Co. (Alabama-Tennessee) on September 1, 1970, filed proposed changes in its presently effective FPC Gas Tariff.[1] The proposed changes would result in an estimated increase in jurisdictional revenues of $1,938,668 annually, based on sales for the 12-month period ending May 31, 1970. The proposal would increase the rates and charges in all of Alabama-Tennessee rate schedules and would allow a rate of return on the jurisdictional business of 9.2 percent.

Alabama-Tennessee states that the proposed changes are required to compensate for a deficiency in jurisdictional revenues incurred during the abovementioned 12-month test period ending May 31, 1970. The stated causes for this deficiency include increased purchased gas costs, the need for a 9.2 percent rate of return on jurisdictional business, increases in operation and maintenance costs, an increase in the required depreciation rate from 3.2 percent to 4 percent; increases in Federal, State, and local taxes, and the use of liberalized depreciation normalized in determining Federal income taxes.

Alabama-Tennessee's filing consists of its Second Revised Volume No. 1 which contains a purchased gas cost adjustment provision, to be included in the General Terms and Conditions of the Tariff, which would permit Alabama-Tennessee to automatically increase its rates to reflect changes in the prices paid to its supplier, Tennessee Gas Pipeline Co. Alabama-Tennessee requests that, should the Commission not waive the provisions of § 154.38(d)(3) to permit the filing of a purchase gas adjustment provision, it accept for filing the alternative set of tariff sheets, which does not contain a purchased gas adjustment provision.

On September 28, 1970, Tennessee Valley Municipal Gas Association[2] filed a Motion to reject certain of the proposed tariff sheets or in the alternative to suspend such proposed tariff sheets and to disallow implementation pending conclusion of an evidentiary hearing and to expedite hearing. The grounds for the motion of this intervenor is that Alabama-Tennessee is attempting to put into effect a purchased gas adjustment provision which is prohibited by § 154.38 (d)(3) of the Commission's regulations under the Natural Gas Act and also attempting to put into effect by unilateral action certain tariff provisions relating to 1) Alabama-Tennessee's obligation with respect to hourly delivery volumes; 2) maximum demand obligation; 3) clarification of what constitutes force majeure and responsibilities of the buyer under such conditions; 4) unauthorized overrun penalty; 5) requirements for approval of service to industrial consumers; 6) buyers' options with respect to heating value; and 7) change in the SG–1 Rate Schedule. Such action is claimed to be contrary to the holdings in United Gas Pipe Line Co. v. Mobile Gas Service Corp., 350 U.S. 332 (1956) and United Gas Pipe Line Co. v. Memphis Light, Gas and Water Division, 358 U.S. 103 (1958). Intervenor states that the service agreements of its respective members permit changes in rates and charges but do not permit changes in other provisions of the rate schedules.[3]

In our view the position taken by the intervenor constitutes a narrow construction of the language of the service agreements which is unduly and unreasonably restrictive in that it separates out of the contract those provisions which, while related to rates, do not specifically refer to the rates. We find that changes in rate schedules and associated general terms and conditions, not just in rates, are not precluded under the terms of the service agreements.[4] Consequently, the changes filed by Alabama-Tennessee are not precluded by the holdings in Mobile and Memphis. In denying the motion of intervenor as to all sheets except those reflecting a purchased gas adjustment provision, we point out that it retains the right to contest the propriety of any of the provisions in Alabama-Tennessee's tariff sheets during the hearings in this proceeding.

The reasonableness of including a purchased gas adjustment provision in Alabama-Tennessee's tariff has not been tested in any evidentiary proceeding. If accepted at this time, this provision would become operative after suspension. The purchased gas adjustment provision raises a number of substantive issues which should be fully explored and resolved before the rates and charges to Alabama-Tennessee's customers are subjected to changes by application of this proposed adjustment provision. Accordingly, we deem it inappropriate at this time to waive the provisions of § 154.38 (d)(3) of the Commission's regulations under the Natural Gas Act to permit the filing of those tariff sheets of Alabama-Tennessee containing a purchased gas adjustment provision.

Review of the rate filing indicates that issues are raised which require development in evidentiary proceedings. These issues include tariff changes, cost allocation, treatment of certain rate base items, sales volumes and treatment of certain operating expenses. The proposed increased rates and charges and the other proposed tariff changes have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

In its filing, Alabama-Tennessee states that it proposes to utilize a composite 4 percent required depreciation rate in lieu of the present rate of 3.2 percent. Section 9 of the Natural Gas Act provides, inter alia:

> The Commission may from time to time ascertain and determine, and by order fix, the proper and adequate rates of depreciation * * * of the several classes of property of each natural-gas company used or useful in the production, transportation, or sale of natural gas. Each natural-gas company shall conform its depreciation * * * accounts to the rates so ascertained, determined and fixed. No natural-gas company subject to the jurisdiction of the Commission shall charge to operating expenses any depreciation * * * charges on classes of property other than those prescribed by the Commission, or charge with respect to any class of property a percentage of depreciation * * * other than that prescribed therefor by the Commission.

It would be inappropriate for the Commission to prescribe any new depreciation rates until a full evidentiary hearing has been held thereon. It would, however, be appropriate for Alabama-Tennessee in its financial statements and reports to inform the public that it has requested such a change in its depreciation rate and to indicate the effect such proposed rate, if determined by the Commission to be the proper and adequate rate, would have on such statement and reports.

A petition requesting leave to intervene in Docket No. RP71–7 has been timely filed by Tennessee Valley Municipal Gas Association.

At the prehearing conference hereinafter ordered, we contemplate that all parties will be fully prepared to discuss the stipulation of noncontroverted facts, the definition of issues to be tried, as well as any other substantive and procedural problems involved in this proceeding. The parties are expected to fully effectuate the intent of § 2.59 of the Commission's rules of practice and procedure. In the exercise of the authority delegated to him under § 1.27 of the Rules, the Presiding Examiner, in the exercise of his discretion, may determine, which issues, if any, shall be heard in an initial phase of the hearing; and set dates for service of testimony and exhibits by staff and intervenors, the rebuttal evidence of the applicant and commencement of cross-examination, which will serve to proceed with such hearing as expeditiously as feasible.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Alabama-Tennessee's FPC Gas Tariff, as proposed to be revised herein and that the proposed Second Revised Volume No. 1 be suspended, and the use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas

[1] In place of the presently effective FPC Gas Tariff First Revised Volume No. 1, Alabama-Tennessee has filed its Second Revised Volume No. 1.

[2] Consisting of the municipalities of Athens, Decatur, Florence, Huntsville, Russellville, Sheffield, and Tuscumbia, Ala.; Corinth and Iuka, Miss.; and Selmer, Tenn. The Association concurrently filed a petition to intervene.

[3] On Oct. 8, 1970, Alabama-Tennessee filed an answer requesting that the intervenor's motion be denied in its entirety.

[4] United Gas Pipeline Co., Docket No. RP70–13. Order issued May 15, 1970.

Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

(3) The participation of the Tennessee Valley Municipal Gas Association in this proceeding may be in the public interest.

(4) The Motion filed by intervenor Tennessee Valley Municipal Gas Association on September 28, 1970, to reject certain of Alabama-Tennessee's proposed tariff sheets should be denied as to all sheets except those which reflect a purchased gas adjustment provision, as should the motion to disallow implementation pending conclusion of an evidentiary hearing insofar as it contemplates the disallowance of implementation after the suspension period herein provided. The hearing in this proceeding will be expedited as herein provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations Under the Natural Gas Act [18 CFR, Ch. I], a public hearing be held commencing on November 16, 1970, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Alabama-Tennessee's FPC Gas Tariff as proposed to be revised herein.

(B) Pending such hearing and decision thereon, Alabama-Tennessee's Second Revised Volume No. 1 FPC Gas Tariff is hereby suspended and the use thereof is deferred until March 17, 1971, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Alabama-Tennessee's revised tariff sheets proposing a purchased gas adjustment provision are hereby rejected for filing. These proposed tariff sheets may be made a part of the record herein, to be considered, along with any modifications thereof or alternative provisions submitted by the parties or the Commission Staff, as a proposed purchased gas adjustment provision to be included in Alabama-Tennessee's tariff.

(D) During the period, if any, in which revenues may be collected under the proposed revised tariff, including rates based on costs estimated as though a 4 percent depreciation rate were in effect, but prior to final determination by the Commission of an appropriate rate to be used in the calculation of the depreciation expense to be charged on its books of account, Alabama-Tennessee shall be appropriate notes to all financial statements and reports indicate the differences in depreciation expense, net income, accumulated provision for depreciation and retained earnings which would have been recorded had the proposed 4 percent depreciation rate been prescribed by the Commission.

(E) At the hearing on November 16, 1970, Alabama-Tennessee's prepared testimony (Statement P), together with its entire rate filing as submitted and served on September 1, 1970, be admitted to the record as Alabama-Tennessee's complete case-in-chief as provided by § 154.63(e)(1) of the Commission's Regulations Under the Natural Gas Act, and Order No. 254, 28 FPC 495, subject to appropriate motions, if any, by parties to the proceeding.

(F) Following admission of Alabama-Tennessee's complete case-in-chief, the parties shall proceed to effectuate the intent and purpose of § 2.59 of the Commission's rules of practice and procedure and of this order as set forth above.

(G) The Tennessee Valley Municipal Gas Association is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene, and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(H) Pursuant to § 2.59(c) of the Commission's rules of practice and procedure, Alabama-Tennessee shall promptly serve copies of its filing upon the above intervenor unless such service has already been effected pursuant to Part 154 of the regulations under the Natural Gas Act.

(I) The motion filed by intervenor Tennessee Valley Municipal Gas Association to reject is denied except as to those tariff sheets which reflect a purchased gas adjustment provision; the alternative motion to suspend the proposed tariff sheets and to disallow implementation pending conclusion of an evidentiary hearing and to expedite hearing is denied insofar as it contemplates the disallowance of implementation in addition to the statutory suspension period.

(J) Presiding Examiner Harry C. Shriver, or any other designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 70-14025; Filed, Oct. 16, 1970; 8:47 a.m.]

[Docket No. G-3073, etc.]

HUMBLE OIL & REFINING CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates, Correction

OCTOBER 7, 1970.

In the notice of applications for certificates, abandonment of service and petitions to amend certificates, issued September 9, 1970, and published in the FEDERAL REGISTER September 18, 1970 (35 F.R. 14635), delete Docket No. CI63-356.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 70-14019; Filed, Oct. 16, 1970; 8:47 a.m.]

[Docket No. RP71-6]

TENNESSEE GAS PIPELINE CO.

Order Providing for Hearing, Rejecting Proposed Revised Tariff Sheets, and Accepting and Suspending Proposed Alternative Revised Tariff Sheets

OCTOBER 13, 1970.

On September 1, 1970, Tennessee Gas Pipeline Co. (Tennessee), a division of Tenneco Inc., tendered for filing proposed changes in its FPC Gas Tariff, Eighth Revised Volume No. 1 and Fifth Revised Volume No. 2, to become effective on October 17, 1970.[1] The proposed rate changes would increase charges for jurisdictional sales and services by $108,396,100 annually, based on sales volumes related to the 12-month period ended May 31, 1970, adjusted for known changes. Rates would be increased under all sales rate schedules except Rate Schedules SO-3 and SO-5, and SR Schedules for all zones which are sought to be cancelled.

Tennessee's filing consists of two alternative sets of revised tariff sheets, one of which sets contains two proposed new articles, to be included in the General Terms and Conditions of the Tariff, providing that Tennessee would be permitted, or required, to revise its rates

[1] The proposed revised tariff sheets (described by Tennessee as "alternate" sheets) hereinafter accepted for filing and suspended are as follows: 8th Revised Volume No. 1—3d Revised Sheet No. 1, 7th Revised Sheet No. 2, 9th Revised Sheet No. 3, 4th Revised Sheet No. 7, 11th Revised Sheet No. 8, 4th Revised Sheet No. 9, 1st Revised Sheet No. 10, 1st Revised Sheet No. 11, Original Sheet No. 11A, 4th Revised Sheet No. 12, 5th Revised Sheet No. 37, 11th Revised Sheet No. 38, 6th Revised Sheet No. 39, 12th Revised Sheet No. 40, 4th Revised Sheet No. 41, Original Sheet No. 41A, 5th Revised Sheet No. 42, 1st Revised Sheet No. 66E, 1st Revised Sheet No. 66F, Original Sheet No. 66G, Original Sheet No. 66H, 4th Revised Sheet No. 67, 11th Revised Sheet No. 79, 1st Revised Sheet No. 80, Original Sheet No. 80A, 11th Revised Sheet No. 81, 11th Revised Sheet No. 91, 1st Revised Sheet No. 92, Original Sheet No. 92A, 11th Revised Sheet No. 93, 10th Revised Sheet No. 103, 9th Revised Sheet No. 114B, 1st Revised Sheet No. 115, 11th Revised Sheet No. 120, 1st Revised Sheet No. 123, 1st Revised Sheet No. 132A, 4th Revised Sheet No. 132B, 3d Revised Sheet No. 132F, 1st Revised Sheet No. 132G, 2d Revised, Sheet No. 132H, 2d Revised Sheet No. 132I, 1st Revised Sheet No. 132L, 1st Revised Sheet No. 132M, 1st Revised Sheet No. 132N, 1st Revised Sheet No. 132O, 1st Revised Sheet No. 133, 1st Revised Sheet No. 135, 1st Revised Sheet No. 138, 3d Revised Sheet No. 143, and Original Sheet No. 143A; and 5th Revised Volume No. 2—1st Revised Sheet No. 11, 1st Revised Sheet No. 25, 1st Revised Sheet No. 41, and 1st Revised Sheet No. 42.

periodically to reflect increases or decreases in its cost of purchased gas.[2] Tennessee requests that, if the Commission does not waive the terms of § 154.38 (d)(3) of the Commission's regulations under the Natural Gas Act for purposes of Tennessee's filing including the proposed purchased gas adjustment provision, the Commission accept for filing the alternate set of revised tariff sheets, which does not contain a purchased gas adjustment provision.

Tennessee states that the principal reasons for the proposed rate increases are: (1) Increases in cost of materials, supplies, wages, and services required to operate and maintain Tennessee's pipeline; (2) increase in property, payroll, and State income taxes; (3) increase in the cost of purchased gas; (4) increase in Tennessee's composite book depreciation rate for gas transmission plant and certain other plant; and (5) return to normalization accounting for liberalized depreciation in determining Federal income taxes in the cost of service and cessation of the amortization of the balance in Account 282 for Accumulated Deferred Income Taxes—Liberalized Depreciation. The proposed rates include a claimed 9-percent rate of return.

The reasonableness of including a purchased gas adjustment provision in Tennessee's tariff has not been tested in any evidentiary proceeding. If accepted at this time, this provision would become operative after suspension. The purchased gas adjustment provision raises a number of substantive issues which should be fully explored and resolved before the rates and charges to Tennessee's customers are subjected to changes by application of this proposed adjustment provision. Accordingly, we deem it inappropriate at this time to waive the provisions of § 154.38(d)(3) of the Commission's regulations under the Natural Gas Act to permit the filing of Tennessee's set of revised tariff sheets containing a purchased gas adjustment provision. During the pendency of this proceeding, and prior to the determination of this issue, however, Tennessee will not be precluded from requesting permission to track supplier rate increases which increase the purchased gas costs filed for by Tennessee in this proceeding.

In its filing, Tennessee states that it proposes to utilize a composite 4-percent book depreciation rate on gas transmission plant and certain other plant beginning with the effective date of the revised tariff sheets, and requests the Commission to grant whatever authority may be required to use such 4-percent rate in lieu of the present rate of 3.12 percent. Section 9 of the Natural Gas Act provides, inter alia:

> The Commission may from time to time ascertain and determine, and by order fix, the proper and adequate rates of depreciation * * * of the several classes of property of each natural-gas company used or useful in the production, transportation, or sale of natural gas. Each natural-gas company shall conform its depreciation * * * accounts to the rates so ascertained, determined, and fixed. No natural-gas company subject to the jurisdiction of the Commission shall charge to operating expenses any depreciation * * * charges on classes of property other than those prescribed by the Commission, or charge with respect to any class of property a percentage of depreciation * * * other than that prescribed therefor by the Commission.

It would be inappropriate for the Commission to prescribe any new depreciation rates until a full evidentiary hearing has been held thereon. It would, however, be appropriate for Tenneco in its financial statements and reports to inform the public that it has requested such a change in its depreciation rate and to indicate the effect such proposed rate, if determined by the Commission to be the proper and adequate rate, would have on such statements and reports.

Review of the rate filing indicates that certain other issues are raised which also require development in evidentiary proceedings. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

At the prehearing conference hereinafter ordered, we contemplate that all parties will be fully prepared to discuss the stipulation of noncontroverted facts, the definition of issues to be tried, as well as any other substantive and procedural problems involved in this proceeding. The parties are expected to fully effectuate the intent of § 2.59 of the Commission's rules of practice and procedure. In the exercise of the authority delegated to him under § 1.27 of the rules, the Presiding Examiner, in the exercise of his discretion, may determine, which issues, if any, shall be heard in an initial phase of the hearing; and set dates for service of testimony and exhibits by staff and intervenors, the rebuttal evidence of the applicant and commencement of cross-examination, which will serve to proceed with such hearing as expeditiously as feasible.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that:

(1) The Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Tennessee's FPC Gas Tariff, as proposed to be amended herein, and that the proposed tariff sheets listed in footnote (1) above be suspended, and the use thereof be deferred as herein provided; and

(2) The disposition of this proceeding be expedited in accordance with the procedures set forth below.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held commencing with a prehearing conference on November 17, 1970, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Tennessee's FPC Gas Tariff, as proposed to be amended herein.

(B) Pending such hearing and decision thereon, Tennessee's revised tariff sheets listed in footnote (1) above are hereby suspended and the use thereof is deferred until March 17, 1971, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Tennessee's revised tariff sheets proposing a purchased gas adjustment provision are hereby rejected for filing. These proposed tariff sheets may be made a part of the record herein, to be considered, along with any modifications thereof or alternative provisions submitted by the parties or the Commission Staff, as a proposed purchased gas adjustment provision to be included in Tennessee's tariff.

(D) Presiding Examiner Ernest Eisenberg or any other designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR, 3.5(d)), shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

(E) During the period, if any, in which revenues may be collected under the proposed revised tariff, including rates based on costs estimated as though a 4-percent-depreciation rate were in effect, but prior to final determination by the Commission of an appropriate rate to be used in the calculation of the depreciation expense to be charged on its books of account, Tenneco shall by appropriate notes to all financial statements and reports indicate the differences in depreciation expense, net income, accumulated provision for depreciation and retained earnings which would have been recorded had the proposed 4-percent-depreciation rate been prescribed by the Commission.

(F) At the hearing on November 17, 1970, Tennessee's prepared testimony (Statement P) filed and served on September 16, 1970, together with its entire rate filing as submitted and served on September 1, 1970, be admitted to the record as Tennessee's complete case-in-chief as provided by § 154.63(e)(1) of the Commission's regulations under the Natural Gas Act, and Order No. 254, 28 FPC 495, subject to appropriate motions, if any, by parties to the proceeding.

(G) Following admission of Tennessee's complete case-in-chief, the parties shall proceed to effectuate the intent and purposes of § 2.59 of the Commission's rules of practice and procedure and of this order as set forth above.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 70-14026; Filed, Oct. 16, 1970; 8:47 a.m.]

[2] The revised tariff sheets setting forth Tennessee's proposed purchased gas adjustment provisions are Original Sheets Nos. 6A and 143A through 143D.

[Docket No. RP71-11]

TENNESSEE NATURAL GAS LINES, INC.

Order Providing for Hearing, Rejecting Proposed Revised Tariff Sheets, and Accepting and Suspending Proposed Alternative Revised Tariff Sheets

OCTOBER 13, 1970.

On September 16, 1970, Tennessee Natural Gas Lines, Inc. (Tennessee Natural) filed two sets of revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1. The first set composed of nine sheets [1] contains a purchase gas adjustment clause. The second set [2] (called the Alternative Tariff Sheets) is identical except that it does not contain the purchase gas adjustment clause.

The proposed rate change would result in increased charges for jurisdictional sales of approximately $2,137,000 per annum based on actual sales for the 12-month period ended May 31, 1970. The newly filed rate contains a single demand rate of $2.64 per Mcf, and would replace the presently effective two block demand rate of $2.194 per Mcf of the first 50,000 Mcf of demand and of $1.99 per Mcf for all in excess of that amount. The commodity component of the rate is proposed to be increased from the presently effective 21.27 cents per Mcf to 27 cents. The increased rate would affect Nashville Gas Co., Tennessee Natural's sole jurisdictional customer, a wholly owned affiliate.

Tennessee Natural requests that the Commission waive the provisions of § 154.38(d)(3) of the regulations under the Natural Gas Act to permit the filing of the set of revised tariff sheets containing the purchase gas adjustment clause. In event that such waiver is not granted, Tennessee Natural requests that the Commission consider the aforementioned Alternative Tariff Sheets. The company requests an effective date of October 17, 1970, and further requests that should the tendered sheets be suspended, the period of suspension terminate on the same date as that prescribed for Tennessee Gas Pipeline Co., its sole supplier, in Docket No. RP71-6.

The proposed increase in rates is based primarily on the increase in the cost of purchased gas and certain other elements in the cost of service and the stated need for a return on investment of 9 percent.

The reasonableness of including a purchased gas adjustment provision in Tennessee Natural's tariff has not been tested in any evidentiary proceeding. If accepted at this time, this provision would become operative after suspension. The purchased gas adjustment provision raises a number of substantive issues which should be fully explored and resolved before the rates and charges to Tennessee Natural's customer is subjected to changes by application of this proposed adjustment provision. Accordingly, we deem it inappropriate at this time to waive the provisions of § 154.38 (d)(3) of the Commission's regulations under the Natural Gas Act to permit the filing of Tennessee Natural's set of revised tariff sheets containing a purchased gas adjustment provision. During the pendency of this proceeding, and prior to the determination of this issue, however, Tennessee Natural will not be precluded from requesting permission to track supplier rate increases which increase the purchased gas costs filed for by Tennessee Natural in this proceeding.

A review of the filing indicates that certain issues are raised therein which require development in an evidentiary proceeding. The proposed rates and charges have not been shown to be justified and may be unjust and unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Tennessee Natural's FPC Gas Tariff, as proposed to be amended, and that the proposed tariff sheets listed in footnote (2) above be suspended and the use thereof be deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. 1), a public hearing shall be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications and services contained in Tennessee Natural's FPC Gas Tariff, as proposed to be amended herein.

(B) Pending such hearing and decision thereon said proposed revised tariff sheets set out in footnote (2) above are hereby suspended and the use thereof deferred until March 17, 1971, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Tennessee Natural's revised tariff sheets proposing a purchased gas adjustment provision are hereby rejected for filing. These proposed tariff sheets may be made a part of the record herein, to be considered, along with any modifications thereof or alternative provisions submitted by the parties or the Commission Staff, as a proposed purchased gas adjustment provision to be included in Tennessee Natural's tariff.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 70-14027; Filed, Oct. 16, 1970; 8:47 a.m.]

[1] Ninth Revised Sheet No. 4, Original Sheet No. 4a, Original Sheet No. 4b, Second Revised Sheet No. 6, Second Revised Sheet No. 7, Original Sheet No. 8a, First Revised Sheet No. 17, and First Revised Sheet No. 31.

[2] Ninth Revised Sheet No. 4, Second Revised Sheet No. 6, Second Revised Sheet No. 7, First Revised Sheet No. 17, and First Revised Sheet No. 31.

FEDERAL RESERVE SYSTEM

BOATMEN'S BANCSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Boatmen's Bancshares, Inc., St. Louis, Mo., which presently owns 100 percent of the voting shares (less directors' qualifying shares) of Boatmen's National Bank of St. Louis, St. Louis, Mo., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of Bank of Concord Village, St. Louis, and Manchester Community Bank, Ballwin, both in Missouri.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of St. Louis.

By order of the Board of Governors, October 12, 1970.

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

[F.R. Doc. 70-14008; Filed, Oct. 16, 1970; 8:46 a.m.]

SOUTHEAST BANCORPORATION, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)

(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Southeast Bancorporation, Inc., which is a bank holding company located in Miami, Fla., for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of Deerfield Beach Bank and Trust Co., Deerfield Beach, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

By order of the Board of Governors, October 13, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-14009; Filed, Oct. 16, 1970; 8:46 a.m.]

UNITED TENNESSEE BANCSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by United Tennessee Bancshares Corp., which is a bank holding company located in Johnson City, Tenn., for prior approval by the Board of Governors of the acquisition by applicant of an additional 48.02 percent or more of the voting shares of First Peoples Bank, Johnson City, Tenn. Applicant presently owns 31.98 percent of the voting shares of First Peoples Bank.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

By order of the Board of Governors, October 9, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-14010; Filed, Oct. 16, 1970; 8:46 a.m.]

UNITED TENNESSEE BANCSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by United Tennessee Bancshares Corp., which is a bank holding company located in Johnson City, Tenn., for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of National Bank of Commerce, Memphis, Tenn.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

By order of the Board of Governors, October 9, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-14011; Filed, Oct. 16, 1970; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2813]

FRANK A. WEIL

Notice of Application for Exemption

OCTOBER 14, 1970.

Notice is hereby given that Mr. Frank A. Weil, 42 Wall Street, New York, N.Y. 10005 (Applicant), has filed an application pursuant to section 9(b) of the Investment Company Act of 1940 (Act) for an order of the Commission exempting Applicant from the provisions of section 9(a)(2) of the Act. All interested persons are referred to the application on file with the Commission for a complete statement of the representations contained therein which are summarized below.

On November 14, 1968, in an action entitled Securities and Exchange Commission v. Lynbar Mining Corporation, Ltd., et al. (U.S. District Court for the Southern District of New York, Civil Action No. 68-4493), a final judgment was entered upon consent against, among others, Loeb Rhoades & Co. (Loeb Rhoades), a registered broker-dealer, which consent provides in pertinent part:

Ordered, Adjudged and Decreed that Defendants, * * * Loeb, Rhoades & Co. and their partners, agents, servants, and employees, and any other person acting in active concert or participation with them, are hereby restrained and enjoined from, directly or indirectly, by use of the means or instrumentalities of interstate commerce or the

mails from offering to sell, selling, or delivering after sale the securities of Lynbar Mining Corp., Ltd., in violation of section 5 of the Securities Act of 1933 * * *

On the same date, the Securities and Exchange Commission issued an order accepting an offer of settlement from Loeb Rhoades for the purpose of disposing of issues raised under section 15(b) of the Securities Exchange Act of 1934 arising out of the offer, sale, and delivery after sale of securities of Lynbar Mining Corp., Ltd., and directing Loeb Rhoades to discontinue any and all trading in Canadian over-the-counter securities for a period of 60 calendar days commencing with the opening of business on November 15, 1968. The Commission determined that it was in the public interest to accept the offer of settlement in view of Loeb Rhoades' consent to the injunction, certain mitigating factors presented and upon the assumption that appropriate and effective procedures would be placed in effect prior to resumption by Loeb Rhoades of trading in Canadian over-the-counter securities.

Section 9(a)(2) of the Act makes it unlawful for any person who, by reason of any misconduct, is permanently or temporarily enjoined by order, judgement, or decree of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any securities, to serve or act in the capacity of officer, director, member of an advisory board, investment adviser, or depositor of any registered investment company, or principal underwriter for any registered open-end company.

On January 27, 1970, the Commission, upon application, granted relief from the applicable provisions of section 9 to the defendants in the above named civil action but only to the extent that the section precluded a wholly owned subsidiary of Loeb Rhoades from acting as investment adviser to a principal underwriter for Chelsea Fund, Inc., and prevented affiliated persons of Loeb Rhoades from acting as officers and director's of Chelsea Fund, Inc. (Memorandum Opinion and Order, Investment Company Act Release No. 5962). Because Applicant, who is a general partner of Loeb Rhoades, was not included in the Commission's order, a further exemption from the bar of section 9 is required.

Applicant has been a director of Abacus Fund, Inc., a registered closed-end investment company since 1957 and has served as its president since September 1967. Applicant requests exemption from any restriction contained in section 9(a) of the Act which might otherwise apply as a result of the existence of the above-discussed injunction.

Section 9(b) of the Act provides that any person who is ineligible by reason of subsection (a) to serve or act in the capacities enumerated therein may file with the Commission an application for an exemption from the provisions of that subsection and further provides that the Commission shall by order grant such application, either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of subsection (a), as applied to such person, are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

Applicant represents that he had no connection whatever with, or during the relevant period, knowledge of, the activities which were the subject of the consent injunction.

Applicant asserts that the prohibitions of section 9(a) of the Act if applicable by reason of the above-mentioned final judgment, would be unduly and disproportionately severe if applied to Applicant. Applicant further asserts his conduct has been such as to make it not against the public interest or protection of investors to grant the requested applications.

Notice is further given that any interested person may, not later than November 6, 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 Applicants at the addresses stated 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 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.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-14056; Filed, Oct. 16, 1970; 8:50 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 791]

PUERTO RICO

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of October 1970, because of the effects of certain disasters, damage resulted to residences and business property located on the island of Puerto Rico;

Whereas, the Small Business Administration has investigated and has recieved other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid island, suffered damage or destruction resulting from heavy rains, flooding, and mudslides occurring on October 3, 1970, and continuing thereafter.

OFFICE

Small Business Administration District Office, 255 Ponce De Leon Avenue, Hato Rey, P.R. 00919.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1971.

Dated: October 9, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-14018; Filed, Oct. 16, 1970; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 603]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 14, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72279. By order of October 12, 1970, the Motor Carrier Board approved the transfer to Hal W. Langley, doing business as Langley Film Service, Greenfield, Ill., of the operating rights in certificate Nos. MC-5111, MC-5111 (Sub-No. 3), MC-5111 (Sub-No. 5),

MC-5111 (Sub-No. 6), and MC-5111 (Sub-No. 8), issued March 18, 1942, January 13, 1953, June 15, 1953, February 28, 1955, and May 17, 1957, to Tom Smith, doing business as Smith's Film Service, White Hall, Ill., authorizing the transportation of: Film, between St. Louis, Mo., and Mount Sterling, Ill., and Louisiana, Mo., and between Jerseyville, Ill., and Carrollton, Ill.; newspapers, from St. Louis, Mo., to Mount Sterling, Ill., and Louisiana, Mo., and from Jerseyville, Ill., and Carrollton, Ill.; newspapers, from St. Louis, Mo., and Alton, Ill., to Keokuk, Iowa, and points in specified Illinois counties; motion picture film, and in connection therewith, advertising matter, theatre supplies, motion picture appliances and parts and accessories, associated articles, and newspapers and magazines, as specified, between St. Louis, Mo. on the one hand, and, on the other, Clarkville, Mo., Pleasant Hill, Nauvoo, and Warsaw, Ill., between St. Louis, Mo., and Keokuk, Iowa, and points in Illinois as specified, between St. Louis, Mo., and Jacksonville, Ill., between St. Louis, Mo., and Ashland, Ill., and between St. Louis, Mo., and Fort Madison, Iowa. Robert B. Oxtoby, First National Bank Building, Springfield, Ill. 62701, applicants representative.

No. MC-FC-72337. By order of October 13, 1970, the Motor Carrier Board approved the transfer to Wallace Rice doing business as Rice Trucking, Maddock, N. Dak. 58348, of the certificate of registration in No. MC-121002 (Sub-No. 1) issued December 16, 1963, to Clifford Sabbe doing business as Sabbe Trucking, Maddock, N. Dak. 58348, evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of North Dakota, corresponding in scope to the service authorized in No. 208 dated June 28, 1969, issued by the North Dakota Public Service Commission.

No. MC-FC-72409. By order of October 12, 1970, the Motor Carrier Board approved the transfer to Gilpin County Express & Truck Line, Inc., Central City, Colo., of the operating rights in certificate No. MC-127575 (Sub-No. 2) issued September 18, 1969, to Patrick E. Monahan and Lavinia R. Monahan, a partnership, doing business as Gilpin County Express & Truck Line, Central City, Colo., authorizing the transportation of general commodities, with usual exceptions, between Denver, Colo., on the one hand, and, on the other, Black Hawk, Central City, and Rollinsville, Colo. Herbert M. Boyle, 946 Metropolitan Building, Denver, Colo. 80202, attorney for applicants.

No. MC-FC-72411. By order of October 12, 1970, the Motor Carrier Board approved the transfer to Art Bruch, Jr., Arcadia, Iowa, of the operating rights in certificate No. MC-62389 issued August 14, 1967, to Louis T. Hausman, doing business as Hausman Trucking, Arcadia, Iowa, authorizing the transportation of livestock, from Lidderdale, Iowa, to Omaha, Nebr., serving intermediate and off-route points within 12 miles of Lidderdale, restricted to pickup only, over unnumbered highway to junction U.S. Highway 30, thence over U.S. Highway 30 to Missouri Valley, Iowa, thence over U.S. Highway 75 to Council Bluffs, Iowa, and thence across the Missouri River to Omaha; general commodities, with the usual exceptions, from Omaha, Nebr., to Lidderdale, Iowa, serving intermediate and off-route points within 12 miles of Lidderdale, restricted to delivery only, from Omaha over the above-specified route to Lidderdale; and over irregular routes, livestock, feed, agricultural implements, and lumber, between Arcadia, Iowa, and points within 15 miles of Arcadia, on the one hand, and, on the other, Omaha, Nebr.

No. MC-FC-72417. By order of October 12, 1970, the Motor Carrier Board approved the transfer to J. R. Bateman Warehouse, Inc., Peabody, Mass., of certificate of registration No. MC-97862 (Sub-No. 1) issued December 31, 1963, to Eldridge Garland and Lillian J. Pearson, a partnership, doing business as Obey Trans. Co., Cambridge, Mass., evidencing a right to engage in transportation in interstate commerce corresponding in scope to Common Carrier Certificate No. 1621 dated February 2, 1960, issued by the Massachusetts Department of Public Utilities. Joseph A. Kline, 31 Milk Street, Boston, Mass. 02109, attorney for applicants.

No. MC-FC-72419. By order of October 12, 1970, the Motor Carrier Board approved the transfer to Peninsula Air Delivery, a corporation, Palo Alto, Calif., of the operating rights in certificate No. MC-133101 (Sub-No. 2) issued March 20, 1970, to Ken J. Madsen and Kent W. Herkenrath, doing business as Peninsula Air Delivery, Palo Alto, Calif., authorizing the transportation of general commodities, with the usual exceptions, between San Francisco International Airport, Calif., on the one hand, and, on the other, Mountain View, Sunnyvale, and Santa Clara, Calif., restricted to traffic having a previous or subsequent movement by air. George M. Carr, Suite 1215, 351 California Street, San Francisco, Calif. 94104, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70-14039; Filed, Oct. 16, 1970; 8:48 a.m.]

[Notice 172]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 14, 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 51146 (Sub-No. 180 TA), filed October 9, 1970. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Post Office Box 2298, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container parts and accessories and equipment* used in connection with the distribution of metal containers and metal container ends when moving with metal containers, from Chicago, Ill.; Livonia, Mich.; Lenexa, Kans.; and Baltimore, Md.; to Memphis and Collierville, Tenn., for 180 days. Supporting shipper: National Can Corp. Midway Center, 5959 South Cicero Avenue, Chicago, Ill. 60638 (Roger F. Hermann, Eastern Region 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 51146 (Sub-No. 181 TA), filed October 9, 1970. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Post Office Box 2298, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors*, from New London, Wis., to points in Connecticut, Delaware, Illinois, Indiana, Michigan, Maine, Maryland, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia and Massachusetts, for 180 days. Supporting shipper: Georgia-Pacific Corp., 900 Southwest Fifth Avenue, Portland, Oreg. (Lewis G. Hallett, Western 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 52460 (Sub-No. 103 TA), filed October 8, 1970. Applicant: HUGH BREEDING, INC., 1420 West 35th, Post Office Box 9515, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bags, and in bulk, fom MFA Plant, Palmyra (Marion Co.), Mo., to points in Iowa, Minnesota, Nebraska, and South

Dakota, for 180 days. Supporting shipper: FELCO, Geo. J. McCusker, Assistant Traffic Manager, 2827 Eighth Avenue South, Fort Dodge, Iowa 50501. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 96803 (Sub-No. 5 TA), filed October 9, 1970. Applicant: PRICHARD TRANSFER, INC., Post Office Box 690, Price, Utah 84501. Applicant's representative: Harry D. Pugsley, Suite 400, El Paso Natural Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Coal*, in bulk (1) from 4 miles from Emery, Utah, to railhead at Salina, Utah; and (2) from Premium Mine 17 miles from Wellington to railhead at Wellington, Utah, for 180 days. Supporting shippers: Browning Coal Co., Emery, Utah 84522 (Horace A. Petty, Owner); Premium Coal Co., Box 757, Price, Utah 84501 (A. M. Cooley, Partner). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 119531 (Sub-No. 148 TA), filed October 9, 1970. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Raymond C. Minks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard packaging materials and packaging materials made from pulpboard and other materials combined*, from Coloma, Mich., to West Kankakee, Ill., for 180 days. Supporting shipper: Twin Cities Containers Corp., Coloma, Mich. 49038. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 120398 (Sub-No. 9 TA), filed October 9, 1970. Applicant: VALLEY EXPRESS, INC., Post Office Box 158, Schofield, Wis. 54476. Office: 116 Lake View Drive, Wausau, Wis. 54401. Applicant's representative: Earle H. Haupt, Post Office Box 158, Schofield, Wis. 54476. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, and those injurious to other lading: (1) between New Chester Township, Adams County, Wis., and Milwaukee, Wis., from New Chester Township over Adams and Marquette County Trunks E to junction with U.S. Highway 51, thence over U.S. Highway 51 to Madison, Wis., thence over U.S. Highway 18 to Milwaukee, and return over the same route, serving the intermediate points of Madison, Wis., and the unincorporated communities of Lawrence, Marquette County, Wis., and Grand Marsh, Adams County, Wis.; (2) between New Chester Township, Adams County, Wis., and Stevens Point, Wis., from New Chester Township over Adams and Marquette County Trunks E to junction with U.S. Highway 51, thence over U.S. Highway 51 to Stevens Point, Wis., and return over the same route for 180 days. NOTE: Applicant seeks to tack proposed authority to existing and pending authority under MC–120398. Applicant seeks to include the commercial zones of Grand Marsh, Lawrence, Madison, Milwaukee, and Stevens Point, Wis. Supporting shipper: Westphal & Co., Inc., Post Office Box 1060, 123 St. Mary's Court, Janesville, Wis. 53545. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, Wis. 53703.

No. MC 128294 (Sub-No. 6 TA), filed October 8, 1970. Applicant: NITEHAWK EXPRESS, INC., 2334 University Avenue, St. Paul, Minn. 55114. Applicant's representative: Joseph J. Dudley, W–1260 First National Bank Building, St. Paul, Minn. 55101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned, preserved, or prepared, between plantsites of Green Giant Co. at Blue Earth, Montgomery, Glencoe, Cokato, Winsted, and Le Sueur, Minn.; Rosendale, Ripon, Beaver Dam, Fox Lake, Wis.; and Belvidere, Ill.; on the one hand and the plantsites of Green Giant Co. at township of West Sadsbury, Pa.; Tucker, Ga.; and Garland, Tex.; and (2) from plantsites of Green Giant Co. at Fruitland, Md., and Woodside, Del., and storage facilities of Green Giant Co. at Salisbury, Md., and Dover, Del., to plantsites of Green Giant Co. at Belvidere, Ill., and Glencoe, Minn., for 180 days. NOTE: This authority will be added to the existing contract with Green Giant Co. See Commission order dated September 5, 1967, MC–128294 Sub-(3). Supporting shipper: Green Giant Co., Le Sueur, Minn. Send protests to: District Supervisor A. E. Rathert, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 133203 (Sub-No. 1 TA), filed October 7, 1970. Applicant: COURIER EXPRESS CORPORATION, 301 South Tryon Street, Charlotte, N.C. 28201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, and records, including credit cards; audit and accounting media of all kinds; and advertising material moving therewith*, from Raleigh, N.C., to points in South Carolina and Virginia, for 150 days. Supporting shipper: Atlanta States Bankcard Association, 616 Oberlin Road, Raleigh, N.C. 27605. Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite 417, BSR Building, 316 East Morehead Street, Charlotte, N.C. 28202.

No. MC 134917 (Sub-No. 1 TA), filed October 9, 1970. Applicant: WILLIAM EDWARDS, doing business as WM. EDWARDS TRUCKING CO., Route 1, Box 153, Staunton, Va. 24401. Applicant's representative: C. F. Germelman, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: (1) *Prefabricated building sections and component parts*, from Staunton, Va., to points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, and West Virginia; (2) *insulation board*, lumber, dimensional, *paint*, in containers, *plywood sheets, roofing materials, sheathing, and building*, from Baltimore, Md., to Staunton, Va.; and (3) *lumber and plywood*, from points in North Carolina to Staunton, Va., for 150 days. Supporting shipper: Knopp Bros., Inc., 867 Middlebrook Avenue, Staunton, Va. 24401. Send protests to: Clatin M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, Va. 24011.

MOTOR CARRIER OF PASSENGERS

No. MC 50655 (Sub-No. 26 TA), filed October 8, 1970. Applicant: GULF TRANSPORT COMPANY, a corporation, 505 South Conception Street, Mobile, Ala. 36603. Applicant's representative: J. H. Bachar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, express, newspapers, baggage*, of passengers in the same vehicle with passengers, and charter and/or special parties, between Memphis and Chattanooga, Tenn., from Memphis, to Chattanooga, Tenn., over U.S. Highway 64, serving all intermediate points, and return over the same route, for 180 days. NOTE: Authority is sought to originate charters and/or special parties at all points on said route except no authority is requested to originate charters and/or special parties at points west of the eastern boundary of Shelby County line, Tennessee and points east of western city limit boundary of the city of South Pittsburg, Tenn. Supported by: There are approximately 25 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70–14040; Filed, Oct. 16, 1970; 8:48 a.m.]

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