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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 352—REEMPLOYMENT RIGHTS

### Subpart C—Detail and Transfer of Federal Employees to International Organizations

Subpart C of Part 352 is revised to implement the amendments made by Public Law 91–175, approved December 30, 1969, to sections 3343 and 3581–3584 of title 5, United States Code relating to detail and transfer of Federal employees to international organizations.

Sec.



AUTHORITY: The provisions of this Subpart C issued under 5 U.S.C. 3584, E.O. 10804; 3 CFR, 1959–1963 Comp., p. 328.

#### § 352.301 Purpose.

The purpose of this subpart is to encourage details and transfers of employees for service with international organizations as authorized by sections 3343 and 3581–3584 of title 5, United States Code, and to provide procedures for participation in the program.

#### § 352.302 Definitions.

In this subpart:

(a) "Agency," "employee," "international organization," and "transfer" have the meaning given them by section 3581 of title 5, United States Code;

(b) "Detail" has the meaning given it by section 3343 of title 5, United States Code; and

(c) "Term of employment" means not more than (1) 5 consecutive years of employment, except that when the Secretary of State determines it to be in the national interest, the detail or transfer may be extended up to an additional 3 years, or (2) the period of less than 5 years specified at the time of consent to transfer or detail, beginning with entrance on duty in the international organization.

#### § 352.303 Effective date of equalization allowance.

Section 352.310 applies to employment with an international organization that occurs after December 29, 1969.

#### § 352.304 International organizations covered.

Without prior approval of the Commission, an agency may detail or transfer an employee under this subpart to any organization which the Commission has designated in the Federal Personnel Manual as an international organization. An agency may detail or transfer an employee under this subpart to any other public international organization or international organization preparatory commission, only when the Commission, after consultation with the Department of State, agrees that the organization concerned could be designated in the Federal Personnel Manual as an international organization covered by sections 3343 and 3581 of title 5, United States Code.

#### § 352.305 Eligibility for detail.

An employee is eligible to be detailed to an international organization with the rights provided for in, and in accordance with, section 3343 of title 5, United States Code, and this subpart.

#### § 352.306 Length of details.

A detail or series of details shall not exceed 5 consecutive years, except that when the Secretary of State, on the recommendation of the head of the agency, determines it to be in the national interest, the 5-year detail may be extended for up to an additional 3 years. A detail or series of details or combination of details and transfers shall not exceed 8 years in the aggregate.

#### § 352.307 Eligibility for transfer.

An employee is eligible for transfer to an international organization with the rights provided for in, and in accordance with, sections 3581–3584 of title 5, United States Code, and this subpart, except the following:

(a) A Presidential appointee (other than a postmaster, a Foreign Service officer or a Foreign Service information officer), regardless of whether his appointment was made by and with the advice and consent of the Senate.

(b) A person serving in the executive branch in a confidential or policy-determining position excepted from the competitive service under Schedule C of Part 213 of this chapter, or in a position authorized to be filled by noncareer executive assignment or limited executive assignment under Part 305 of this chapter.

(c) A person serving under a temporary appointment pending establishment of a register.

(d) A person serving under an appointment specifically limited to 1 year or less.

(e) A person serving on a seasonal, intermittent, or part-time basis.

#### § 352.308 Effecting employment by transfer.

(a) *Authority to approve transfers.* On written request by an international organization for the services of an employee, the agency may authorize the transfer of the employee to the organization for any period not to exceed 5 years, except that when the Secretary of State determines it to be in the national interest, a period of employment by transfer may be extended, subject to the approval of the head of the agency, for up to an additional 3 years. A transfer or series of transfers or combination of details and transfers shall not exceed 8 years in the aggregate. Refusal by the head of the agency to authorize the transfer or the extension of the transfer is not reviewable by or appealable to the Commission.

(b) *Letter of consent.* When an agency consents to the transfer of an employee, the agency shall give its consent in writing to the international organization and shall furnish the employee with a copy of the consent.

(c) *Effective date.* The agency and the international organization shall establish the effective date of transfer by mutual agreement.

(d) *Recording requirement.* The agency shall furnish the employee with a statement of his leave account when he is separated for transfer. In addition, the agency shall include on the personnel action form effecting the employee's separation for transfer, (1) identification of the international organization to which he transfers, (2) a clear statement of the period during which he has reemployment rights in the agency under section 3582 of title 5, United States Code, and this subpart, and of the legal and regulatory conditions of his reemployment.

#### § 352.309 Retirement, health benefits, and group life insurance.

(a) *Agency and employee action.* At the time of consent to the transfer of an employee, the agency shall notify the employee in writing that it will make agency contributions and he will retain coverage with resulting rights and benefits under the retirement, health benefits, and group life insurance systems or any of them if employee payments are currently deposited in the respective funds. The employee shall acknowledge, in writing, receipt of the notice and state whether or not he wishes to retain his coverage under the retirement, health benefits, and group life insurance systems or any of them by continuing required employee payments.

(b) *Agency responsibility.* A transferred employee is deemed to remain an employee of the agency from which transferred for retirement, health benefits, and group life insurance purposes. For retirement and group life insurance purposes, the agency is responsible for determining the applicable rate of pay in accordance with the provisions of section 3583 of title 5, United States Code. The agency is also responsible for collecting, accounting for, and depositing in the respective funds all retirement, health benefits, and group life insurance employee payments required to be made for the purpose of protecting the rights of the employee so transferred; and for accounting for and depositing in the respective funds all agency contributions. The agency shall furnish the employee with specific information as to how, when, and where the payments are to be submitted.

(c) *Coverage.* Employee payments are currently deposited if received by the agency before, during, or within 3 months after the end of the pay period covered thereby. Failure to deposit the payment currently terminates a transferred employee's retirement, health benefits, and group life insurance coverage on the last day of the pay period for which payments were currently deposited, subject to a 31-day extension of group life insurance and health benefits coverage as provided in Parts 870 and 890 of this chapter and to the conversion benefits provided in Parts 870 and 890 of this chapter. Coverage so terminated may not attach again before the employee actually enters on duty on his first day in a pay status in an agency. However, terminated civil service retirement, health benefits, and group life insurance coverage shall be reinstated retroactively when, in the judgment of the Commission, the failure to make the required current deposit was due to circumstances beyond the control of the employee and the required payments were deposited at the first opportunity. Coverage under a system other than the civil service retirement system shall be reinstated retroactively if the agency which administers the retirement system determines that the failure to make the required current deposit was due to circumstances beyond the control of the employee and the required payments were deposited at the first opportunity.

**§ 352.310 Equalization allowance.**

(a) An employee transferred to an international organization is entitled to be paid in accordance with subparagraphs (1) through (4) of this paragraph, an amount equal to the difference between the pay, allowances, post differential, and other monetary benefits paid by the international organizations and the pay, allowances, post differential, and other monetary benefits that would have been paid by the agency had he been detailed to the international organization under section 3343 of title 5, United States Code, (i) on reemployment; or (ii) on his death which occurs during the period of transfer or during the period after separation from an international organization when he is exercising or could exercise his reemployment rights.

(1) To determine the difference, the Secretary of State defines pay (i) for the Federal Government, as the amount paid an employee before deduction of Federal, State, and local taxes; (ii) for international organizations following the Common System of Salaries and Allowances of the United Nations and Specialized Agencies, as the amount paid an employee before deduction of the staff assessment; and (iii) for other international organizations, as the tax-free pay plus a pro rata amount equal to the corresponding U.N. staff assessment. In cases where pay is subject to Federal, State, and local taxes this shall be the pay before deduction of the taxes.

(2) Allowances, post differential, and other monetary benefits are defined by the Secretary of State as follows: (i) Federal Government: The amount that would have been paid under sections 5921–5925 of title 5, United States Code, applicable provisions of chapters 100, 200, and 500 of the Standardized Regulations (Government Civilians Foreign Areas) and implementing agency regulations had the employee been detailed to the international organization under section 3343 of title 5, United States Code; (ii) International organizations following the Common System of Salaries and Allowances of the United Nations and Specialized Agencies: The amount paid under pertinent provisions of the Staff Regulations and Rules of the United Nations and the Specialized Agencies; (iii) Other international organizations not under the Common System of Salaries and Allowances of the United Nations and Specialized Agencies: The amount paid under pertinent conditions of service applied by the organizations as determined to be appropriate by the releasing agency with the concurrence of the Secretary of State.

(3) Travel and subsistence expenses, transportation of effects, and leave are not considered monetary benefits for purposes of this section.

(4) In exceptional circumstances where a hardship or an inequity would otherwise occur the Secretary of State, on the recommendation of the head of the agency, may specify allowances or other monetary benefits in lieu of or in addition to those specified above.

(b) Authoritative information on pay, allowances, post differential, and other monetary benefits as defined in paragraph (a) of this section for the Federal Government and the international organizations is maintained currently by the Department of State and is made available on request to any Federal department, agency, or employee concerned.

(c) Agency and employee responsibilities for reporting and documenting payments received from international organizations are specified in the Federal Personnel Manual.

**§ 352.311 Reemployment.**

A transferred employee is entitled to be reemployed in his former position or one of like seniority, status, and pay within 30 days of his application for reemployment if he meets the following conditions:

(a) He is separated, either voluntarily or involuntarily, within his term of employment with the international organization; and

(b) He applies for reemployment to his former agency or its successor not later than 90 days after his separation.

**§ 352.312 When to apply.**

An employee may apply for reemployment either before or after separation by the international organization. If he applies before separation, the 30-day period prescribed in § 352.311 begins either with the date of the application or 30 days before the employee's date of separation, whichever is later.

**§ 352.313 Failure to reemploy and right of appeal.**

(a) When an agency fails to reemploy an employee within 30 days of his application, it shall notify him in writing of the reasons and of his right to appeal within 15 calendar days to the Appeals Examining Office, U.S. Civil Service Commission, Washington, D.C. 20415. The Commission may extend this time limit on an appeal on a showing by the employee that he was not notified of the applicable time limit, and was not otherwise aware of the limit, or that circumstances beyond his control prevented him from filing an appeal within the prescribed time limit.

(b) If the agency fails to reach and issue a decision to the employee within 30 days from his application for reemployment, the employee is entitled to appeal the failure of the agency to the Commission within a reasonable time thereafter.

(c) An appeal alleging that the agency has failed to comply with any of the other provisions of sections 3343 and 3581–3584 of title 5, United States Code, or of this subpart may be submitted to the Commission only within a reasonable time after the alleged violation occurred.

(d) The decision of the Commission is final, and there is no further right of appeal. When corrective action is recommended, the agency shall report promptly to the Commission that the corrective action has been taken. A decision favorable to the appellant may be made retroactively effective to the date the employee was entitled to reemployment under § 352.311.

(e) When an appeal under this subpart is filed properly before the death of an appellant, the Commission shall process it to completion and adjudicate it. The Commission, in recommending corrective action in the decision on such an appeal, may provide for amendment of the agency's records to show retroactive restoration and the appellant's continuance on the rolls in an active duty status to the date of death.

§ 352.314 Consideration for promotion.

(a) Each agency shall consider each employee detailed or transferred to an international organization for all promotions for which he would be considered were he not absent. A promotion based on this consideration is effective on the date it would have been made if the employee were not absent.

(b) When the position of an employee absent on detail or transfer to an international organization is regraded upward during his absence, his agency shall place him in the regraded position.

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

[F.R. Doc. 70-14330; Filed, Oct. 22, 1970; 8:50 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

[Amdt. 7]

### PART 728—WHEAT

### Subpart—Regulations Pertaining to Farm Acreage Allotments, Yields, Wheat Certificate Program for Crop Years 1968–70, and Wheat Diversion Program for Crop Years 1969–70

MISCELLANEOUS AMENDMENTS

The regulations pertaining to farm acreage allotments, yields, wheat certificate program for 1968 and subsequent crop years, and wheat diversion program for crop years 1969–70, 33 F.R. 6508, as amended, are further amended as follows:

1. Section 728.315 is amended as follows: Paragraph (b)(1) and the first sentence of paragraph (b)(2) are amended; paragraph (c) is amended by adding two new sentences at the end thereof, and paragraph (d) is amended by adding a new subparagraph (4):

§ 728.315 Determination of preliminary allotments for old farms.

* * * * *

(b) * * *

(1) For a regular rotation farm, the wheat history for the preceding year when such history is equal to the allotment for the preceding year, and when the wheat history is less than the allotment for the preceding year, the smaller of the allotment for the preceding year or the average of the allotment for the preceding year and the highest planted and considered planted acreage of wheat in any one of the 3 years immediately preceding the year for which the allotment is being determined.

(2) For an established odd and even crop-rotation farm, the wheat history for the preceding year when such history is equal to the allotment for the preceding year, and when the wheat history is less than the allotment for the preceding year, the smaller of the allotment for the preceding year or the average of the allotment for the preceding year and the highest planted and considered planted acreage of wheat in the first or third year preceding the year for which the allotment is being determined, adjusted upward or downward by application of an adjustment factor determined under § 728.15a(b)(2) of the regulations for the 1964 and subsequent crops of wheat. * * *

(c) * * * Effective for 1971, a zero allotment shall also be established for each farm with zero wheat history in the 3 years immediately preceding the year for which allotments are being established. Such a farm is no longer eligible for an old farm allotment.

(d) * * *

(4) The preliminary allotment shall not be adjusted upward to offset the effects of failure to plant at least 75 percent of the farm allotment in 3 successive years or to offset the effects of having zero history in 3 years immediately preceding the year for which allotments are being established; however, if it is established to the satisfaction of the county committee that wheat was planted in any one of the 3 prior years, the farm will be restored to old farm status.

2. Section 728.324 is added to read as follows:

§ 728.324 Increase in acreage allotments for production of Durum wheat.

(a) In accordance with Public Law 91–220, this section provides for increased allotments for the 1970 and subsequent crops of wheat for privately owned farms in the irrigable portion of the area known as the Tulelake division of the Klamath project located in Modoc and Siskiyou Counties, Calif. The area is that defined by the U.S. Department of the Interior, Bureau of Reclamation. The maximum acreage available is 12,000 acres less the amount of wheat allotments already established for approved farms in the Tulelake area. The allotments shall be established by the county committees for which applications for increased acreages are made on the basis of tillable acres, crop rotation practices, type of soil and topography, and the original allotment for the farm. The increased allotments made available shall be in addition to National, State, and county allotments established under this chapter, and the acreage planted to wheat pursuant to such increases in allotments shall not be taken into account in establishing future State, county, and farm acreage allotments except as may be desirable in providing increases in allotments for subsequent years under this section for the production of Durum wheat. Such increased allotment is subject to the condition that Durum wheat is produced on the original allotment and on the increased allotment. (Durum wheat includes the three subclasses: Hard Amber Durum, Amber Durum, and Durum.)

(b) Producers on farms for which an increased wheat allotment is approved under this section may participate in the 1970 Wheat Certificate Program under the following conditions:

(1) Producers on such farms may earn wheat certificate payments based on 48 percent of the original 1970 wheat allotment;

(2) The minimum required diversion of 30.3 percent of the original allotment shall be reduced by the amount of the increased allotment;

(3) Producers on such farms shall not be eligible for wheat diversion payments.

(Secs. 334, 339(g), 375(b), 379j, 52 Stat. 53, as amended, 76 Stat. 624, 76 Stat. 630, as amended; 7 U.S.C. 1334, 1339(g), 1375(b), 1379j)

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

Signed at Washington, D.C., on October 16, 1970.

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

[F.R. Doc. 70-14257; Filed, Oct. 22, 1970; 8:47 a.m.]

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

### PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

### Expenses of the Walnut Control Board and Rates of Assessment for the 1970–71 Marketing Year

Notice was published in the October 8, 1970, issue of the FEDERAL REGISTER (35 F.R. 15836) regarding proposed expenses of the Walnut Control Board for the 1970–71 marketing year and rates of assessment for that year. This action approves such expenses and assessment rates. It is pursuant to §§ 984.68 and 984.69 of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984). The amended marketing agreement and order regulate the handling of walnuts grown in California, Oregon, and Washington, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments on the proposal. None were received within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Walnut Control Board, and other available information, it is found that the expenses of the Board

and rates of assessment for the 1970–71 marketing year (which began August 1, 1970, and ends July 31, 1971), shall be as follows:

**§ 984.322 Expenses of the Walnut Control Board and rates of assessment for the 1970–71 marketing year.**

(a) *Expenses.* Expenses in the amount of $146,100 are reasonable and likely to be incurred by the Walnut Control Board during the marketing year beginning August 1, 1970, for its maintenance and functioning, and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rates of assessment.* The rates of assessment for said marketing year, payable by each handler in accordance with § 984.69, are fixed at 0.10 cent per pound for merchantable inshell walnuts and 0.25 cent per pound for merchantable shelled walnuts.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the rates of assessment fixed for a particular marketing year shall be applicable to all assessable walnuts from the beginning of such year; and (2) the 1970–71 marketing year began August 1, 1970, and the rates of assessment herein fixed will automatically apply to all such assessable walnuts beginning with that date.

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

Dated: October 20, 1970.

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

[F.R. Doc. 70–14292; Filed, Oct. 22, 1970; 8:50 a.m.]

# Title 9—ANIMALS AND ANIMAL PRODUCTS

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

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

[Docket No. 70–284]

### 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:

1. In § 76.2, in subparagraph (e)(10) relating to the State of Ohio, a new subdivision (v) relating to Mercer County is added to read:

(10) *Ohio.* * * *

(v) That portion of Mercer County bounded by a line beginning at the junction of State Highway 49 and St. Anthony Road; thence, following St. Anthony Road in an easterly direction to Road T–47; thence, following Road T–47 in a southerly direction to Philothea Road; thence, following Philothea Road in a westerly direction to State Highway 49; thence, following State Highway 49 in a northerly direction to its junction with St. Anthony Road.

2. In § 76.2, in paragraph (e)(13) relating to the State of Texas, subdivisions (ii) and (iii) relating to Cameron County; (vi) relating to Falls County; (vii) relating to Galveston County; and (xvi) relating to Tom Green County are deleted.

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

*Effective date.* The foregoing amendments shall become effective upon issuance.

The amendments quarantine a portion of Mercer County, Ohio, 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 amendments exclude portions of Cameron, Falls, Galveston, and Tom Green Counties in Texas from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2. Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the areas excluded from quarantine.

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

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

Done at Washington, D.C., this 20th day of October 1970.

GEORGE W. IRVING, JR.,
*Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 70–14290; Filed, Oct. 22, 1970; 8:50 a.m.]

# Title 14—AERONAUTICS AND SPACE

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

[Docket No. 10647; Amdt. No. 726]

### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

#### Miscellaneous Amendments

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

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

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

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

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is

amended as follows, effective on the dates specified:

1. Section 97.11 is amended by establishing, revising or canceling the following L/MF-ADF(NDB)-VOR SIAPs, effective November 19, 1970.

Pitman, N.J.—Pitman Airport; VOR 1, Amdt. 2; Canceled.

2. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective November 19, 1970.

Atlantic City, N.J.—Atlantic City Municipal/Bader Field; VOR Runway 16, Original; Established.
Brunswick, Ga.—Malcolm-McKinnon Airport; VOR Runway 4, Amdt. 7; Revised.
Columbia, S.C.—Columbia Metropolitan Airport; VOR-A, Amdt. 10; Revised.
Coshocton, Ohio—Richard Downing Airport; VOR-A, Original; Established.
Leesburg, Va.—Leesburg Municipal/Godfrey Field; VOR-A, Original; Established.
Lewisburg, W. Va.—Greenbrier Valley Airport; VOR-A, Amdt. 1; Revised.
Merced, Calif.—Merced Municipal Airport; VOR Runway 12, Original; Established.
Merced, Calif.—Merced Municipal Airport; VOR Runway 30, Amdt. 6; Revised.
Pittstown, N.J.—Sky Manor Airport; VOR Runway 6, Original; Established.
Shelby, Ohio—Shelby Community Airport; VOR-A, Amdt. 1; Revised.
White Sulphur Springs, W. Va.—Greenbrier Airport; VOR-A, Amdt. 6; Revised.
Zanesville, Ohio—Zanesville Municipal Airport; VOR Runway 4, Amdt. 2; Revised.

3. Section 97.25 is amended by establishing, revising, or canceling the following LOC-LDA SIAPs, effective November 19, 1970.

Columbia, S.C.—Columbia Metropolitan Airport; LOC (BC) Runway 29, Amdt. 2; Revised.

4. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective November 19, 1970.

Columbia, S.C.—Columbia Metropolitan Airport; NDB Runway 11, Amdt. 16; Revised.
Winston-Salem, N.C.—Smith Reynolds Airport; NDB Runway 33, Amdt. 13; Revised.
Zanesville, Ohio—Zanesville Municipal Airport; NDB Runway 4, Amdt. 8; Revised.

5. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective November 19, 1970.

Columbia, S.C.—Columbia Metropolitan Airport; ILS Runway 11, Amdt. 6; Revised.
Winston-Salem, N.C.—Smith Reynolds Airport; ILS Runway 33, Amdt. 13; Revised.

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

Issued in Washington, D.C., on October 15, 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. 70-14186; Filed, Oct. 22, 1970; 8:45 a.m.]

## Chapter II—Civil Aeronautics Board

### SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER-651; Amdt. 7]

## PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

### Permission for Board Representative To Copy Records

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of October 1970.

Parts 212 (Charter Trips by Foreign Air Carriers) and 214 (Terms, Conditions, and Limitations of Foreign Air Carrier Permits Authorizing Charter Transportation Only) require every foreign air carrier to retain certain documents and to make them available, at a place in the United States, for inspection upon request by an authorized representative of the Board or the Federal Aviation Administration (FAA).[1] A similar record retention provision is contained in Part 240 (Inspection of Accounts and Property), applicable to air carriers, but this provision (§ 240.2) expressly provides that any air carrier, upon demand of a Board representative, shall permit such representative to inspect and examine all documents of the carrier and shall permit such representative "to make such notes and copies thereof as he deems appropriate."

Recently a foreign air carrier refused permission for a Board representative to copy certain of its records which had been made available to the Board's representative for inspection under Part 214. This carrier has taken the position that, due to the differences in the language of the record retention provisions of Parts 212 and 214, on the one hand, and Part 240, on the other hand, the Board intended that a carrier's records could be copied by a Board representative under Part 240 but not under Parts 212 and 214. Obviously, this interpretation, if accepted, would render meaningless and valueless the record retention provisions of Parts 212 and 214. Board representatives who inspect records of a foreign air carrier must be able to copy such records to the extent that it is deemed appropriate. The Board has always intended that the record retention provisions of Parts 212 and 214 authorize its representatives to copy records which are examined by them in the course of conducting the Board's business. And clearly, any reasonable interpretation of the power to inspect reserved in Parts 212 and 213 necessarily includes the power to copy.

[1] Section 212.7 entitled "Records and record retention" provides in part that the documents referred to therein "shall be made available, at a place in the United States, for inspection upon request by an authorized representative of the Board or the Federal Aviation Administration."

Section 214.6 entitled "Record retention" provides in part that every foreign air carrier operating pursuant to that part shall make certain documents "available in the United States upon request by an authorized representative of the Board or the Federal Aviation Administration."

However, in order to avoid any possible confusion on the matter we shall amend the record inspection provisions of Parts 212 and 214 to conform them to the provisions of Part 240.

Since this amendment merely clarifies and corrects an existing rule, notice and public procedure thereon are not required and the rule may be made effective on less than 30 days' notice.

Accordingly, the Civil Aeronautics Board amends Part 212 of the economic regulations (14 CFR Part 212) effective October 19, 1970, as follows:

1. Amend § 212.7(b) to read as follows:

§ 212.7 Records and record retention.

* * * * *

(b) Such documents shall be made available, at a place in the United States, for inspection upon request by an authorized representative of the Board or the Federal Aviation Administration. Each foreign air carrier shall permit such authorized representative to make such notes and copies thereof as he deems appropriate.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
*Secretary.*

[F.R. Doc. 70-14273; Filed, Oct. 22, 1970; 8:48 a.m.]

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[Regulation ER-652; Amdt. 5]

## PART 214—TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

### Permission for Board Representative To Copy Records

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of October 1970.

Parts 212 (Charter Trips by Foreign Air Carriers) and 214 (Terms, Conditions, and Limitations of Foreign Air Carrier Permits Authorizing Charter Transportation Only) require each foreign air carrier to retain certain documents and to make them available, at a place in the United States, for inspection upon request by an authorized representative of the Board or the Federal Aviation Administration. A similar record retention provision is contained in Part 240 (Inspection of Accounts and Property), but this provision (§ 240.2) expressly provides that an air carrier, upon demand of a Board representative, shall permit such representative to inspect and examine all documents of the carrier and "to make such notes and copies thereof as he deems appropriate." For the reasons set forth in ER-651, published simultaneously herewith, the Board has determined to make an editorial amendment of Part 214 so as to clarify what has always been the Board's intent, namely, that its representatives shall be authorized to make copies, to

the extent deemed appropriate, of any records of a foreign air carrier which they examine under Part 214 in the course of conducting the Board's business.

Accordingly, the Civil Aeronautics Board amends Part 214 of the Economic Regulations (14 CFR Part 214) effective October 19, 1970, as follows:

1. Amend § 214.6 by modifying paragraph (a) and adding paragraph (d). As amended, § 214.6 will read in part as follows:

§ 214.6 **Record retention.**

(a) Every foreign air carrier operating pursuant to this part shall retain true copies of the following documents at its principal or general office for the following periods:

* * * * *

(d) Every foreign air carrier shall make the documents listed in this section available in the United States upon request by an authorized representative of the Board or the Federal Aviation Administration and shall permit such representative to make such notes and copies thereof as he deems appropriate.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70-14274; Filed, Oct. 22, 1970; 8:48 a.m.]

# Title 15—COMMERCE AND FOREIGN TRADE

## Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

## MISCELLANEOUS AMENDMENTS TO CHAPTER

13th Gen. Rev. of the Export Regs. (Amdt. 9) Parts 373, 375, 379, 385, 386 and 390 of the Code of Federal Regulations are amended to read as set forth below.

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

Effective date: October 22, 1970.

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

## PART 373—SPECIAL LICENSING PROCEDURES

Section 373.2 is amended in the following respects: The introductory preceding paragraph (a) to § 373.2, paragraph (c) (2) (iv) (*a*) and (e) (1) (i) are revised to read as follows:

§ 373.2 **Project License.**

A Project License Procedure is established that authorizes exports for a period of 1 year for use in specified activities. (An extension of a Project License may be valid for a period up to 2 years.)

* * * * *

(c) * * * (2) * * * (iv) * * *

(*a*) *Estimated requirements.* A statement shall be submitted in duplicate specifying the estimated requirements for commodities requiring a validated license which are expected to be exported during the first 1-year validity period and any commodities exportable under General License GLV which the licensee prefers to ship under the Project License. A similar statement shall be submitted in support of a request for an extension of a Project License showing the estimated requirements expected to be exported during the requested extension period, which may be of up to 2 years' duration. (See § 373.2(e) (1) (i).)

* * * * *

(e) * * *

(1) * * *

(i) *Form to use.* Requests to extend a Project License may cover a period of up to 2 years' duration and shall be submitted in triplicate on Form FC-957, "Application for and Notice of Extension of Project License" (see Supplement S-13 for facsimile of form and instructions). All items of the form must be completed. If more space is needed, an extra sheet shall be attached identified by the Project License number and by the item number to which the information applies. If no answer applies to an item, the word "none" shall be inserted. The Form FC-957 shall be supported by Form FC-988 and by a statement of requirements submitted in accordance with the provisions of § 373.2(c) (2) above.

Section 373.3 is amended in the following respects:

The introductory text preceding paragraph (a), (d) (2) (iii), (3) (ii) (c), (iii), and (k) to § 373.3 are revised to read as follows:

§ 373.3 **Distribution license.**

A Distribution License Procedure is established that authorizes exports, during a period of 1 year, of certain commodities under an international marketing program to consignees that have been approved in advance as foreign distributors or users. (An application for a Distribution License to replace an expiring Distribution License may cover a validity period of up to 2 years.)

* * * * *

(d) * * *

(2) * * *

(iii) Form FC-1143,[1] Distribution License Consignee Statement (see Supplement S-15 for facsimile of form), except that if the consignee is a foreign government agency, as defined in § 375.2 (b) (2) (iv), Form FC-1143 is not required; and

(3) * * *

(ii) * * *

[1] Except that parts may be exported under the provisions of this § 373.7 to service vibration testing equipment commodities identified in Supplement No. 1 to Part 373 under Export Control Commodity No. 72952 and all commodities identified in Supplement No. 1 to Part 373 under Export Control Commodity No. 73410.

(c) Attach a duplicate list of the country(ies) of ultimate destination, in alphabetical order, followed by the name(s) of the ultimate consignee(s) in each country, also in alphabetical order. If the ultimate consignee is a foreign government agency, as defined in 375.2 (b) (2) (iv), so indicate on the list.

(iii) *Form FC-1143.* Unless the ultimate consignee is a foreign government agency, three copies of Form FC-1143 shall be manually signed by the consignee or by a responsible official of the consignee who is authorized to bind the consignee to all of the terms, undertakings, and commitments set forth on the form. All copies shall be cosigned by the applicant and submitted with the application to the Office of Export Control. If ultimate consignee is a foreign government agency, see § 373.3(d) (3) (ii) (c) for required notation on application.

* * * * *

(k) *Amendment of license.* If the exporter desires to add a new consignee to this license, or if the amount licensed under a Distribution License proves insufficient to meet his requirements, he may file a new Form FC-1143 and/or request an increase in the value authorized for export under the license at any time during the validity period of the license. A request for amendment shall be submitted on Form IA-763, Request for and Notice of Amendment Action (see Supplement S-4 for facsimile of form), in accordance with the provisions of § 372.11. An amendment request for the addition of a new consignee shall be supported by Form FC-1143, unless the new consignee is a foreign government agency as defined in § 375.2(b) (2) (iv). If the new consignee is a foreign government agency, this fact shall be entered in Item 13 of the Form IA-763. Amendment of a Distribution License to extend the validity period will not be granted. A new license application with supporting Form FC-1143 shall be filed for such purpose. The new Distribution License replacing an expiring license will be valid for 2 years unless a 1-year validity period is specifically requested.

Section 373.4 is amended in the following respects:

Section 373.4(d) (1), (2), and (g) (1) are revised to read as follows:

§ 373.4 **Foreign-based warehouse procedures.**

* * * * *

(d) * * *

(1) *U.S. exporter.* If a Form FC-143 is approved, two validated copies will be sent to the U.S. exporter, containing the validation number and the expiration date. The exporter shall keep one copy and send the other to his distributor. Generally, the expiration date is June 30 of the second year following the date on which the Form FC-143 is signed by the U.S. exporter, unless an earlier termination date is requested. The distributor is permitted, until the expiration or revocation of his validated Form FC-143, to distribute or reexport the commodities stocked abroad, without obtaining prior Office of Export Control approval for each separate individual transaction, to any customer who has been approved by

the Office of Export Control; whether such customer is in the country where the foreign-based stock is located or in any other country. If the Form FC–143 is not approved, the Form will be returned to the U.S. exporter with a notice informing him of the reason for this action. The letter of transmittal to any approved customer other than an end user shall notify each customer that he will be receiving from the exporter reprints of the U.S. Department of Commerce "Table of Denial and Probation Orders Currently in Effect" and addendum thereto listing individuals and firms to whom the consignee may not sell or otherwise dispose of the U.S. commodities received.

(2) *Customer of distributor.* If a Form FC–243, or letter request, covering a foreign government agency is approved, two validated copies will be sent to the U.S. exporter. The exporter shall keep one copy and shall send the other copy to the foreign office from which the distribution is controlled. These forms and letters shall be used in assuring that distribution under the Foreign-Based Warehouse Procedure will be made only to customers approved by the Office of Export Control. If the customer is not approved, the Form FC–243, or letter request covering a foreign government agency, will be returned with a notice informing the exporter of the reason. A Form FC–243 is generally valid until June 30 of the second year following the date on which the form is signed by the customer unless an earlier expiration date is requested. An approved letter covering a foreign government agency remains valid until the related Form FC–143 and extensions thereto expire; no renewal need be requested prior to that time.

* * * * *

(1) *New form required.* The validity period of a Form FC–143 or FC–243 may be extended by submitting a new form (in six copies) to the Office of Export Control prior to the expiration date of a current form. Generally, an extension of the validity period of a Form FC–143 or FC–243 will be for a period of 2 years unless an earlier expiration date is requested.

§ 373.7 [Amended]

Section 373.7 Periodic Requirements (PRL) License footnote 1 to § 373.7(b)(4) is revised to read as follows:

[1] Except that parts may be exported under the provisions of this § 373.7 to service vibration testing equipment commodities identified in Supplement No. 1 to Part 373 under Export Control Commodity No. 72952 and all commodities identified in Supplement No. 1 to Part 373 under Export Control Commodity No. 73410.

## PART 375—DOCUMENTATION REQUIREMENTS

Section 375.2(b)(2) is amended in the following respects:

(i) * * *

(ii) The total value of commodities classified under a single entry on the Commodity Control List (as shown on the export order covering the application) is less than:

(*a*) $500 for commodities identified by the symbol "A" in the last column on the List; or

(*b*) $1,000 for all other commodities. However, these total value exemptions do not apply to an application supported by a Form FC–843 or to an application covering a shipment to the Republic of Vietnam of any copper commodity described in § 377.3;

* * * * *

(x) Shipment to Country Group Y of a commodity(ies) classified under an entry on the Commodity Control List (§ 399.1) which requires a validated license for Country Groups S, Y, and Z only.

The following note is added at the end of § 375.2(b)(2).

NOTE: Pursuant to § 372.5, the Office of Export Control may, with respect to a pending application, require an applicant to furnish a consignee/purchaser statement (Form FC–842) even though the document is exempted by this paragraph 375.2(b)(2).

## PART 379—TECHNICAL DATA

In § 379.5, paragraph (f) is amended to read as follows:

§ 379–5 Validated license applications.

* * * * *

(f) *Validity period.* Validated licenses covering exports of technical data will generally be issued for a validity period of twenty-four (24) months.

## PART 385—SPECIAL COUNTRY POLICIES AND PROVISIONS

Section 385.1, 385.2, 385.3, 385.4(a), and 385.4(b) are amended to read as follows:

§ 385.1 Country Group Z.

(a) *Asian Communist Countries.* For foreign policy as well as for national security reasons, the prior approval of the Department of Commerce is required to export or reexport virtually any U.S.-origin commodity or technical data to Communist China, North Korea and to the Communist controlled areas of Vietnam. The general policy is to deny all applications or requests to export or reexport commodities and technical data to these destinations. Authorization to incorporate U.S.-origin component parts in foreign-made products destined for Mainland China, and the export to Mainland China of U.S.-origin spare parts to service such components are denied unless the Department of Commerce determines on a case by case basis that approval is warranted.

(b) *Cuba.* As parts of the U.S. government's foreign policy and in conjunction with the policies of the Organization of American States to isolate the Castro regime and to counter its threat to the Western Hemisphere, the prior approval of the Department of Commerce is required to export or reexport virtually any U.S.-origin commodity or technical data to Cuba. The general policy of the Department is to deny all applications or requests to export or reexport commodities and technical data to this destination, except for certain humanitarian transactions.

§ 385.2 Country Groups W and Y; U.S.S.R. and East European Communist Countries.

The Export Administration Act of 1969 states that it is the policy of the United States "to encourage trade with all countries with which we have diplomatic or trading relations, except those countries with which such trade has been determined by the President to be against the national interest." The Act also states that it is the policy of the United States "to restrict the export of goods and technology which would make a significant contribution to the military potential of any other nation or nations which would prove detrimental to the national security of the United States" and that export controls should be used "to the extent necessary to exercise the necessary vigilance over exports from the standpoint of their significance to the national security of the United States." Accordingly, and in compliance with the other Sections of the Export Administration Act of 1969, the Department conducts a continuing review of commodities and technology to assure that prior approval is required for the export or reexport of U.S.-origin commodities and technical data to the U.S.S.R., Albania, Bulgaria, Czechoslovakia, East Germany, Estonia, Hungary, Latvia, Lithuania, Poland, and Rumania only if the commodities or technical data have a potential for being used in a manner that would prove detrimental to the national security of the United States. The general policy of the Department, however, is to approve applications or requests to export or reexport such commodities and technical data to these destinations when the Department determines, on a case-by-case basis, that the commodities or technical data are for a civilian use or would otherwise not make a significant contribution to the military potential of the country of destination that would be detrimental to U.S. national security. The Department's policy is to deny applications and requests to export or reexport commodities and technical data to these destinations if the export or reexport would make a significant contribution to the military potential of the country of destination that would prove detrimental to the national security of the United States. To permit such policy judgments to be made each export application and reexport request is reviewed in the light of prevailing policies with full consideration of all relevant aspects of the proposed transaction, including the kinds and quantities of commodities or technologies to be shipped, their military and civilian uses, the availability abroad of the same or comparable items, the country of destination, the ultimate end-user in the country of destination, and the intended end-use.

§ 385.3 Country Groups S; Southern Rhodesia.

In conformity with the United Nations Security Council Resolutions of

1965, 1966, and 1968, the United States has imposed a virtually total embargo on exports and reexports of U.S.-origin commodities and technical data to Southern Rhodesia. Accordingly, the prior approval of the Department of Commerce is required to export or reexport virtually any U.S.-origin commodity or technical data to Southern Rhodesia. For foreign policy reasons, the general policy of the Department is to deny applications or requests to export or reexport commodities and technical data to this destination, unless the commodities and technical data are intended strictly for (a) medical purposes, (b) use in schools and other educational institutions, (c) the essential needs of recognized charitable institutions, or (d) foodstuffs required in special humanitarian circumstances.

§ 385.4 **Country Group V.**

(a) *Republic of South Africa.* In conformity with the United Nations Security Council Resolution of 1963, the United States has imposed an embargo on shipments to the Republic of South Africa of arms, munitions, military equipment, and materials for their manufacture and maintenance. Accordingly, the prior approval of the Department of Commerce is required for the export or reexport to this destination of commodities under its licensing jurisdiction in the general area of arms, munitions, military equipment and materials, and materials and machinery for their manufacture and maintenance, even though some commodities of this nature may be exported or reexported to other destinations in Country Group V under general license. The general policy is to deny applications or requests to export or reexport such commodities when there is a likelihood of military end-use. Otherwise, the policy is the same as for other nations in Country Group V.

(b) *Other Countries in Group V.* For other countries in Country Group V, the Department of Commerce requires the prior approval for the export or reexport of selected commodities that include: (a) Commodities the United States and other Free World governments have agreed to control vis a vis their export to Communist destinations in Europe and the Far East and (b) certain other commodities that the United States considers to have a high potential for strategic use, including nuclear related commodities. Technical data relating to a few commodities of particular strategic significance also are subject to the prior approval procedure. The general policy is one of approval of all applications unless there is a reasonable basis to believe that the commodities or data will be used for other than the stated end use or will be reexported or diverted contrary to the U.S. national interest.

## PART 386—EXPORT CLEARANCE

In § 386.1 paragraph (c)(1)(iii)(a) and (e)(1) are amended to read as follows:

(iii)(a) If more than one shipment will be made, file the license with a customs office instead of the post office and present a copy of the Declaration covering each shipment to that customs office for authentication. Give the authenticated Declaration, in addition to the Declaration required by § 386.1(c)(1)(ii) above, to the post office at the time of mailing. If further exports are to be made from post offices at different ports of export, the Declaration may be authenticated at the most convenient customs office in accordance with the provisions of § 386.2(e)(1) below.

* * * * *

(1) Presentation of Declaration. If part of the export is to be made from another port, the licensee shall present for authentication to the customs office at the port of export a duly executed Declaration with an additional copy to be forwarded by the customs or post office at the port of export to the customs office where the license is filed. The Declaration shall bear or be accompanied by the following certification:

> This shipment is being made pursuant to validated Export License No. (validated export license number), filed at (location of customs office where license is filed), on (date licenses was filed). This license expires on (expiration date of license), and the unshipped balance remaining on this license is sufficient to cover the shipment described on this Declaration.

The customs office holding the license shall record on the back of the license the commodity and quantity shipped from each port of export, as reflected by the copy(ies) of the Declaration(s) forwarded by the port(s) of export.

* * * * *

In § 386.3 paragraphs (l)(3)(ix) is added, (l)(3)(ii) deleted, and (m) revised.

(ix) Exports under a validated license that is on file at a customs office at a port other than the port of export. (See § 386.2(e)(1).)

* * * * *

(m) Validated License Number or General License Designation.

(1) Exports under a validated license. In addition to the commodity description, the license number shall be shown in the commodity description column of a Declaration covering an export under a validated export license.

(2) Exports under a general license. In addition to the commodity description, the general license designation shall be shown in the commodity description column of the Declaration. If the commodity to be exported under the general license is shown on the Commodity Control List under an Export Control Commodity Number that is also used for one or more commodity entries under validated license control to Country Group T and/or V, the general license designation shall be followed by the italicized digit(s) in parentheses that follow(s) the Export Control Commodity Number. For example, hand type still cameras, fixed focus, are classified on the Commodity Control List under Export Control Commodity No. 86140(8).

The Commodity Control List shows a number of other entries under No. 86140, and the figure (8) indicates that this is the 8th entry under that number. Although the Commodity Control List shows that these cameras may be exported to Country Groups T and V under the provisions of General License G-DEST, it also shows a number of other commodities under No. 86140 that may not be. Therefore, an exporter who wishes to export cameras of the abovementioned type under the provisions of General License G-DEST should enter "G-DEST(8)" in the commodity description column of the Declaration. As another example, fluorinated silicone rubber is classified on the Comodity Control List under Export Control Commodity No. 58110(12), which means that this form of rubber is the twelfth entry under that Export Control Commodity Number. While this commodity may not be exported to any destination under the provisions of General License G-DEST, a shipment valued at less than $100 may be made to any destination in Country Group V under the provisions of General License GLV. Therefore an exporter intending to export to France a shipment of fluorinated silicone rubber valued at less than $100 under the provisions of General License GLV should enter "GLV (12)" in the commodity description column of the Declaration.

(i) By entering the general license designation and the italicized digit(s) of the appropriate Export Control Commodity Number on the Declaration, the exporter represents that the terms, conditions, and provisions of that license have been met.

(ii) As an alternate to including the italicized digit(s) on the Declaration covering a shipment under a general license, the exporter may use any other method acceptable to the authenticating customs office of identifying the commodity in terms of the general license.

## PART 390—GENERAL ORDERS

Section 390.4 is revised to read as follows:

§ 390.4 **Disclosure of license issuance and other information.**

By order of the Secretary of Commerce, the Office of Export Control will make available daily, for each validated export license granted on the previous business day:

(a) A general description of the commodity or technical data licensed for export;

(b) The total value of the licensed commodity; and

(c) The country of destination of the export. Pursuant to section 7(c) of Export Administration Act of 1969, no other specific information regarding any general or validated export license, any other authorization regarding export or reexport, or any Shipper's Export Declaration will be made available to the public by the Office of Export Control, except with the approval of the Secretary of Commerce.

[F.R. Doc. 70-14280; Filed, Oct. 22, 1970; 8:49 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 | Paramount | E 06 037 2684 01 through E 06 037 2684 04 | Department of Water Resources, Post Office Box 388, Sacramento, Calif. 95802. California Insurance Department, 1407 Market St., San Francisco, Calif. 94103, and 107 South Broadway, Los Angeles, Calif. 90012. | Office of the City Clerk, 16420 South Colorado Ave., Paramount, Calif. 90723. | Oct. 23, 1970. |
| Do | Marin | Larkspur | E 06 041 1850 01 | do | Larkspur City Hall, 400 Magnolia Ave., Larkspur, Calif. 94939. | Do. |
| Minnesota | Pennington | Mankato | E 27 013 4480 01 E 27 013 4480 02 | Division of Water, Soils, and Minerals, Minnesota Conservation Department, 345 Centennial Bldg., St. Paul, Minn. 55101. Commissioner of Insurance, State of Minnesota, State Office Bldg., Room 210, St. Paul, Minn. 55101. | Mankato City Engineering Department, Mankato, Minn. 56001 | Do. |
| New Jersey | Morris | Dover | E 34 027 0750 01 through E 34 027 0750 04 | Department of Conservation and Economic Development, Box 1390, Trenton, N.J. 08625. Department of Banking and Insurance, State House Annex, Trenton, N.J. 08625. | Township Clerk's Office, Town Hall, 33 Washington St., Toms River, N.J. 08753. | Do. |
| Do | do | Lincoln Park | E 34 027 1690 01 through E 34 027 1690 04 | do | Borough Clerk's Office, Municipal Bldg., Lincoln Park, N.J. 07035. | Do. |
| Tennessee | Anderson | Lake City | E 47 001 1340 01 through E 47 001 1340 04 | Office of Federal and Urban Affairs, 321 Seventh Ave., North, Nashville, Tenn. 37219. Tennessee State Planning Commission, Room C2-308, Central Services Bldg., Nashville, Tenn. 37219, and Upper East Tennessee Office, 323 West Walnut St., Johnson City, Tenn. 37601. State Insurance Commission, R-114, State Office Bldg., Nashville, Tenn. 37219. | City Hall, First St., Lake City, Tenn. 37769. | Do. |
| Do | Jefferson | Jefferson City | E 47 089 1230 01 through E 47 089 1230 04 | do | City Hall, Post Office Box 666, Jefferson City, Tenn. 37760. | Do. |
| Do | Sevier | Sevierville | E 47 155 2170 01 E 47 155 2170 02 | do | City Recorder, Post Office Box 328, Sevierville, Tenn. 37862. | Do. |
| Texas | Calhoun | Port Lavaca | E 48 057 5460 01 through E 48 057 5460 04 | Texas Water Development Board, 301 West Second St., Austin, Tex. 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, Tex. 78701. | Office of the City Secretary, City Hall, Fulton St., Port Lavaca, Tex. 77979. | Do. |
| Do | Galveston | Clear Lake Shores | I 48 167 1336 02 | do | Clear Lake Shores City Hall, Clear Lake Road and South Shore and Cedar, Kemah, Tex. 77565. | Do. |
| Wisconsin | Pierce | Prescott | E 55 093 3940 01 | Department of Natural Resources, Post Office Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 4802 Sheboygan Ave., Madison, Wis. 53081. | Office of the City Clerk, City Hall, Prescott, Wis. 54021. | Do. |

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

Issued: October 22, 1970.

RICHARD W. KRIMM,
*Acting Federal Insurance Administrator.*

[F.R. Doc. 70-14224; Filed, Oct. 22, 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 | Paramount | T 06 037 2684 01 through T 06 037 2684 04 | Department of Water Resources, Post Office Box 388, Sacramento, Calif. 95802. California Insurance Department, 1407 Market St., San Francisco, Calif. 94103, and 107 South Broadway, Los Angeles, Calif. 90012. | Office of the City Clerk, 16420 South Colorado Ave., Paramount, Calif. 90723. | Oct. 23, 1970. |
| Do. | Marin | Larkspur | T 06 041 1850 01 | do. | Larkspur City Hall, 400 Magnolia Ave., Larkspur, Calif. 94939. | Do. |
| Minnesota | Pennington | Mankato | T 27 013 4480 01 T 27 013 4480 02 | Division of Water, Soils, and Minerals, Minnesota Conservation Department, 345 Centennial Bldg., St. Paul, Minn. 55101. Commissioner of Insurance, State of Minnesota, State Office Bldg., Room 210, St. Paul, Minn. 55101. | Mankato City Engineering Department, Mankato, Minn. 56001. | Do. |
| New Jersey | Morris | Dover | T 34 027 0750 01 through T 34 027 0750 04 | Department of Conservation and Economic Development, Box 1390, Trenton, N.J. 08625. Department of Banking and Insurance, State House Annex, Trenton, N.J. 08625. | Township Clerk's Office, Town Hall, 33 Washington St., Toms River, N.J. 08753. | Do. |
| Do. | do. | Lincoln Park | T 34 027 1690 01 through T 34 027 1690 04 | do. | Borough Clerk's Office, Municipal Bldg., Lincoln Park, N.J. 07035. | Do. |
| Tennessee | Anderson | Lake City | T 47 001 1340 01 through T 47 001 1340 04 | Office of Federal and Urban Affairs, 321 Seventh Ave. North, Nashville, Tenn. 37219. Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, Tenn. 37219, and Upper East Tennessee Office, 323 West Walnut St., Johnson City, Tenn. 37601. State Insurance Commission, R-114, State Office Bldg., Nashville, Tenn. 37219. | City Hall, First St., Lake City, Tenn. 37769. | Do. |
| Do. | Jefferson | Jefferson City | T 47 089 1230 01 through T 47 089 1230 04 | do. | City Hall, Post Office Box 666, Jefferson City, Tenn. 37760. | Do. |
| Do. | Sevier | Sevierville | T 47 155 2170 01 T 47 155 2170 02 | do. | City Recorder, Post Office Box 328, Sevierville, Tenn. 37862. | Do. |
| Texas | Calhoun | Port Lavaca | T 48 057 5460 01 through T 48 057 5460 04 | Texas Water Development Board, 301 West Second St., Austin, Tex. 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, Tex. 78701. | Office of the City Secretary, City Hall, Fulton St., Port Lavaca, Tex. 77979. | Do. |
| Do. | Galveston | Clear Lake Shores. | H 48 167 1336 02 | do. | Clear Lake Shores City Hall, Clear Lake Road and South Shore and Cedar, Kemah, Tex. 77565. | Aug. 6, 1970. |
| Wisconsin | Pierce | Prescott | T 55 093 3940 01 | Department of Natural Resources, Post Office Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 4802 Sheboygan Ave., Madison, Wis. 53081. | Office of the City Clerk City Hall, Prescott, Wis. 54021. | Oct. 23, 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. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and designation of Acting Federal Insurance Administrator effective July 22, 1970, 35 F.R. 12360, Aug. 1, 1970)

Issued: October 22, 1970.

RICHARD W. KRIMM,
*Acting Federal Insurance Administrator.*

[F.R. Doc. 70-14225; Filed, Oct. 22, 1970; 8:45 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket No. C-1805]

### SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

### PART 13—PROHIBITED TRADE PRACTICES

### Abe A. Glatt

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Abe A. Glatt, Chicago, Ill., Docket C-1805, Sept. 28, 1970]

*In the Matter of Abe A. Glatt, an Individual Trading as Abe A. Glatt*

Consent order requiring a Chicago, Ill., manufacturer and wholesaler of furs to cease and desist from falsely and deceptively invoicing his fur products.

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

*It is ordered*, That respondent Abe A. Glatt, individually and trading as Abe A. Glatt or under any other name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or manufacture for introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; or in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from falsely or deceptively invoicing any fur or fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on an invoice that the fur contained in such fur or fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

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

Issued: September 28, 1970.

By the Commission.

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

[F.R. Doc. 70-14261; Filed, Oct. 22, 1970; 8:47 a.m.]

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[Docket No C-1804]

### PART 13—PROHIBITED TRADE PRACTICES

### Dipak Roy and India Crafts

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717, 67 Stat. 111, as amended; 15 U.S.C. 45, 70, 1191) [Cease and desist order, Dipak Roy et al., San Francisco, Calif., Docket C-1804, Sept. 28, 1970]

*In the Matter of Dipak Roy, an Individual Trading as India Crafts*

Consent order requiring a San Francisco, Calif., retailer of scarfs, to cease marketing dangerously flammable scarves and other items and misbranding textile fiber products.

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

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

*It is further ordered*, That the respondent herein shall, within ten (10) days after service upon him of this order, file with the Commission an interim special report in writing setting forth the respondent's intentions as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the product which gave rise to the complaint, (1) the amount of such product in inventory, (2) any action taken to notify customers of the flammability of such product and the results thereof and (3) any disposition of such product since December 22, 1969. Such report shall further inform the Commission whether respondent has in inventory any fabric, product or related material having a plain surface and made of paper, silk, cotton, rayon, acetate and nylon, acetate and rayon or combinations thereof, in a weight of two ounces or less per square yard or fabric with a raised fiber surface made of cotton or rayon or combinations thereof. Respondent will submit samples of any such fabric, product or related material with this report. Samples of the fabric, product or related material shall be of no less than 1 square yard of material.

*It is further ordered*, That respondent Dipak Roy, individually and trading as India Crafts or under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding textile fiber products by failing to affix a stamp, tag, label or other means of identification to each such product showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

*It is further ordered*, That the respondent herein either process the scarfs which gave rise to this complaint so as to bring them within the applicable flammability standards of the Flammable Fabrics Act, as amended, or destroy said scarfs.

*It is further ordered*, That all subsequent imports of paper, silk, cotton, rayon, acetate and nylon, acetate and rayon, or combinations thereof, in a weight of 2 ounces or less per square yard, or fabric with a raised fiber surface made of cotton or rayon or combinations thereof, be tested for flammability by a private laboratory located in the United

States, that the results of such testing and samples of the products or fabrics be submitted to the Commission, and that no sales of such products or fabrics be made until respondent has been advised by the Commission that such products or fabrics meet the requirements of the Flammable Fabrics Act, as amended.

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

Issued: September 28, 1970.

By the Commission.

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

[F.R. Doc. 70-14262; Filed, Oct. 22, 1970; 8:47 a.m.]

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SUBCHAPTER E—RULES, REGULATIONS, STATEMENT OF GENERAL POLICY OR INTERPRETATION AND EXEMPTION UNDER THE FAIR PACKAGING AND LABELING ACT

## PART 500—REGULATIONS UNDER SECTION 4 OF THE FAIR PACKAGING AND LABELING ACT

### Measurement of Commodities

The Federal Trade Commission on June 27, 1970 (35 F.R. 10528) proposed specific amendments to §§ 500.11 and 500.12 of the regulations issued pursuant to section 4 of the Fair Packaging and Labeling Act. The proposed amendments would permit the net quantity of content statements on commodities expressed in terms of length and width to include an expression in terms of inches in addition to the presently required statement of length and width in the largest whole units (yards, yards and feet, or feet, as appropriate).

Comment was invited by the publication of the proposal. Twenty-three comments were received from members of industry, a consumer organization and State and City Weights and Measures officials. The principal comment reflected concern for complete uniformity of regulations issued by the Food and Drug Administration and the Commission on the subject of net quantity statements involving declarations of measurement. The Commission concludes that the amendment as proposed best serves facilitation of value comparisons by the consumer and precise uniformity would not enhance this facilitation. One comment noted that the optional statement of inches could be made more prominent than other parts of the net quantity statement. However, the Commission feels that such an emphasis on portions of the net quantity statement which are optional is inappropriate. One other comment noted the inadvertent omission of the exception previously contained in the regulations permitting dimensions of less than 2 feet to be expressed in inches within the parenthetical.

Having considered all the comments, the Commission has concluded that the proposed amendments with some modifications to the language appearing on June 27, 1970, should be adopted.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (sections 4, 6, 80 Stat. 1297, 1299, 1300; 15 U.S.C. 1453, 1454, 1455) Part 500 is amended by revising §§ 500.11 and 500.12 to read as follows:

**§ 500.11 Measurement of commodity length, how expressed.**

Declaration of net quantity in terms of commodity length shall be expressed as follows:

(a) If less than 1 foot, in terms of inches and fractions thereof.

(b) If at least 1 foot but less than 4 feet, in terms of inches followed in parentheses by a declaration in the largest whole unit (a yard or foot) with any remainder in terms of inches or common or decimal fractions of the foot or yard.

(c) If 4 feet or more, in terms of feet followed in parentheses by a declaration of yards and common or decimal fractions of the yard, or in terms of feet followed in parentheses by a declaration of yards with any remainder in terms of feet and inches; except that it shall be optional to express the length in the preceding manner followed by a statement in parentheses of the length in terms of inches.

**§ 500.12 Measurement of commodities by length and width, how expressed.**

For bidimensional commodities (including roll-type commodities) measured in terms of commodity length and width, the declaration of net quantity of contents shall be expressed in the following manner:

(a) The declaration of net quantity for bidimensional commodities having a width of more than 4 inches shall

(1) When the commodity has an area of less than 1 square foot be expressed in terms of length and width in linear inches and fractions thereof.

(2) When the commodity has an area of 1 square foot or more, but less than 4 square feet, be expressed in terms of square inches, followed in parentheses by the length and width in the largest whole unit (yard or foot) with any remainder in inches or common or decimal fractions of the yard or foot except that a dimension of less than 2 feet may be stated in inches within the parenthetical. Commodities, consisting of usable individual units (e.g., paper napkins) while requiring a declaration of unit area need not declare the total area of all such individual units.

(3) When the commodity has an area of 4 square feet or more, be expressed in terms of square feet, followed in parentheses by the length and width in the largest whole units (yards or feet) with any remainder in terms of inches or common or decimal fractions of the foot or yard except that a dimension of less than 2 feet may be stated in inches within the parenthetical.

(4) For any commodity for which the quantity of contents is required by subparagraph (2) or (3) of this paragraph to include a declaration of the linear dimensions, the quantity of contents, in addition to being declared in the manner prescribed by the appropriate provision of this regulation, may also include, after the statement of the linear dimensions in the largest unit of measurement, a parenthetical declaration of the linear dimensions of said commodity in terms of inches. (Examples: "25 sq. ft. (12 in. x 25 ft.) (12 in. x 300 ins.)".)

(b) The declaration of net quantity for bidimensional commodities having a width of 4 inches or less shall be expressed in terms of width in inches followed by length in the largest whole unit (yard or foot) with any remainder in terms of the common or decimal fractions of the yard or foot, except that it shall be optional to express the length in the largest whole unit followed by a statement in parentheses of length in inches. (Examples: "2 inches x 10 yards," "2 inches x 10 yards (360 inches)".)

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Secretary, Federal Trade Commission, Washington, D.C. 20580, written objections thereto, specifying with particularity the provisions of the order deemed objectionable, stating the grounds therefor, and requesting a public hearing upon such objections. Objections will be deemed sufficient to warrant the holding of a public hearing only: (1) If they establish that the objector will be adversely affected by the order; (2) if they specify with particularity the provisions of the order to which objection is taken; and (3) if they are supported by reasonable grounds which if valid and factually supported may be adequate to justify the relief sought. Anyone who files objections which are not deemed by the Commission sufficient to warrant the holding of a public hearing will be promptly notified of that determination.

As soon as practicable after the time for filing objections has expired, the Commission will publish a notice in the FEDERAL REGISTER specifying those parts of the order which have been stayed by the filing of objections or, if no objections sufficient to warrant the holding of a public hearing have been filed, stating the fact. This order shall become effective 30 days following the date of its publication in the FEDERAL REGISTER, except as to any provision that may be stayed by the filing of valid objections.

Issued: October 16, 1970.

By direction of the Commission.

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

[F.R. Doc. 70-14293; Filed, Oct. 22, 1970; 8:50 a.m.]

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## PART 500—REGULATIONS UNDER SECTION 4 OF THE FAIR PACKAGING AND LABELING ACT

## PART 503—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

### Labels of Consumer Commodities; Statement of Quantity on Multiunit Packages. Confirmation of Effective Date

Notice is given that no objections were filed to the order of August 27, 1970 (35

F.R. 13643) which involved a redesignation of § 500.24 to section 503.1, a deletion of § 500.25, amendments to §§ 500.6 and 500.7, and new §§ 500.24, 500.25, and 500.26. The latter defined and prescribed mandatory labeling of multiunit packages, variety packages, and combination packages of consumer commodities. Accordingly, the effective date of §§ 500.24, 500.25, and 500.26, December 1, 1970, is confirmed.

Issued: October 16, 1970.

By direction of the Commission.

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

[F.R. Doc. 70-14294; Filed, Oct. 22, 1970; 8:50 a.m.]

# Title 17—COMMODITY AND SECURITIES EXCHANGES

## Chapter II—Securities and Exchange Commission

[Release No. 34-8996]

## PART 249—FORMS PRESCRIBED UNDER THE SECURITIES EXCHANGE ACT OF 1934

### Registration of Securities of Commercial and Industrial Companies

The Securities and Exchange Commission has revised its Form 10 (17 CFR 249.210) under the Securities Exchange Act of 1934. This form is a general form for the registration of securities of commercial and industrial companies pursuant to section 12 of the Act. The revision is part of the program for the revision of the Commission's disclosure requirements recommended by the Disclosure Study Report submitted to the Commission in March 1969. Notice of the proposed revision was published September 15, 1969, in Securities Exchange Act Release 8681 (34 F.R. 14238).

To a large extent the revision consists of the amplification of the General Instructions and the instructions to the items of the form to indicate more precisely the information required to be given in the registration statement.

A new item has been added to the form calling for a summary of operations for the past 5 years. This summary is similar to those required in registration statements under the Securities Act of 1933.

The item relating to business calls for, if applicable and material for an understanding of the business, the disclosure of, among other information, the dollar amount of backlog of orders believed to be firm and the extent to which backlog is significant in the business of the registrant. It also calls for the estimated dollar amount spent during each of the last 2 fiscal years on material research activities of the registrant.

In the draft of the revised form as published for comment, it was proposed to amplify the instructions to the item relating to the description of property to call for certain additional information in regard to the operations of companies in extractive industries. The Commission has determined not to adopt the revised instructions at this time. Accordingly, the requirements relative to extractive operations remain the same as in the form as heretofore in effect.

The item relating to management, remuneration and transactions with insiders brings them into accord with the corresponding requirements of the Commission's proxy rules. Thus, the form includes requirements for the disclosure of indebtedness of insiders to the registrant or its subsidiaries and transactions between insiders and pension, retirement, savings or similar plans provided by the registrant or its parents or subsidiaries.

The instructions as to financial statements require a statement of source and application of funds for each of the 3 fiscal years for which a profit and loss statement is required.

The instructions as to exhibits provide that certain employee benefit plans meeting the requirements of section 401 or sections 422–424 of the Internal Revenue Code need not be filed as exhibits.

Copies of revised Form 10 have been filed as part of this document with the Office of Federal Register and may be obtained from the Securities and Exchange Commission, Washington, D.C. 20549.

The revised form which was adopted pursuant to the Securities Exchange Act of 1934, particularly sections 12 and 23 (a) thereof, shall be effective with respect to registration statements filed after December 31, 1970.

By the Commission, October 14, 1970.

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

[F.R. Doc. 70-14258; Filed, Oct. 22, 1970; 8:47 a.m.]

# Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 121—FOOD ADDITIVES

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

PAPER AND PAPERBOARD; CORRECTION

In F.R. Doc. 70-10470 appearing at page 12755 in the FEDERAL REGISTER of August 12, 1970, the name of the substance added to § 121.2526(b)(2) is incorrect and is changed to read "Styrenedimethyl - α - methylstyrene-α-methylstyrene copolymers * * *."

Dated: October 14, 1970.

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

[F.R. Doc. 70-14242; Filed, Oct. 22, 1970; 8:46 a.m.]

## PART 121—FOOD ADDITIVES

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

EMULSIFIERS AND/OR SURFACE-ACTIVE AGENTS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 0H2441) filed by The Dow Chemical Co., 2020 Abbott Road Center, Midland, Mich. 48640, and other relevant material, concludes that § 121.2541 should be amended to provide for the safe use of sodium monoalkylphenoxybenzenedisulfonate and sodium dialkylphenoxybenzenedisulfonate mixtures, containing not less than 70 percent of the monoalkylated product where the alkyl group is $C_9$–$C_{18}$, as emulsifiers and/or surface-active agents in the manufacture of food-contact articles or components of such articles. Accordingly, the Commissioner also concludes that sodium monododecylphenoxybenzenedisulfonate and sodium didodecylphenoxybenzenedisulfonate mixtures should be deleted from § 121.2541(c) to eliminate duplication.

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), § 121.2541(c) is amended as follows:

1. By deleting the item "Sodium monododecylphenoxybenzenedisulfonate and * * *" from the list of substances.

2. By alphabetically inserting in the list of substances a new item as follows:

§ 121.2541 **Emulsifiers and/or surface-active agents.**

* * * * *

(c) List of substances:

| | *Limitations* |
|---|---|
| * * * | * * * |
| Sodium monoalkylphenoxybenzenedisulfonate and sodium dialkylphenoxybenzenedisulfonate mixtures containing not less than 70 percent of the monoalkylated product where the alkyl group is $C^9$–$C^{18}$. | |
| * * * | * * * |
| * * * * * | |

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 14, 1970.

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

[F.R. Doc. 70-14243; Filed, Oct. 22, 1970; 8:46 a.m.]

SUBCHAPTER C—DRUGS

## PART 135—NEW ANIMAL DRUGS

### Subpart B—Statements of Policy and Interpretation Regarding Animal Drugs and Medicated Feeds

SULFONAMIDE CONTAINING DRUGS FOR TREATMENT OF FOOD-PRODUCING ANIMALS

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343-351; 21 U.S.C. 360(b), 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 135 is amended in Subpart B by adding a new section, as follows:

**§ 135.102 Sulfonamide-containing drugs for the oral or parenteral treatment of food-producing animals.**

(a) New information available to the Commissioner of Food and Drugs has shown that, under certain circumstances where food-producing animals have been treated with oral or parenteral sulfonamide-containing drugs, sulfonamide residues may be detected in the edible products of such animals when they are slaughtered within 10 days of the last treatment.

(b) The presence of sulfonamide residues in food constitutes an adulteration within the meaning of section 402(a)(2)(D) of the act in the absence of a tolerance for such residues established pursuant to section 512(i) of the act.

(c) To assure that edible products from treated animals are safe for human consumption, the labeling of preparations which contain sulfonamide drugs intended for oral or parenteral use and which are not the subject of a regulation providing for such use shall bear:

(1) A statement that the use of the drug must be withdrawn 10 days before treated animals (other than poultry) are slaughtered for food; or

(2) A statement of withdrawal period which has been established based upon data submitted to the Commissioner and found satisfactory for the elimination of drug residues from edible products.

(d) It has been concluded that, because of poultry husbandry practices, withdrawal periods exceeding 5 days are not generally practical and cannot reasonably be expected to be followed. Therefore, it is concluded that sulfonamide drugs are not to be used in poultry unless a withdrawal period which does not exceed 5 days has been established in accordance with paragraph (c)(2) of this section.

(e) Labeling revisions required for compliance with this section should be made at the earliest possible time and, in any case, within 90 days from the date of publication of this statement of policy in the FEDERAL REGISTER. Any such products that are then on the market and not in compliance with this section would be subject to regulatory proceedings.

(f) The labeling requirements of paragraph (c)(1) of this section are adopted as an interim measure. Therefore, sponsors of sulfonamide-containing drugs subject to the provisions of this section are required to submit within 1 year from the date of publication of this statement of policy in the FEDERAL REGISTER adequate data to permit the establishment of appropriate withdrawal periods as required by paragraph (c)(2) of this section.

Dated: October 15, 1970.

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

[F.R. Doc. 70-14244; Filed, Oct. 22, 1970; 8:46 a.m.]

# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 7065]

SUBCHAPTER C—EMPLOYMENT TAXES

## PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

## PART 301—PROCEDURE AND ADMINISTRATION

### Withholding Allowances Based on Itemized Deductions

On June 18, 1970, notice of proposed rule making with respect to the amendment of the Employment Tax Regulations (26 CFR Part 31) and the Regulations on Procedure and Administration (26 CFR Part 301) under sections 3402, 6682, and 7205 of the Internal Revenue Code of 1954 to reflect the changes made by section 101 (e) and (f) of the Tax Adjustment Act of 1966 (80 Stat. 59, 62) and sections 101(j)(55) and 805(e) of the Tax Reform Act of 1969 (83 Stat. 532, 706) was published in the FEDERAL REGISTER (35 F.R. 10016). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. The amendment of § 31.3402(f)(4)-1, as set forth in paragraph 6 of the appendix to the notice of proposed rule making, shall apply only with respect to paragraph (b) of such section.

PAR. 2. Section 31.3402(m)-1, as set forth in paragraph 8 of the appendix to the notice of proposed rule making, is amended by revising paragraph (b)(3)(iii) and example (3) of paragraph (d) to read as follows:

**§ 31.3402(m)-1 Withholding allowances for itemized deductions.**

* * * * *

(b) *Definitions.* * * *

(3) *Determinable additional deductions.* * * *

(iii) For purposes of section 3402(m) and this section, where an itemized deduction which is demonstrably attributable to an identifiable event (as defined in subdivision (ii) of this subparagraph) is expected to result from a payment to be made by the employee, an identifiable event with respect to the deduction shall be deemed to occur in the taxable year in which the payment becomes due or is reasonably expected to be made, whichever is later, as well as in the taxable year in which the event giving rise to the payment took place. See the treatment of alimony payments in example (1) in paragraph (d) of this section.

* * * * *

(d) *Examples.* * * *

*Example* (3). Employee B, who is married and files a joint return based on a calendar year, has in effect with his employer, X Co., a withholding exemption certificate filed on May 1, 1970, on which he claimed one withholding allowance under section 3402(m) and this section. B's wife is employed but does not claim any withholding allowance. B had, on May 1, 1970, determined that based on his and his wife's combined estimated wages and estimated itemized deductions for the estimation year 1970 they were entitled to two withholding allowances under section 3402(m) and this section. On January 15, 1971, B, who is still employed by X Co. and has not yet filed his income tax return for 1970, begins work for Y Co. Even if B is still entitled to claim the two withholding allowances, he may not claim one or both such withholding allowances on the withholding exemption certificate filed with Y Co. unless he first files a new withholding exemption certificate with X Co. on which he claims no withholding allowances under section 3402(m) and this section. In any event, under paragraph (b)(1) of § 31.3402(f)(4)-1 unless B files a new withholding exemption certificate, his claim for the withholding allowance expires and must be disregarded in determining the amount of tax to be withheld upon wages paid to B on or after May 1, 1971.

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

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

Approved: October 16, 1970.

JOHN S. NOLAN,
*Acting Assistant Secretary of the Treasury.*

In order to conform the Employment Tax Regulations (26 CFR Part 31) and the Regulations on Procedure and Administration (26 CFR Part 301) under sections 3402, 6682, and 7205 of the Internal Revenue Code of 1954 to section 101 (e) and (f) of the Tax Adjustment Act of 1966 (80 Stat. 59, 62) and sections 101(j)(55) and 805(e) of the Tax Reform Act of 1969 (83 Stat. 532, 706), such regulations are amended as follows:

Employment tax regulations (26 CFR Part 31):

PARAGRAPH 1. Section 31.3402(f)(1) is amended by revising subparagraphs (D) and (E) of section 3402(f)(1), by adding a new subparagraph (F) immediately after such paragraph (E), and by revising the historical note. These amended and added provisions read as follows:

**§ 31.3402(f)(1) Statutory provisions; income tax collected at source; withholding exemptions.**

SEC. 3402. *Income tax collected at source.* * * *

(f) *Withholding exemptions*—(1) *In general.* * * *

(D) If the employee is married, any exemption to which his spouse is entitled, or would be entitled if such spouse were an employee receiving wages, under subparagraph (A), (B), or (C), but only if such spouse does not have in effect a withholding exemption certificate claiming such exemption;

(E) An exemption for each individual with respect to whom, on the basis of facts existing at the beginning of such day, there may reasonably be expected to be allowable an exemption under section 151(e) for the taxable year under subtitle A in respect of which amounts deducted and withheld under this chapter in the calendar year in which such day falls are allowed as a credit; and

(F) Any allowance to which he is entitled under subsection (m), but only if his spouse does not have in effect a withholding exemption certificate claiming such allowance.

[Sec. 3402(f)(1) as amended by sec. 101(e)(1), Tax Adjustment Act 1966 (80 Stat. 59)]

PAR. 2. Section 31.3402(f)(1)-1 is amended by revising paragraphs (a)(2) and (b) to read as follows:

**§ 31.3402(f)(1)-1 Withholding exemptions.**

(a) *In general.* * * *

(2) The number of exemptions to which an employee is entitled on any day depends upon his status as single or married, upon his status as to old age and blindness, upon the number of his dependents, upon the number of exemptions claimed by his spouse (if he is married), and upon the number of withholding allowances based on itemized deductions to which he is entitled under section 3402(m).

(b) *Withholding exemptions to which an employee is entitled in respect of himself.* An employee is entitled to one withholding exemption for himself. An employee shall on any day be entitled to an additional withholding exemption for himself if he will have attained the age of 65 before the close of his taxable year which begins in, or with, the calendar year in which such day falls. If the employee is blind, he may claim an additional withholding exemption for blindness. For purposes of claiming a withholding exemption for blindness, an individual shall be considered blind only if his central visual acuity does not exceed 20/200 in the better eye with correcting lenses or if his visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees. For definition of the term "blindness", see section 151(d)(3). An employee may also be entitled under section 3402(m) to withholding exemptions with respect to withholding allowances for itemized deductions (see § 31.3402(m)-1).

* * * * *

PAR. 3. Section 31.3402(f)(2)-1 is amended by revising the heading of paragraph (b) and adding new subdivisions (iv) and (v) to paragraph (b)(1), and by revising the heading of paragraph (c), revising so much of paragraph (c)(1) as precedes subdivision (i), and adding new inferior subdivision (c) to subdivision (1) of paragraph (c)(1). The amended and added provisions read as follows:

**§ 31.3402(f)(2)-1 Withholding exemption certificates.**

* * * * *

(b) *Change in status which affects calendar year.* (1) * * *

(iv) It becomes unreasonable for the employee to believe that his wages for an estimation year will not be more, or that his itemized deductions for an estimation year will not be less, than the corresponding figure used in connection with a claim by him under section 3402(m) of a withholding allowance for itemized deductions to such an extent that the employee would no longer be entitled to such withholding allowance.

(v) It becomes unreasonable for an employee who has in effect a withholding exemption certificate on which he claims a withholding allowance for itemized deductions under section 3402(m), computed on the basis of the preceding taxable year, to believe that his wages and itemized deductions in such preceding taxable year or in his present taxable year will entitle him to such withholding allowance in the present taxable year.

* * * * *

(c) *Change in status which affects next calendar year.* (1) If, on any day during the calendar year, the number of exemptions to which the employee will be, or may reasonably be expected to be, entitled under sections 151 and 3402(m) for his taxable year which begins in, or with, the next calendar year is different from the number to which the employee is entitled on such day, the following rules shall be applicable:

(i) * * *

(c) It becomes unreasonable for an employee who has in effect a withholding exemption certificate on which he claims a withholding allowance for itemized deductions under section 3402(m) to believe that his wages and itemized deductions for his taxable year which begins in, or with, the next calendar year will entitle him to such withholding allowance for such taxable year.

* * * * *

PAR. 4. Section 31.3402(f)(3) is amended by revising subparagraph (B) of section 3402(f)(3) and adding a historical note to read as follows:

**§ 31.3402(f)(3) Statutory provisions; income tax collected at source; withholding exemptions; when exemption certificate takes effect.**

SEC. 3402. *Income tax collected at source.* * * *

(f) *Withholding exemptions.* * * *

(3) *When certificate takes effect.* * * *

(B) *Furnished to take place of existing certificate.* A withholding exemption certificate furnished the employer in cases in which a previous such certificate is in effect shall take effect with respect to the first payment of wages made on or after the first status determination date which occurs at least 30 days from the date on which such certificate is so furnished, except that at the election of the employer such certificate may be made effective with respect to any payment of wages made on or after the date on which such certificate is so furnished; but a certificate furnished pursuant to paragraph (2)(C) shall not take effect, and may not be made effective, with respect to any payment of wages made in the calendar year in which the certificate is furnished. For purposes of this subparagraph the term "status determination date" means January 1, May 1, July 1, and October 1 of each year.

[Sec. 3402(f)(3) as amended by sec. 101(e)(3), Tax Adjustment Act 1966 (80 Stat. 61)]

PAR. 5. Section 31.3402(f)(3)-1 is amended by revising paragraph (d) and by adding at the end thereof a new paragraph (e) to read as follows:

**§ 31.3402(f)(3)-1 When withholding exemption certificate takes effect.**

* * * * *

(d) For purposes of this section, the term "status determination date" means January 1, May 1, July 1, and October 1 of each year. However, with respect to dates before March 15, 1966, the term "status determination date" means January 1 and July 1 of each year.

(e) Notwithstanding paragraph (b) of this section, a withholding exemption certificate furnished the employer after March 15, 1966, and before May 1, 1966, shall take effect with respect to the first payment of wages made on or after May 1, 1966, or the 10th day after the date on which such certificate is furnished to the employer, whichever is later, and at the election of the employer, such certificate may be made effective with respect to any payment of wages made on or after the date on which such certificate is furnished.

PAR. 6. Section 31.3402(f)(4)-1 is amended by revising paragraph (b) to read as follows:

**§ 31.3402(f)(4)-1 Period during which withholding exemption certificate remains in effect.**

* * * * *

(b) *Withholding allowances under section 3402(m) for itemized deductions.* In no case shall the portion of a withholding exemption certificate relating to withholding allowances under section 3402(m) for itemized deductions be effective with respect to any payment of wages made to an employee—

(1) In the case of an employee whose liability for tax under subtitle A of the Code is determined on a calendar-year basis, after April 30 of the calendar year immediately following the calendar year which was his estimation year for purposes of determining the withholding allowance or allowances claimed on such exemption certificate, or

(2) In the case of an employee to whom subparagraph (1) of this paragraph does not apply, after the last day of the fourth month immediately following his taxable year which was his estimation year for purposes of determining the withholding allowance or allowances claimed on such exemption certificate.

* * * * * *

PAR. 7. Section 31.3402(i)–1 is amended by revising paragraph (a) to read as follows:

**§ 31.3402(i)–1 Additional withholding.**

(a) In addition to the tax required to be deducted and withheld in accordance with the provisions of section 3402, the employer and employee may agree that an additional amount shall be withheld from the employee's wages. The agreement shall be in writing and shall be in such form as the employer may prescribe. The agreement shall be effective for such period as the employer and employee mutually agree upon. However, unless the agreement provides for an earlier termination, either the employer or the employee, by furnishing a written notice to the other, may terminate the agreement effective with respect to the first payment of wages made on or after the first "status determination date" (see paragraph (d) of § 31.3402(f)(3)–1) which occurs at least 30 days after the date on which such notice is furnished.

* * * * * *

PAR. 8. The following new sections are added immediately after § 31.3402(k)–1:

**§ 31.3402(m) Statutory provisions; income tax collected at source; withholding allowances based on itemized deductions.**

SEC. 3402. *Income tax collected at source.*

* * *

(m) *Withholding allowances based on itemized deductions*—(1) *General rule.* An employee shall be entitled to withholding allowances under this subsection with respect to a payment of wages in a number equal to the number determined by dividing by $750 the excess of—

(A) His estimated itemized deductions, over

(B) An amount equal to 15 percent of his estimated wages.

For purposes of this subsection, a fractional number shall not be taken into account unless it amounts to one-half or more, in which case it shall be increased to 1.

(2) *Definitions.* For purposes of this subsection—

(A) *Estimated itemized deductions.* The term "estimated itemized deductions" means the aggregate amount which he reasonably expects will be allowable as deductions under chapter 1 (other than the deductions referred to in sections 141 and 151 and other than the deductions required to be taken into account in determining adjusted gross income under section 62) for the estimation year. In no case shall such aggregate amount be greater than the sum of (i) the amount of such deductions (or the amount of the standard deduction) reflected in his return of tax under subtitle A for the taxable year preceding the estimation year, and (ii) the amount of his determinable additional deductions for the estimation year.

(B) *Estimated wages.* The term "estimated wages" means the aggregate amount which he reasonably expects will constitute wages for the estimation year.

(C) *Determinable additional deductions.* The term "determinable additional deductions" means those estimated itemized deductions which (i) are in excess of the deductions referred to in subparagraph (A) (or the standard deduction) reflected on his return of tax under subtitle A for the taxable year preceding the estimation year, and (ii) are demonstrably attributable to an identifiable event during the estimation year or the preceding taxable year which can reasonably be expected to cause an increase in the amount of such deductions on the return of tax under subtitle A for the estimation year.

(D) *Estimation year.* In the case of an employee who files his return on the basis of a calendar year, the term "estimation year" means—

(i) With respect to payments of wages after April 30 and on or before December 31 of any calendar year, such calendar year, and

(ii) With respect to payments of wages on or after January 1 and before May 1 of any calendar year, the preceding calendar year (except that with respect to an exemption certificate furnished by an employee after he has filed his return for the preceding calendar year, such term means that current calendar year).

In the case of an employee who files his return on a basis other than the calendar year, his estimation year, and the amounts deducted and withheld to be governed by such estimation year, shall be determined under regulations prescribed by the Secretary or his delegate.

(3) *Special rules*—(A) *Married individuals.* The number of withholding allowances to which a husband and wife are entitled under this subsection shall be determined on the basis of their combined wages and deductions. This subparagraph shall not apply to a husband and wife who filed separate returns for the taxable year preceding the estimation year and who reasonably expect to file separate returns for the estimation year.

(B) *Only one certificate to be in effect.* In the case of any employee, withholding allowances under this subsection may not be claimed with more than one employer at any one time.

(C) *Termination of effectiveness.* In the case of an employee who files his return on the basis of a calendar year, that portion of a withholding exemption certificate which relates to allowances under this subsection shall not be effective with respect to payments of wages after the first April 30 following the close of the estimation year on which it is based.

(D) *Limitation.* In the case of employees whose estimated wages are at levels at which the amounts deducted and withheld under this chapter generally are insufficient (taking into account a reasonable allowance for deductions and exemptions) to offset the liability for tax under chapter 1 with respect to the wages from which such amounts are deducted and withheld, the Secretary or his delegate may by regulation reduce the withholding allowances to which such employees would, but for this subparagraph, be entitled under this subsection.

(E) *Treatment of allowances.* For purposes of this title, any withholding allowance under this subsection shall be treated as if it were denominated a withholding exemption.

(4) *Authority to prescribe tables.* The Secretary or his delegate may prescribe tables pursuant to which employees shall determine the number of withholding allowances to which they are entitled under this subsection (in lieu of making such determination under paragraphs (1) and (3)). Such tables shall be consistent with the provisions of paragraphs (1) and (3), except that such tables—

(A) Shall provide for entitlement to withholding allowances based on reasonable wage and itemized deduction brackets, and

(B) May increase or decrease the number of withholding allowances to which employees in the various wage and itemized deduction brackets would, but for this subparagraph, be entitled to the end that, to the extent practicable, amounts deducted and withheld under this chapter (i) generally do not exceed the liability for tax under chapter 1 with respect to the wages from which such amounts are deducted and withheld, and (ii) generally are sufficient to offset such liability for tax.

[Sec. 3402(m) as added by sec. 101(e)(2), Tax Adjustment Act 1966 (80 Stat. 59) and amended by sec. 805(e), Tax Reform Act 1969 (83 Stat. 706)]

**§ 31.3402(m)–1 Withholding allowances for itemized deductions.**

(a) *General rule*—(1) *In general.* An employee shall be entitled to claim, with respect to wages paid after December 31, 1966, a number of withholding allowances determined in accordance with the tables set forth in subparagraph (2) of this paragraph. The tables show the number of withholding allowances which an employee may claim with respect to various amounts of estimated itemized deductions and estimated wages. Such determination must be based on an estimation year beginning after December 31, 1966. In order to receive the benefits of such allowances, the employee must have in effect with his employer a withholding exemption certificate claiming such allowances.

(2) *Tables for determining number of withholding allowances.*

TABLE 1—WAGES PAID AFTER DECEMBER 31, 1969

| If the expected wages are— | | The number of additional withholding allowances shall be— | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 0 | | 1 | | 2 | | 3 | | 4 | | 5 | | 6 |
| | | And the employee's estimated itemized deductions are— | | | | | | | | | | | |
| At least— | But less than— | Under | At least | But less than | At least | But less than | At least | But less than | At least | But less than | At least | But less than | At least | But less than |
| **ALL EMPLOYEES WITH WAGES UNDER $16,000** | | | | | | | | | | | | | | |
| 0 | $6,000 | $1,375 | $1,375 | $2,125 | $2,125 | $2,875 | $2,875 | $3,625 | $3,625 | $4,375 | $4,375 | $5,125 | $5,125 | $5,875 |
| $6,000 | $8,000 | 1,425 | 1,425 | 2,175 | 2,175 | 2,925 | 2,925 | 3,675 | 3,675 | 4,425 | 4,425 | 5,175 | 5,175 | 5,925 |
| $8,000 | $10,000 | 1,725 | 1,725 | 2,475 | 2,475 | 3,225 | 3,225 | 3,975 | 3,975 | 4,725 | 4,725 | 5,475 | 5,475 | 6,225 |
| $10,000 | $12,000 | 2,025 | 2,025 | 2,775 | 2,775 | 3,525 | 3,525 | 4,275 | 4,275 | 5,025 | 5,025 | 5,775 | 5,775 | 6,525 |
| $12,000 | $14,000 | 2,325 | 2,325 | 3,075 | 3,075 | 3,825 | 3,825 | 4,575 | 4,575 | 5,325 | 5,325 | 6,075 | 6,075 | 6,825 |
| $14,000 | $16,000 | 2,625 | 2,625 | 3,375 | 3,375 | 4,125 | 4,125 | 4,875 | 4,875 | 5,625 | 5,625 | 6,375 | 6,375 | 7,125 |
| **SINGLE EMPLOYEES WITH WAGES $16,000–$50,000** | | | | | | | | | | | | | | |
| $16,000 | $18,000 | $2,995 | $2,995 | $3,745 | $3,745 | $4,495 | $4,495 | $5,245 | $5,245 | $5,995 | $5,995 | $6,745 | $6,745 | $7,495 |
| $18,000 | $20,000 | 3,490 | 3,490 | 4,240 | 4,240 | 4,990 | 4,990 | 5,740 | 5,740 | 6,490 | 6,490 | 7,240 | 7,240 | 7,990 |
| $20,000 | $22,000 | 4,060 | 4,060 | 4,810 | 4,810 | 5,560 | 5,560 | 6,310 | 6,310 | 7,060 | 7,060 | 7,810 | 7,810 | 8,560 |
| $22,000 | $24,000 | 4,705 | 4,705 | 5,455 | 5,455 | 6,205 | 6,205 | 6,955 | 6,955 | 7,705 | 7,705 | 8,455 | 8,455 | 9,205 |
| $24,000 | $26,000 | 5,425 | 5,425 | 6,175 | 6,175 | 6,925 | 6,925 | 7,675 | 7,675 | 8,425 | 8,425 | 9,175 | 9,175 | 9,925 |
| $26,000 | $28,000 | 6,170 | 6,170 | 6,920 | 6,920 | 7,670 | 7,670 | 8,420 | 8,420 | 9,170 | 9,170 | 9,920 | 9,920 | 10,670 |
| $28,000 | $30,000 | 6,960 | 6,960 | 7,710 | 7,710 | 8,460 | 8,460 | 9,210 | 9,210 | 9,960 | 9,960 | 10,710 | 10,710 | 11,460 |
| $30,000 | $35,000 | 8,430 | 8,430 | 9,180 | 9,180 | 9,930 | 9,930 | 10,680 | 10,680 | 11,430 | 11,430 | 12,180 | 12,180 | 12,930 |
| $35,000 | $40,000 | 10,620 | 10,620 | 11,370 | 11,370 | 12,120 | 12,120 | 12,870 | 12,870 | 13,620 | 13,620 | 14,370 | 14,370 | 15,120 |
| $40,000 | $45,000 | 13,065 | 13,065 | 13,815 | 13,815 | 14,565 | 14,565 | 15,315 | 15,315 | 16,065 | 16,065 | 16,815 | 16,815 | 17,565 |
| $45,000 | $50,000 | 15,510 | 15,510 | 16,260 | 16,260 | 17,010 | 17,010 | 17,760 | 17,760 | 18,510 | 18,510 | 19,260 | 19,260 | 20,010 |
| **MARRIED EMPLOYEES WITH WAGES $16,000–$50,000** | | | | | | | | | | | | | | |
| $16,000 | $18,000 | $2,925 | $2,925 | $3,675 | $3,675 | $4,425 | $4,425 | $5,175 | $5,175 | $5,925 | $5,925 | $6,675 | $6,675 | $7,425 |
| $18,000 | $20,000 | 3,225 | 3,225 | 3,975 | 3,975 | 4,725 | 4,725 | 5,475 | 5,475 | 6,225 | 6,225 | 6,975 | 6,975 | 7,725 |
| $20,000 | $22,000 | 3,525 | 3,525 | 4,275 | 4,275 | 5,025 | 5,025 | 5,775 | 5,775 | 6,525 | 6,525 | 7,275 | 7,275 | 8,025 |
| $22,000 | $24,000 | 3,825 | 3,825 | 4,575 | 4,575 | 5,325 | 5,325 | 6,075 | 6,075 | 6,825 | 6,825 | 7,575 | 7,575 | 8,325 |
| $24,000 | $26,000 | 4,125 | 4,125 | 4,875 | 4,875 | 5,625 | 5,625 | 6,375 | 6,375 | 7,125 | 7,125 | 7,875 | 7,875 | 8,625 |
| $26,000 | $28,000 | 4,425 | 4,425 | 5,175 | 5,175 | 5,925 | 5,925 | 6,675 | 6,675 | 7,425 | 7,425 | 8,175 | 8,175 | 8,925 |
| $28,000 | $30,000 | 4,725 | 4,725 | 5,475 | 5,475 | 6,225 | 6,225 | 6,975 | 6,975 | 7,725 | 7,725 | 8,475 | 8,475 | 9,225 |
| $30,000 | $35,000 | 5,290 | 5,290 | 6,040 | 6,040 | 6,790 | 6,790 | 7,540 | 7,540 | 8,290 | 8,290 | 9,040 | 9,040 | 9,790 |
| $35,000 | $40,000 | 6,570 | 6,570 | 7,320 | 7,320 | 8,070 | 8,070 | 8,820 | 8,820 | 9,570 | 9,570 | 10,320 | 10,320 | 11,070 |
| $40,000 | $45,000 | 8,105 | 8,105 | 8,855 | 8,855 | 9,605 | 9,605 | 10,355 | 10,355 | 11,105 | 11,105 | 11,855 | 11,855 | 12,605 |
| $45,000 | $50,000 | 9,875 | 9,875 | 10,625 | 10,625 | 11,375 | 11,375 | 12,125 | 12,125 | 12,875 | 12,875 | 13,625 | 13,625 | 14,375 |

TABLE 2—WAGES PAID AFTER DECEMBER 31, 1966, AND BEFORE JANUARY 1, 1970.

| If the expected wages are— | | The number of additional withholding allowances shall be— | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 0 | | 1 | | 2 | | 3 | | 4 | | 5 | | 6 |
| | | And the employee's estimated itemized deductions are— | | | | | | | | | | | |
| At least— | But less than— | Under | At least | But less than | At least | But less than | At least | But less than | At least | But less than | At least | But less than | At least | But less than |
| **ALL EMPLOYEES WITH WAGES UNDER $22,000** | | | | | | | | | | | | | | |
| 0 | $2,000 | $800 | $800 | $1,500 | $1,500 or more | | | | | | | | | |
| $2,000 | $4,000 | 1,000 | 1,000 | 1,700 | 1,700 | $2,400 | $2,400 | $3,100 | $3,100 | $3,800 | $3,800 or more | | | |
| $4,000 | $6,000 | 1,200 | 1,200 | 1,900 | 1,900 | 2,600 | 2,600 | 3,300 | 3,300 | 4,000 | 4,000 | $4,700 | $4,700 | $5,400 |
| $6,000 | $8,000 | 1,400 | 1,400 | 2,100 | 2,100 | 2,800 | 2,800 | 3,500 | 3,500 | 4,200 | 4,200 | 4,900 | 4,900 | 5,600 |
| $8,000 | $10,000 | 1,705 | 1,705 | 2,405 | 2,405 | 3,105 | 3,105 | 3,805 | 3,805 | 4,505 | 4,505 | 5,205 | 5,205 | 5,905 |
| $10,000 | $12,000 | 2,045 | 2,045 | 2,745 | 2,745 | 3,445 | 3,445 | 4,145 | 4,145 | 4,845 | 4,845 | 5,545 | 5,545 | 6,245 |
| $12,000 | $14,000 | 2,385 | 2,385 | 3,085 | 3,085 | 3,785 | 3,785 | 4,485 | 4,485 | 5,185 | 5,185 | 5,885 | 5,885 | 6,585 |
| $14,000 | $16,000 | 2,725 | 2,725 | 3,425 | 3,425 | 4,125 | 4,125 | 4,825 | 4,825 | 5,525 | 5,525 | 6,225 | 6,225 | 6,925 |
| $16,000 | $18,000 | 3,065 | 3,065 | 3,765 | 3,765 | 4,465 | 4,464 | 5,165 | 5,165 | 5,865 | 5,865 | 6,565 | 6,565 | 7,265 |
| $18,000 | $20,000 | 3,405 | 3,405 | 4,105 | 4,105 | 4,805 | 4,805 | 5,505 | 5,505 | 6,205 | 6,205 | 6,905 | 6,905 | 7,605 |
| $20,000 | $22,000 | 3,745 | 3,745 | 4,445 | 4,445 | 5,145 | 5,145 | 5,845 | 5,845 | 6,545 | 6,545 | 7,245 | 7,245 | 7,945 |
| **SINGLE EMPLOYEES WITH WAGES $22,000–$50,000** | | | | | | | | | | | | | | |
| $22,000 | $24,000 | $4,345 | $4,345 | $5,045 | $5,045 | $5,745 | $5,745 | $6,445 | $6,445 | $7,145 | $7,145 | $7,845 | $7,845 | $8,545 |
| $24,000 | $26,000 | 5,020 | 5,020 | 5,720 | 5,720 | 6,420 | 6,420 | 7,120 | 7,120 | 7,820 | 7,820 | 8,520 | 8,520 | 9,220 |
| $26,000 | $28,000 | 5,770 | 5,770 | 6,470 | 6,470 | 7,170 | 7,170 | 7,870 | 7,870 | 8,570 | 8,570 | 9,270 | 9,270 | 9,970 |
| $28,000 | $30,000 | 6,540 | 6,540 | 7,240 | 7,240 | 7,940 | 7,940 | 8,640 | 8,640 | 9,340 | 9,340 | 10,040 | 10,040 | 10,740 |
| $30,000 | $35,000 | 7,940 | 7,940 | 8,640 | 8,640 | 9,340 | 9,340 | 10,040 | 10,040 | 10,740 | 10,740 | 11,440 | 11,440 | 12,140 |
| $35,000 | $40,000 | 10,033 | 10,033 | 10,735 | 10,735 | 11,435 | 11,435 | 12,135 | 12,135 | 12,835 | 12,835 | 13,535 | 13,535 | 14,235 |
| $40,000 | $45,000 | 12,205 | 12,205 | 12,905 | 12,905 | 13,605 | 13,605 | 14,305 | 14,305 | 15,005 | 15,005 | 15,705 | 15,705 | 16,405 |
| $45,000 | $50,000 | 14,420 | 14,420 | 15,120 | 15,120 | 15,820 | 15,820 | 16,520 | 16,520 | 17,220 | 17,220 | 17,920 | 17,920 | 18,620 |
| **MARRIED EMPLOYEES WITH WAGES $22,000–$50,000** | | | | | | | | | | | | | | |
| $22,000 | $24,000 | $4,085 | $4,085 | $4,785 | $4,785 | $5,485 | $5,485 | $6,185 | $6,185 | $6,885 | $6,885 | $7,585 | $7,585 | $8,285 |
| $24,000 | $26,000 | 4,425 | 4,425 | 5,125 | 5,125 | 5,825 | 5,825 | 6,525 | 6,525 | 7,225 | 7,225 | 7,925 | 7,925 | 8,625 |
| $26,000 | $28,000 | 4,765 | 4,765 | 5,465 | 5,465 | 6,165 | 6,165 | 6,865 | 6,865 | 7,565 | 7,565 | 8,265 | 8,265 | 8,965 |
| $28,000 | $30,000 | 5,105 | 5,105 | 5,805 | 5,805 | 6,505 | 6,505 | 7,205 | 7,205 | 7,905 | 7,905 | 8,605 | 8,605 | 9,305 |
| $30,000 | $35,000 | 5,700 | 5,700 | 6,400 | 6,400 | 7,100 | 7,100 | 7,800 | 7,800 | 8,500 | 8,500 | 9,200 | 9,200 | 9,900 |
| $35,000 | $40,000 | 6,550 | 6,550 | 7,250 | 7,250 | 7,950 | 7,950 | 8,650 | 8,650 | 9,350 | 9,350 | 10,050 | 10,050 | 10,750 |
| $40,000 | $45,000 | 7,400 | 7,400 | 8,100 | 8,100 | 8,800 | 8,800 | 9,500 | 9,500 | 10,200 | 10,200 | 10,900 | 10,900 | 11,600 |
| $45,000 | $50,000 | 8,260 | 8,260 | 8,960 | 8,960 | 9,660 | 9,660 | 10,360 | 10,360 | 11,060 | 11,060 | 11,760 | 11,760 | 12,460 |

(3) *Marital status.* In determining the number of withhholding allowances to which an employee is entitled on any day, the employee's status as a single person or a married person shall be determined as of such day under section 3402(i). For special rules applicable to married individuals filing separate returns, see paragraph (c)(1)(ii) of this section.

(4) *More than six allowances.* For purposes of applying the tables set forth in subparagraph (2) of this paragraph, the following rule shall be applied if an employee's estimated itemized deductions exceed the maximum amount of estimated itemized deductions which would permit six allowances. The number of allowances permitted shall be the sum of—

(i) Six allowances, plus

(ii) The number arrived at by dividing by $750 ($700 in the case of wages paid before Jan. 1, 1970) the amount of estimated itemized deductions in excess of the maximum amount of estimated itemized deductions which would permit six allowances.

For purposes of subdivision (ii) of this subparagraph, any fractional number shall be increased to the next whole number.

(5) *Employees with wages over $50,000.* For purposes of applying the tables set forth in subparagraph (2) of this paragraph, the following rule shall be applied if an employee's wages exceed $50,000. Increase the minimum and maximum amounts of estimated itemized deductions shown for the $45,000–$50,000 bracket by an amount equal to—

(i) If the employee is single, 50 percent of the amount by which the employee's wages exceed $50,000, or

(ii) If the employee is married, 45 percent (40 percent in the case of wages paid before Jan. 1, 1970) of the amount by which the employee's wages exceed $50,000.

(6) *Examples.* The provisions of subparagraphs (4) and (5) of this paragraph may be illustrated by the following examples:

*Example (1).* A, an unmarried calendar-year individual, has for 1970 estimated wages of $25,000 and estimated itemized deductions of $12,300. Under the provisions of subparagraph (4) of this paragraph, A may claim 10 additional withholding allowances. Pursuant to subdivision (i) of such subparagraph, A is allowed six allowances. Pursuant to subdivision (ii) of such subparagraph, A is allowed four more allowances computed as follows:

| | | |
|---|---|---|
| Amount of estimated itemized deductions | $12,300 | |
| Less: Maximum amount of estimated itemized deductions which would permit A to claim six allowances (see Table 1 of this paragraph) | $9,925 | |
| | | $2,375 |
| Divided by $750 | | 3⅙ |
| Increased to next whole number | | 4 |

*Example (2).* B, an unmarried calendar-year individual, has for 1970 estimated wages of $53,000 and estimated itemized deductions of $18,000. Under the provisions of subparagraph (5) of this paragraph, the number of additional allowances which may be claimed is determined by increasing the minimum and maximum amounts of estimated itemized deductions for each allowance shown in the $45,000–$50,000 bracket on Table 1. In B's case these amounts are increased by $1,500 (50 percent of the amount by which his estimated wages exceeds $50,000). After this increase, the minimum and maximum amounts for two allowances in the $45,000–$50,000 bracket for a single taxpayer are $17,760 and $18,510. Accordingly, B may claim two additional withholding allowances.

*Example (3).* C, an unmarried calendar-year individual, has for 1970 estimated wages of $68,000 and estimated itemized deductions of $33,000. The number of additional allowances which may be claimed is determined by first increasing, under subparagraph (5) of this paragraph, the minimum and maximum amounts of estimated itemized deductions for each allowance shown in the $45,000–$50,000 bracket on Table 1. In C's case these amounts are increased by $9,000 (50 percent of the amount by which his estimated wages exceeds $50,000). After this increase, the maximum amount of estimated itemized deductions which would permit C to claim six allowances is $29,010. Under the provisions of subparagraph (4) of this paragraph C may claim 12 additional withholding allowances. Pursuant to subdivision (i) of such subparagraph (4), C is allowed six allowances. Pursuant to subdivision (ii) of such subparagraph, C is allowed six more allowances computed as follows:

| | | |
|---|---|---|
| Amount of estimated itemized deductions | $33,000 | |
| Less: Maximum amount of estimated itemized deductions which would permit C to claim six allowances (as adjusted) | $29,010 | |
| | | $3,990 |
| Divided by $750 | | 5⅓₅ |
| Increased to next whole number | | 6 |

(b) *Definitions.* For purposes of section 3402(m) and this section—

(1) *Estimated itemized deductions.* (i) Except as provided in subdivisions (ii) and (iii) of this subparagraph, the term "estimated itemized deductions" means with respect to an employee the aggregate amount of deductions which he reasonably expects will be allowable to him for the estimation year under chapter 1 of the Code other than the deductions referred to in sections 141 (relating to the standard deduction) and 151 (relating to the deductions for personal exemptions), and other than the deductions required to be taken into account by him in determining his adjusted gross income under section 62 (see § 1.62-1 of this chapter (Income Tax Regulations)).

(ii) In the case of wages paid after December 31, 1969, the amount of the estimated itemized deductions shall not exceed the sum of—

(*a*) The amount shown on the income tax return which the employee has filed for the taxable year preceding the estimation year of the deductions which are of the kind permitted to be taken into account in making the computation in the preceding subdivision (or if no such deductions were so shown, the amount determined under section 141 (b) or (c) of the Code), and

(*b*) The amount of his determinable additional deductions for the estimation year, as defined in subparagraph (3) of this paragraph.

(iii) In the case of wages paid before January 1, 1970, the amount of the estimated itemized deductions shall not exceed—

(*a*) The amount shown on the income tax return which the employee has filed for the taxable year preceding the estimation year of the deductions which are of the kind permitted to be taken into account in making the computation in subdivision (i) of this subparagraph, or

(*b*) In the case of an employee who did not show such deductions on his income tax return for the taxable year preceding the estimation year, an amount equal to the lesser of $1,000 or 10 percent of the amount of wages shown on the employee's income tax return for such preceding taxable year.

(2) *Estimated wages.* The term "estimated wages" means with respect to an employee the aggregate amount which he reasonably expects will constitute wages for the estimation year. However, in the case of wages paid before January 1, 1970, such amount shall not be less than the amount of wages shown on his income tax return for the taxable year preceding the estimation year.

(3) *Determinable additional deductions.* (i) The term "determinable additional deductions" means with respect to an employee those estimated itemized deductions—

(*a*) Which are demonstrably attributable to identifiable events during the estimation year or the preceding taxable year, but only to the extent that they can reasonably be expected to cause an increase in the amount of itemized deductions on the employee's income tax return for the estimation year over the amount of corresponding deductions for the employee's taxable year preceding the estimation year, and

(*b*) Which, when added to the employee's other estimated itemized deductions for the estimation year, are in excess of the amount described in subparagraph (1)(ii)(*a*) of this paragraph.

(ii) Estimated itemized deductions are demonstrably attributable to an identifiable event if they relate—

(*a*) To payments already made (or items otherwise already deductible) during the estimation year,

(*b*) To binding obligations to make payments during the estimation year,

(*c*) To taxes deductible under section 164 for the estimation year (see subdivision (v) of this subparagraph), or

(*d*) To other transactions or occurrences, the implementation of which has begun and is verifiable at the time the employee files a withholding exemption certificate claiming withholding allowances for itemized deductions relating thereto.

(iii) For purposes of section 3402(m) and this section, where an itemized deduction which is demonstrably attributable to an identifiable event (as defined in subdivision (ii) of this subparagraph) is expected to result from a payment to be made by the employee, an identifiable event with respect to the deduction shall be deemed to occur in

the taxable year in which the payment becomes due or is reasonably expected to be made, whichever is later, as well as in the taxable year in which the event giving rise to the payment took place. See the treatment of alimony payments in example (1) in paragraph (d) of this section.

(iv) Subdivision (ii) (b) and (d) of this subparagraph shall apply to estimated itemized deductions under section 170 only if at the time the employee files a withholding exemption certificate claiming withholding allowances for itemized deductions relating thereto he has made a written pledge to the donee with respect thereto.

(v) For purposes of subdivision (ii) of this subparagraph, no increase in the amount of taxes deductible under section 164 for the estimation year over the amount of such deductions for the employee's taxable year preceding the estimation year, which is based upon the imposition of a new tax, an increase in tax rates, or other change due to the official action of a governmental authority, shall be taken into account until such official action has been completed.

(4) *Estimation year.* The term "estimation year" means—

(i) In the case of an employee who files his income tax return on a calendar year basis—

(a) With respect to payments of wages after April 30 and on or before December 31 of any calendar year, such calendar year, and

(b) With respect to payments of wages on or after January 1 and before May 1 of a calendar year, the preceding calendar year, except that with respect to an exemption certificate furnished by an employee after he has filed his return for the preceding calendar year, it means the current calendar year.

(ii) In the case of an employee who files his return on a basis other than the calendar year—

(a) With respect to payments of wages after the last day of the fourth month of the employee's taxable year and on or before the last day of the taxable year, such taxable year, or

(b) With respect to payments of wages on or after the first day of the employee's taxable year and before the first day of the fifth month of the employee's taxable year, the preceding taxable year, except that with respect to an exemption certificate furnished by an employee after he has filed his return for the preceding taxable year, it means the current taxable year.

(c) *Special rules*—(1) *Married individuals.* (i) Except as provided in subdivision (ii) of this subparagraph, a husband and wife shall determine the number of withholding allowances to which they are entitled under section 3402(m) on the basis of their combined wages and deductions. The withholding allowances to which a husband and wife are entitled may be claimed by the husband, by the wife, or they may be allocated between them. However, they may not both have withholding exemption certificates in effect claiming the same withholding allowance.

(ii) If a husband and wife filed separate income tax returns for the taxable year preceding the estimation year and reasonably expect to file separate returns for the estimation year, the husband and wife shall determine the number of withholding exemptions to which they are entitled under section 3402(m) on the basis of their individual wages and deductions. For purposes of applying the tables in paragraph (a)(2) of this section, the husband and wife shall be considered as single.

(2) *Only one certificate to be in effect.* An employee who is entitled to one or more withholding allowances under section 3402(m) and who has, at the same time, two or more employers, may claim such withholding allowance or allowances with only one of his employers.

(d) *Examples.* The provisions of this section may be illustrated by the following examples:

*Example (1).* Employee A, an unmarried calendar-year taxpayer, filed his income tax return for 1969 on March 20, 1970. A's estimation year with respect to withholding allowances claimed after the filing of his 1969 return is calendar-year 1970. He reasonably expects to be paid $21,000 in wages during 1970. The itemized deductions reflected on A's 1969 income tax return, and the items which he reasonably expects will be allowable as itemized deductions on his 1970 return, are as follows:

| | 1969 | 1970 |
|---|---|---|
| Alimony payments pursuant to terms of 1964 divorce decree | $2,000 | $3,000 |
| Taxes | 1,000 | 1,500 |
| Charitable contributions | 500 | 500 |
| Deductible medical expenses | 0 | 1,500 |
| | 3,500 | 6,500 |

The increase in deductible taxes expected for 1970 results from A's purchase of real estate. Approximately $1,000 of the $1,500 estimated deductible medical expenses for 1970 is reasonably expected by A to result from orthodontic services being received by his dependent daughter. She has had a diagnostic session with an orthodontist and arrangements have been made for treatments although there is no legal obligation to continue. The other $500 in deductible medical expenses expected for 1970 is not yet related to identifiable events. It is expected to arise in connection with minor cosmetic surgery which A, although he has not yet consulted a physician with respect thereto, contemplates undergoing in late 1970. Only $2,500 of A's estimated itemized deductions for 1970 qualifies as determinable additional deductions, i.e., estimated itemized deductions, in excess of his 1969 deductions which are demonstrably attributable to identifiable events occurring during 1969 or 1970, and reasonably expected to cause an increase in itemized deductions for 1970 over those for 1969. These items consist of: (a) The $1,000 in alimony payments which will be made by A during 1970 over the amount of such payments made during 1969 (an identifiable event with respect to each alimony payment occurs in the taxable year in which such payment becomes due or is made (if later)); (b) the $500 excess of deductible tax payments (over the amount deductible therefor in 1969) which A reasonably expects to pay during 1970 due to the purchase of real estate; and (c) the $1,000 expected to be deductible as a result of the orthodontic services. A's estimated itemized deductions for his 1970 estimation year are $6,000 ($3,500 plus $2,500). From Table 1 in paragraph (a)(2) of this section it is determined that A is entitled to three withholding allowances. A may file a withholding exemption certificate claiming the three withholding allowances.

*Example (2).* Assume the same facts as in example (1) except that the years in question were 1968 and 1969 rather than 1969 and 1970. In this case, with respect to wages paid during 1969, A's estimated itemized deductions for the estimation year would be limited to $3,500 (the amount of itemized deductions claimed for the preceding taxable year).

*Example (3).* Employee B, who is married and files a joint return based on a calendar year, has in effect with his employer, X Co., a withholding exemption certificate filed on May 1, 1970, on which he claimed one withholding allowance under section 3402(m) and this section. B's wife is employed but does not claim any withholding allowance. B had, on May 1, 1970, determined that based on his and his wife's combined estimated wages and estimated itemized deductions for the estimation year 1970 they were entitled to two withholding allowances under section 3402(m) and this section. On January 15, 1971, B, who is still employed by X Co. and has not yet filed his income tax return for 1970, begins work for Y Co. Even if B is still entitled to claim the two withholding allowances, he may not claim one or both such withholding allowances on the withholding exemption certificate filed with Y Co. unless he first files a new withholding exemption certificate with X Co. on which he claims no withholding allowances under section 3402 (m) and this section. In any event, under paragraph (b)(1) of § 31.3402(f)(4)-1 unless B files a new withholding exemption certificate, his claim for the withholding allowance expires and must be disregarded in determining the amount of tax to be withheld upon wages paid to B on or after May 1, 1971.

PAR. 9. The following sections are added immediately following § 31.6674-1:

**§ 31.6682 Statutory provisions; false information with respect to withholding allowances based on itemized deductions.**

SEC. 6682. *False information with respect to withholding allowances based on itemized deductions*—(a) *Civil penalty.* In addition to any criminal penalty provided by law, if any individual in claiming a withholding allowance under section 3402(f)(1)(F) states (1) as the amount of the wages (within the meaning of chapter 24) shown on his return for any taxable year an amount less than such wages actually shown, or (2) as the amount of the itemized deductions referred to in section 3402(m) shown on the return for any taxable year an amount greater than such deductions actually shown, he shall pay a penalty of $50 for such statement, unless (1) such statement did not result in a decrease in the amounts deducted and withheld under chapter 24, or (2) the taxes imposed with respect to the individual under subtitle A for the succeeding taxable year do not exceed the sum of (A) the credits against such taxes allowed by part IV of subchapter A of chapter 1, and (B) the payments of estimated tax which are considered payments on account of such taxes.

(b) *Deficiency procedures not to apply.* Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, and gift, and chapter 42 taxes) shall not apply in respect of the assessment or collection of any penalty imposed by subsection (a).

[Sec. 6682 as added by sec. 101(e)(4), Tax Adjustment Act 1966 (80 Stat. 61); and as

amended by sec. 101(j)(55), Tax Reform Act 1969 (83 Stat. 532)]

**§ 31.6682–1 False information with respect to withholding allowances based on itemized deductions.**

(a) *Civil penalty.* (1) Except as provided in subparagraph (2) of this paragraph, if any individual claiming a withholding allowance under section 3402(f)(1)(F) (see § 31.3402(f)(1)–1) states on his withholding exemption certificate—

(i) As the amount of wages (within the meaning of section 3401(a) and the regulations thereunder) shown on his return for any taxable year an amount less than such wages actually shown, or

(ii) As the amount of itemized deductions to be taken into account in determining withholding allowances under section 3402(m) shown on the return for any taxable year an amount greater than such deductions actually shown, or both,

he shall pay a penalty of $50. This penalty shall be in addition to any criminal penalty provided by law.

(2) The penalty provided in subparagraph (1) of this paragraph shall not apply if—

(i) The amount of tax deducted and withheld under chapter 24 of the Code and the regulations thereunder during the period that the withholding exemption certificate referred to in subparagraph (1) of this paragraph is in effect is not less than the amount of tax that would have been deducted and withheld if the amount of wages or itemized deductions referred to in subparagraph (1) had been correctly stated, or

(ii) The income taxes imposed upon the individual under subtitle A of the Code for the taxable year following the taxable year referred to in subparagraph (1) of this paragraph do not exceed the sum of—

(*a*) The credits against such taxes allowed by part IV of subchapter A of chapter 1 of the Code, and

(*b*) Any payments of estimated tax which are considered payments on accounts of such taxes.

(b) *Deficiency procedures not to apply.* The penalty imposed by section 6682 may be assessed and collected without regard to the deficiency procedures provided by subchapter B of chapter 63 of the Code.

Regulations on procedure and administration (26 CFR Part 301):

PAR. 10. The following sections are added immediately following § 301.6679–1:

**§ 301.6682 Statutory provisions; false information with respect to withholding allowances based on itemized deductions.**

SEC. 6682. *False information with respect to withholding allowances based on itemized deductions*—(a) *Civil penalty.* In addition to any criminal penalty provided by law, if any individual in claiming a withholding allowance under section 3402(f)(1)(F) states (1) as the amount of the wages (within the meaning of chapter 24) shown on his return for any taxable year on amount less than such wages actually shown, or (2) as the amount of the itemized deductions referred to in section 3402(m) shown on the return for any taxable year an amount greater than such deductions actually shown, he shall pay a penalty of $50 for such statement, unless (1) such statement did not result in a decrease in the amounts deducted and withheld under chapter 24, or (2) the taxes imposed with respect to the individual under subtitle A for the succeeding taxable year do not exceed the sum of (A) the credits against such taxes allowed by part IV of subchapter A of chapter 1, and (B) the payments of estimated tax which are considered payments on account of such taxes.

(b) *Deficiency procedures not to apply.* Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, and gift, and chapter 42 taxes) shall not apply in respect of the assessment or collection of any penalty imposed by subsection (a).

[Sec. 6682 as added by sec. 101(e)(4), Tax Adjustment Act 1966 (80 Stat. 61); and as amended by sec. 101(j)(55), Tax Reform Act 1969 (83 Stat. 532)]

**§ 301.6682–1 False information with respect to withholding allowances based on itemized deductions.**

For regulations under section 6682, see § 31.6682–1 of this chapter (Employment Tax Regulations).

PAR. 11. Section 301.7205 is amended and a historical note is added to read as follows:

**§ 301.7205 Statutory provisions; fraudulent withholding exemption certificate or failure to supply information.**

SEC. 7205. *Fraudulent withholding exemption certificate or failure to supply information.* Any individual required to supply information to his employer under section 3402 who willfully supplies false or fraudulent information, or who willfully fails to supply information thereunder which would require an increase in the tax to be withheld under section 3402, shall, in lieu of any other penalty provided by law (except the penalty provided by section 6682), upon conviction thereof, be fined not more than $500, or imprisoned not more than 1 year, or both.

[Sec. 7205 as amended by sec. 101(e)(5), Tax Adjustment Act 1966 (80 Stat. 62)]

[F.R. Doc. 70–14254; Filed, Oct. 22, 1970; 8:47 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### [ 26 CFR Part 1 ]

### INCOME TAX

### Information Reporting in Respect to Medical Corporations

Notice is hereby given that the regulations set forth in tentative from in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC: LR: T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

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

In order to revise the rules under the Income Tax Regulations (26 CFR Part 1) under section 6041 of the Internal Revenue Code of 1954, such regulations are amended as follows:

Paragraph (c) of § 1.6041–3 is amended to read as follows:

**§ 1.6041–3 Payments for which no return of information is required under section 6041.**

* * * * *

(c) Except in the case of payments made after December 31, 1970, to a corporation engaged in providing medical and health care services or engaged in the billing and collecting of payments in respect to the providing of medical and health care services (other than a hospital or extended care facility described in section 501(c)(3) or a hospital or extended care facility owned and operated by the United States, a State, the District of Columbia, a possession of the United States, or a political subdivision or an agency or instrumentality of any of the foregoing), any payment to a corporation (but for reporting requirements as to payments by cooperatives, and to certain other payments made after December 31, 1962, see sections 6042, 6044, and 6049 and the regulations thereunder in this part);

* * * * *

[F.R. Doc. 70–14253; Filed, Oct. 22, 1970; 8:47 a.m.]

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

### [ 8 CFR Part 3 ]

### BOARD OF IMMIGRATION APPEALS

### Notice of Proposed Rule Making

Pursuant to section 553 of title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed issuance of the following rules pertaining to limitation on appeals in voluntary departure cases; summary dismissal of frivolous appeals; oral argument on appeal from orders denying motions; and stay of execution pending appeal. In accordance with section 553, interested parties may submit written data, views, or arguments relative to the proposed rules to the Chairman, Board of Immigration Appeals, Room 320, Home Loan Bank Board Building, First Street and Indiana Avenue NW., Washington, D.C. 20530. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the date of publication of this notice will be considered.

### PART 3—BOARD OF IMMIGRATION APPEALS

**§ 3.1 [Amended]**

1. Subparagraph (2) of § 3.1(b), *Appellate jurisdiction*, is amended by changing the period at the end to a comma and adding the following: "except that no appeal shall lie from an order of a special inquiry officer under § 244.1 of this chapter granting voluntary departure within a period of at least 30 days, if the sole ground of appeal is that a greater period of departure time should have been fixed."

2. Subparagraph (1-a) of § 3.1(d)(1), *Summary dismissal of appeals*, is amended by striking the word "or" before the numeral "(iii)", changing the period at the end to a comma, and adding the following: "or (iv) the Board is satisfied, from a review of the record, that the appeal is frivolous and filed solely for purpose of delay."

3. Subparagraph (e) of § 3.1, *Oral argument*, is amended by changing the period at the end of the first sentence to a comma and adding the following: "except that oral argument shall not be heard on appeal from an order of a special inquiry officer under § 242.22 of this chapter denying a motion to reopen or reconsider or to stay deportation, unless the Board specifically directs that oral argument be granted."

4. § 3.6, *Stay of execution of decision*, is amended to read as follows:

**§ 3.6 Stay of execution of decision.**

(a) Except as provided in § 242.2 of this chapter and paragraph (b) of this section, the decision in any proceeding under this chapter from which an appeal to the Board may be taken shall not be executed during the time allowed for the filing of an appeal unless a waiver of the right to appeal is filed, nor shall such decision be executed while an appeal is pending or while a case is before the Board by way of certification.

(b) The provisions of paragraph (a) of this section shall not apply to an order of a special inquiry officer under § 242.22 of this chapter denying a motion to reopen or reconsider or to stay deportation. The Board may, in its discretion, stay deportation while an appeal is pending from any such order.

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

Dated: October 17, 1970.

JOHN N. MITCHELL,
*Attorney General.*

[F.R. Doc. 70–14260; Filed, Oct. 22, 1970; 8:47 a.m.]

## DEPARTMENT OF AGRICULTURE

### Consumer and Marketing Service

### [ 7 CFR Part 987 ]

### DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

### Notice of Proposed Expenses of Date Administrative Committee and Rate of Assessment for 1970–71 Crop Year

Notice is hereby given of a proposal regarding expenses of the Date Administrative Committee for the 1970–71 crop year and rate of assessment for that crop year. This notice is pursuant to §§ 987.71 and 987.72 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987). The amended marketing agreement and order regulate the handling of domestic dates produced or packed in a designated area of California, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Date Administrative Committee has unanimously recommended for the 1970–71 crop year, and the hereinafter proposal sets forth, a budget of administrative expenses in the total amount of $29,847 and an assessment rate of 10 cents per hundredweight on assessable dates. The assessable poundage is estimated by the Committee at 33 million pounds.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

**§ 987.315 Expenses of the Date Administrative Committee and rate of assessment for the 1970–71 crop year.**

(a) *Expenses.* Expenses in the amount of $29,847 are reasonable and likely to be incurred by the Date Administrative Committee during the 1970–71 crop year beginning August 1, 1970, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for that crop year which each handler is required, pursuant to § 987.72, to pay to the Date Administrative Committee as his pro rata share of the expenses is fixed at 10 cents per hundredweight of all assessable dates. Assessable dates are dates which the handler has certified during the crop year as meeting the requirements for marketable dates, including the eligible portion of any field-run dates certified and set aside or disposed of pursuant to § 987.45(f).

Dated: October 20, 1970.

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

[F.R. Doc. 70-14291; Filed, Oct. 22, 1970; 8:50 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## [ 21 CFR Part 19 ]

## LOWFAT CREAMED COTTAGE CHEESE

### Notice of Proposed Rule Making

A. Notice is given that a petition has been filed by the Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20005, proposing establishment of a definition and standard of identity for a product to be named lowfat creamed cottage cheese. The proposed food would differ from creamed cottage cheese (21 CFR 19.530) in that (1) it would contain from 0.5 to 2 percent added milkfat from the creaming mixture, rather than a minimum of 4 percent, and (2) it would contain a maximum of 82.5 rather than 80 percent moisture. Copetitioners with the Milk Industry Foundation are the Department of Agriculture and Markets of the State of New York and the Ohio Department of Agriculture.

Grounds given in support of the proposal are that leading health authorities advocate reduction of dietary fat for certain medical conditions and that a reduced fat creamed cottage cheese would be a valuable addition to such lowfat diets. The petitioner further asserts that with the proposed reduction of the fat level in creamed cottage cheese, increasing the moisture content of the food is necessary to prevent a dry texture and "tapioca type" appearance.

The petitioners propose that a new section be added to Part 19 as follows:

Section 19.____ *Lowfat creamed cottage cheese; identity; label statement of optional ingredients.* Lowfat creamed cottage cheese conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed by § 19.530 for creamed cottage cheese, except that (a) the creaming mixture is used in such quantity that the milkfat added thereby is not less than 0.5 percent and not more than 2.0 percent by weight of the finished lowfat creamed cottage cheese and (b) finished lowfat creamed cottage cheese contains no more than 82.5 percent of moisture as determined by the method prescribed in § 19.525(a).

B. The petition does not propose labeling to differentiate the varying levels of milkfat actually added by individual manufacturers to provide for comparing one product with another; e.g., 0.5 percent vs. 2.0 percent.

1. The Commissioner of Food and Drugs recognizes that some consumers desire or should desire to limit their fat intake and that reducing the fat in creamed cottage cheese from the traditional added 4 percent would be in their interest. The Commissioner thinks, however, that the labels of the proposed product and the existing product should declare the fat content to permit consumer comparison.

2. The Commissioner agrees that the proposed reduction in fat content would make necessary an increase in maximum moisture content; however, he does not think this maximum should be a single level (82.5 percent) for the entire range of 0.5 to 2 percent fat.

3. The Commissioner recognizes that for technological reasons a decrease in fat would make necessary an increase in the maximum percentage (by weight of dressing) of solids contributed by the optional ingredients listed in § 19.530 (b)(2).

Accordingly, in lieu of the petitioners' proposal the Commissioner on his own initiative proposes that § 19.530, the existing creamed cottage cheese standard, be revised to read as follows to provide for four optional fat levels with label declaration of the particular fat level used:

**§ 19.530 Creamed cottage cheese; identity; label statement of optional ingredients.**

(a) Creamed cottage cheese is the soft uncured cheese prepared by mixing cottage cheese with a dressing as provided for in paragraph (c) of this section. Within limits of good manufacturing practice, the milkfat content of creamed cottage cheese is one of the four levels set forth in the first column of the table in paragraph (b) of this section and other compositional requirements vary with the milkfat level of the food as set forth in the second and third columns.

(b) The table referred to in paragraph (a) of this section is as follows:

| Name of food | Maximum percent moisture in food (determined by method prescribed in § 19.525(a)) | Maximum percent (by weight of dressing) of solids contributed by optional ingredients listed in paragraph (c)(2) |
|---|---|---|
| Creamed cottage cheese ½% milkfat | 82.5 | 8 |
| Creamed cottage cheese 1% milkfat | 82.5 | 7 |
| Creamed cottage cheese 2% milkfat | 81.5 | 5 |
| Creamed cottage cheese 4% milkfat | 80 | 3 |

(c) The dressing referred to in paragraph (a) of this section consists of cream, milk, skim milk, or any combination of two or more of these to which one or more of the following optional ingredients may be added, subject to the conditions set forth in this section:

(1) Salt.

(2) One or any combination of two or more of the ingredients named in this subparagraph may be added to adjust the solids content, subject to the provisions of the table in paragraph (b) of this section:

(i) Nonfat dry milk and concentrated skim milk.

(ii) Sodium caseinate, ammonium caseinate, calcium caseinate, and potassium caseinate.

(iii) Dried milk protein.

(iv) Lactose.

(3) A culture of harmless lactic acid and flavor-producing bacteria, with or without rennet, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, or both.

(4) A preparation of pasteurized skim milk or cottage cheese whey with added citric acid or sodium citrate, which preparation has been cultured with harmless flavor- and aroma-producing bacteria.

(5) Lactic acid, citric acid, phosphoric acid.

(6)(i) A stabilizing ingredient consisting of one or any mixture of two or more of the following: Carob (locust) bean gum, guar gum, gum karaya, gum tragacanth, calcium sulfate; carrageenan or salts of carrageenan complying with the requirements of §§ 121.1066 and 121.1067 of this chapter; furcelleran or salts of furcelleran complying with the

requirements of §§ 121.1068 and 121.1069 of this chapter; gelatin, lecithin, algin (sodium alginate), propylene glycol alginate, sodium carboxymethylcellulose (cellulose gum).

(ii) Stabilizing ingredients used may be added in a mixture with a carrier consisting of one or any mixture of two or more of the following: Sugar, dextrose, corn sirup solids, dextrin, glycerin, propylene glycol. The quantity of the stabilizing ingredient, including any carrier used, is such that the weight of solids contained therein is not more than 0.5 percent of the weight of the dressing.

(iii) When one or more of the optional ingredients in subdivision (i) of this subparagraph are used, dioctyl sodium sulfosuccinate complying with the requirements of § 121.1137 of this chapter may be used in a quantity not in excess of 0.5 percent by weight of such ingredients.

(7) Singly or in combination: Diacetyl, starter distillate, or other safe and suitable flavoring substances which contribute to the characteristic flavor and aroma associated with the food.

The dressing is pasteurized, except that the bacterial cultures permitted by this paragraph and the acids listed in subparagraph (5) of this paragraph may be added after pasteurization.

(d) For the purposes of this section:

(1) "Milk" means sweet milk of cows; "skim milk" means milk from which the milkfat has been separated; and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

(2) "Sodium caseinate," "ammonium caseinate," "calcium caseinate," and "potassium caseinate" mean the dried form of the reaction product resulting from treating casein precipitated from skim milk with a suitable alkali in such a manner that no excess of alkali is present, as determined by a pH of not more than 8.0 in a 2-percent solution of 25° C.

(3) "Dried milk protein" means the dried form of the reaction product resulting from treating coprecipitates of milk proteins of which casein and lactalbumin are the constituents of major content with a suitable alkali in such manner that no excess of alkali is present, as determined by a pH of not more than 8.0 in a 2 percent solution at 25° C.

(e) (1) The name of the food, dependent on the level of milkfat used, is as specified in the table in paragraph (b) of this section. The statement "½% milkfat," "1% milkfat," "2% milkfat," or "4% milkfat," as applicable, shall immediately follow the phrase "creamed cottage cheese" and shall be shown in the same color, on the same background, and in letters that are not less than one-half the height of the largest letter in such phrase.

(2) When one or a mixture of two or more of the optional ingredients listed in paragraph (c) (2) (ii), (iii), and (iv), (5), and (6) (i) of this section is used, the label shall bear the statement "____ added" or "with added ____," the blank being filled in with the common name or names of the optional ingredients used; however, the name "vegetable gum" may be used in lieu of the specific names for carob (locust) bean gum, guar gum, gum karaya, and gum tragacanth.

(3) When any ingredient named under paragraph (c) (7) is used, the label shall bear the statement "artificially flavored" or "artificial flavor added" or "with added artificial flavoring."

(4) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the label declarations prescribed in subparagraphs (2) and (3) of this paragraph, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days after its date of publication in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof.

Dated: October 14, 1970.

CHARLES C. EDWARDS,
*Commissioner of Food and Drugs.*

[F.R. Doc. 70-14245; Filed, Oct. 22, 1970; 8:46 a.m.]

# DEPARTMENT OF TRANSPORTATION

## Coast Guard

## [ 33 CFR Part 117 ]

[CGFR 70-132]

## ASHEPOO RIVER, S.C.

### Proposed Drawbridge Operation Regulations

1. The Commandant, U.S. Coast Guard is considering a request by the Seaboard Coast Line Railroad Co. to establish special operation regulations for its bridge across the Ashepoo River, near Jacksonboro, S.C. Present regulations governing this bridge require that the draw be opened promptly on signal. The proposed regulations would permit the draw to remain closed to navigation. Available records indicate that the draw has not been opened for navigation since 1939. Authority for this action is set forth in section 5, 28 Stat. 362, as amended (33 U.S.C. 499), section 6(g)(2) of the Department of Transportation Act (49 U.S.C. 1655(g)(2)) and 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4) (35 F.R. 15923).

2. Accordingly, it is proposed to add 33 CFR 117.245(h)(4) to read as follows:

**§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of drawtenders is not required.**

* * * * *

(h) * * *

(4) *Ashepoo River, S.C.; Seaboard Coast Line Railroad bridge, near Ashepoo.* The draw need not be opened for the passage of vessels, and paragraphs (b) through (e) of this section shall not apply to this bridge.

* * * * *

3. Interested persons may participate in this proposed rule making by submitting written data, views, arguments, or comments as they may desire on or before November 30, 1970. All submissions should be made in writing to the Commander, Seventh Coast Guard District, Room 1018 Federal Building, 51 Southwest First Avenue, Miami, Fla. 33130.

4. It is requested that each submission state the subject to which it is directed, the specific wording recommended, the reason for any recommended change, and the name, address and firm or organization, if any, of the person making the submission.

5. Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposal in this document. This proposal may be changed in light of the comments received. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

6. After the time set for the submission of comments by the interested parties, the Commander, Seventh Coast Guard District, will forward the record, including all written submissions and his recommendations with respect to the proposals and the submissions, to the Commandant, U.S. Coast Guard, Washington, D.C. The Commandant will thereafter make a final determination with respect to these proposals.

Dated: October 15, 1970.

R. E. HAMMOND,
*Rear Admiral, U.S. Coast Guard, Chief, Office of Operations.*

[F.R. Doc. 70-14263; Filed, Oct. 22, 1970; 8:47 a.m.]

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## [ 33 CFR Part 117 ]

[CGFR 70-125]

## PINE RIVER, ST. CLAIR, MICH.

### Proposed Drawbridge Operation Regulations

1. The Commandant, U.S. Coast Guard is considering a request by the Michigan State Highway Department to revise the special operation regulations for its bridge across the Pine River, St. Clair. Present regulations governing this bridge

require one long blast to be sounded from a vessel to request the opening of the draw. Proposed regulations would require one long blast followed by one short blast. This change is required to avoid present confusion with signals sounded in close proximity to the bridge. Authority for this action is set forth in section 5, 28 Stat. 362, as amended (33 U.S.C. 499), section 6(g)(2) of the Department of Transportation Act (49 U.S.C. 1655(g)(2)) and 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4) (35 F.R. 15923).

2. Accordingly, it is proposed to revise 33 CFR 117.703(c) to read as follows:

§ 117.703 Pine River, Mich.; Michigan State Highway bridge at St. Clair.

* * * * *

(c) Signals:

(1) *Opening signal.* One (1) long blast followed by one (1) short blast of a whistle, horn, or siren, repeated if necessary until the acknowledging signal is received from the drawtender.

(2) *Acknowledging signals.* (i) When the draw can be opened immediately, one (1) long blast followed by one (1) short blast.

(ii) When the draw cannot be opened immediately, four (4) or more short blasts in rapid succession. As soon thereafter as the draw can be opened, the drawtender shall sound one (1) long blast followed by one (1) short blast.

* * * * *

3. Interested persons may participate in this proposed rule making by submitting written data, views, arguments, or comments as they may desire on or before November 20, 1970. All submissions should be made in writing to the Commander, Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199.

4. It is requested that each submission state the subject to which it is directed, the specific wording recommended, the reason for any recommended change, and the name, address and firm or organization, if any, of the person making the submission.

5. Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposal in this document. This proposal may be changed in light of the comments received. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Ninth Coast Guard District.

6. After the time set for the submission of comments by the interested parties, the Commander, Ninth Coast Guard District will forward the record, including all written submissions and his recommendations with respect to the proposals and the submissions, to the Commandant, U.S. Coast Guard, Washington, D.C. The Commandant will thereafter make a final determination with respect to these proposals.

Dated: October 13, 1970.

R. E. HAMMOND,
*Rear Admiral, U.S. Coast Guard,*
*Chief, Office of Operations.*

[F.R. Doc. 70-14264; Filed, Oct. 22, 1970; 8:47 a.m.]

# FEDERAL POWER COMMISSION

## [ 18 CFR Part 260 ]

[Docket No. R-399]

## REPORT OF GAS STORED UNDERGROUND

### Notice of Extension of Time

OCTOBER 15, 1970.

On October 13, 1970, Tennessee Gas Pipeline Co., a Division of Tenneco Inc., filed a request for an extension of time to and including October 26, 1970, within which to file comments in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including October 26, 1970, within which any interested person may submit data, views, comments, and suggestions in writing to the notice of proposed rulemaking issued September 18, 1970, in the above-designated matter (35 F.R. 14851).

KENNETH F. PLUMB,
*Acting Secretary.*

[F.R. Doc. 70-14233; Filed, Oct. 22, 1970; 8:45 a.m.]

# INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

## [ 30 CFR Part 503 ]

## PERMITS FOR NONCOMPLIANCE WITH ELECTRIC FACE EQUIPMENT STANDARD—NONGASSY MINES BELOW WATERTABLE

### Notice of Proposed Rule Making

Notice is hereby given that the Interim Compliance Panel, established by section 5 of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173, 83 Stat. 742) proposes to amend Chapter V in Title 30, Code of Federal Regulations, and to issue regulations therein setting forth the procedure for obtaining permits for the continued use after March 29, 1971, of nonpermissible electric face equipment in nongassy underground coal mines below the watertable as provided in sections 305(a)(6) and 305(a)(7) of said Act. (This regulation does not apply to mines which have been classified as gassy or to mines operated entirely in coal seams located above the watertable.)

The Federal Coal Mine Health and Safety Act of 1969, in section 305(a)(1)(D), requires that, commencing March 30, 1971, all electric face equipment which consumes more than 2,250 watts of electricity shall be permissible if taken into or used inby the last open crosscut of any nongassy coal mine located below the watertable. The Act also provides that the Interim Compliance Panel shall issue an initial permit for noncompliance with the standard set forth in section 305(a)(1)(D) for nongassy mines below the watertable upon receipt of an application which meets detailed requirements set forth in section 305(a)(10) of the Act. The Act further provides for the renewal of such permits.

This regulation covers procedures for submitting applications and issuance or denial of applications for permits and renewal permits for noncompliance with the standard.

The Federal Coal Mine Health and Safety Act of 1969 in section 305(a)(10) requires that applications for permits for noncompliance must, among other things, contain a statement by the operator that he is unable to comply with the electric face equipment standard. A permit allows the applicant to operate nonpermissible electric face equipment only in mines in which the equipment was operated on March 30, 1970, and in which the equipment continues to be used in connection with mining operations. The operator must also set forth the actions taken since March 30, 1970, to comply with the electric face equipment standard together with a plan setting forth a schedule of compliance with the standard for each item of equipment for which a permit is requested, and the means and measures to be employed to achieve compliance. The Panel recognizes the possibility of nonavailability of permissible equipment and the nonavailability of facilities for the conversion of nonpermissible equipment to permissible status. The Act provides for permits to operate with nonpermissible equipment in such circumstances.

After March 29, 1971, the use of nonpermissible equipment in a coal mine below the watertable which has never been classified as gassy will be a violation of the Act unless the operator has a permit for noncompliance. No permit for noncompliance will be issued or renewed until a sufficient application, complete in all material respects, has been received by the Panel. No permit will be issued or renewed in response to any application which fails to show that the applicant has made diligent effort to achieve compliance with the electric face equipment standard.

Procedures for requesting hearings on applications for renewal permits are specified in § 503.6 of these regulations and in 30 CFR, Part 505. The Act requires that all interested parties be provided the opportunity for public hearings prior to the granting of a renewal of a permit. However, no provision is made for such hearings prior to the granting of an initial permit.

Interested persons may submit written comments, suggestions, or objections regarding the proposed regulations to the Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, D.C. 20006, no later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Title 30 CFR, Part 503 would provide as follows:

Sec.
503.1 Application of part.
503.2 Definitions.
503.3 Filing procedures.
503.4 Contents of applications for permits.
503.5 Issuance of initial permits.
503.6 Applications for renewal permits.

**§ 503.1 Application of part.**

This part applies to applications for permits for noncompliance and renewals thereof submitted in accordance with the provisions of sections 305(a)(6) and 305(a)(7) of the Coal Mine Health and Safety Act of 1969, and to requests for hearings conducted with respect to such applications. Only a mine which has not been classified as gassy under any provision of law and which is located below the watertable may be issued a permit for noncompliance under section 305(a)(6) of the Act.

**§ 503.2 Definitions.**

As used in this part:

(a) "Act" means the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173);

(b) "Panel" means the Interim Compliance Panel established by section 5 of the Act;

(c) "Operator" means any owner, lessee, or other person who operates, controls, or supervises a coal mine and who files an application with the Panel for an initial or renewal permit for noncompliance with the electrical equipment standard set forth in section 305(a)(1)(D) of the Act;

(d) Unless otherwise specified in this part, "Permit" means an initial permit for noncompliance issued to an applicant, or a subsequent renewal thereof, which entitles the applicant to delay his compliance with the electrical equipment standard set forth in section 305(a)(1)(D) of the Act with respect to nonpermissible electric face equipment used in coal mines not classified as gassy under any provision of law and located below the watertable;

(e) "Electric face equipment" means electrical equipment, taken into or used inby the last open crosscut, which has an electrical rating exceeding 2,250 watts (3 horsepower);

(f) "Below the watertable," as it applies to a coal mine, means any coal mine which is not operated entirely in coal seams located above the elevation of the surface of a river or a tributary of a river into which a local surface water system naturally drains; and

(g) "Permissible" or "Permissible Status" means equipment which has been approved as permissible by the U.S. Bureau of Mines.

**§ 503.3 Filing procedures.**

(a) A separate application on ICP Form 2 shall be filed for each coal mine. The application shall include a Statement of Electric Face Equipment Information on ICP Form 2(a) for each item of equipment for which a permit is requested. The original and one copy of each form shall be filed on or before March 1, 1971, with the Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, D.C. 20006, in the form and content prescribed in § 503.4. Applications filed by mail shall be mailed so as to bear a postmark date no later than March 1, 1971.

(b) The original of each ICP Form 2 and 2(a) shall be affirmed and signed by the operator.

(c) At the time an application is mailed or delivered to the Panel, the operator shall post on the mine bulletin board a notice that such application has been filed and that the complete application, all related ICP Forms 2 and 2(a), and all attachments are available at the mine office for inspection by any interested person during the usual working hours.

(d) A copy of each application and all related ICP Forms 2(a) received by the Panel will be available at the office of the Panel in Washington, D.C., for inspection by any person during usual working hours.

(e) Application forms may be obtained from the Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, D.C. 20006.

**§ 503.4 Contents of applications for permits.**

(a) Each Noncompliance Permit Application (ICP Form 2) shall contain:

(1) The name, address, and telephone number of the mine with respect to which such permit is requested; the name, address, and telephone number of the operator thereof; and the name of the owner;

(2) The name and address of a representative of the miners of such mine;

(3) A statement by the operator that notice of the application has been posted on the bulletin board of such mine;

(4) A statement whether or not the mine has ever been classified as gassy under any provision of Federal or State law;

(5) A statement by the operator whether or not such mine is below the watertable; and

(6) A list of all nonpermissible electric face equipment for which a permit is requested, identified by type and manufacturer's serial number or other permanently marked identification number.

(b) Each Statement of Electric Face Equipment Information (ICP Form 2(a)) shall contain:

(1) A statement by the operator that he is unable to comply with paragraph (1)(D) of section 305(a), Public Law 91-173;

(2) A description by type (e.g., loader, cutter, etc.), model, manufacturer, and manufacturer's serial number or permanently marked identification number, of a single item of electric face equipment as defined in § 503.2 for which such permit is requested;

(3) A statement whether or not this piece of equipment was nonpermissible and was being used in connection with mining operations in such mine on March 30, 1970;

(4) A statement whether or not this piece of equipment is being used in connection with mining operations in such mine on the date of this application;

(5) A statement whether or not the electric rating of this equipment exceeds 2,250 watts (3 horsepower);

(6) A statement whether or not this piece of equipment has ever been permissible; and

(7) A statement of steps taken to achieve compliance with the electrical equipment standard of the Act since March 30, 1970, and a plan setting forth a schedule for achieving compliance for the item of equipment for which the permit is sought. This plan must contain information responsive to one of the following subparagraphs as applicable:

(i) If the operator plans to replace the equipment for which a permit is requested with permissible equipment, the name of the firm from whom the replacement equipment will be obtained, the date on which it will be delivered, and whether or not a contract or order for such equipment has been placed. A copy of such contract or order containing all such information should be submitted to satisfy the requirements of this subparagraph.

(ii) If the operator plans to convert to permissible status the piece of equipment for which a permit is requested, the name of the firm which will perform the conversion, the date upon which the conversion will be completed, and whether a contract or order for the conversion work has been entered into. A copy of such contract or order setting forth all of these facts should be submitted to fulfill the requirements of this subparagraph. In the event that the operator plans to use his own employees to convert this piece of equipment to permissible status, a statement whether contracts or orders for component parts and materials have been placed, the date when these parts and materials will be delivered, and an estimated date when the conversion to permissible status will be completed. A copy of each contract or order for component parts or materials should be attached to the application.

(iii) If no specific arrangements to replace the item with permissible equipment or convert such equipment to permissible status have been made before the date of the application, the applicant shall provide a statement in detail of the actions taken by the operator between March 30, 1970, and the date of the application to make arrangements for the replacement with permissible equipment or the conversion of the equipment to permissible status, and a statement describing the specific steps which will be taken by the operator to replace or convert this piece of equipment to permissible status. The description of specific steps to be taken shall include the names of firms which will be contacted to obtain replacement equipment, conversion work, or component parts and materials, and shall include the dates on which such firms will be contacted.

(c) All applications timely filed in accordance with the provisions of this part shall be processed in the order in which completed applications are received, and the Panel shall make its determination on the basis of the evidence of the record. Each operator shall, however, upon written request by the Panel, submit such additional evidence as the Panel deems

necessary to its determination, including but not limited to, evidence in support of representations made in connection with an application.

§ 503.5 Issuance of initial permits.

(a) The Panel will issue initial permits for equipment based upon applications which are timely filed and complete in all material respects in accordance with §§ 503.3 and 503.4.

(b) No permit for noncompliance will be issued for electric face equipment unless such equipment is, at the time of the application, and was on March 30, 1970, nonpermissible and being used by the operator in connection with mining operations in the coal mine for which such a permit is sought.

(c) Each initial permit will be issued for the period specified by the Panel, but in no case for more than 1 year. Each permit will specify the individual item of equipment which the operator will be entitled to use in a nonpermissible status.

(d) The permit and one copy will be mailed to the operator at the address specified in the application. The copy of the permit shall be delivered to the affected mine and shall be immediately posted on the bulletin board of such mine by the operator or his agent.

(e) The Panel shall mail a copy of any permit granted under this section immediately to a representative of the miners of the mine to which it pertains, and to the public official or agency of the State charged with administering State laws relating to coal mine health and safety in such mine.

(f) No initial permit or renewal thereof shall be valid beyond December 30, 1973.

§ 503.6 Applications for renewal permits.

(a) To be considered by the Panel, every application for a renewal permit must:

(1) Be filed with the Panel not more than 90 days nor less than 30 days prior to the expiration date of a permit or renewal;

(2) Be submitted on the forms and in the manner prescribed in §§ 503.3 and 503.4; and

(3) Certify that the item of equipment has not received a major overhaul on or after March 30, 1971, or if it has, the operator shall file a written opinion by the Secretary of the Interior or his authorized representative stating that such equipment or replacement parts were not available at the time of such major overhaul to convert the item to permissible status.

(b) When an application for a renewal of a permit for noncompliance is received, the Panel shall cause to be published in the FEDERAL REGISTER a notice giving any interested person an opportunity to file with the Panel a request for a public hearing.

(c) On or before the 15th day after publication of notice in the FEDERAL REGISTER that an application for renewal has been accepted for consideration, any interested person may file pursuant to the provisions of 30 CFR 505 (35 F.R. 11296, July 15, 1970) a request with the Panel for a public hearing.

(d) After public hearing, or if no hearing has been requested pursuant to paragraph (c) of this section, the Panel shall make a determination on the merits of the application for a renewal permit.

GEORGE A. HORNBECK,
*Chairman,*
*Interim Compliance Panel.*

OCTOBER 20, 1970.

[F.R. Doc. 70-14254; Filed, Oct. 22, 1970; 8:47 a.m.]

# Notices

## DEPARTMENT OF STATE

### Agency for International Development

[AFR No. 119]

### DEPUTY ASSISTANT ADMINISTRATOR FOR AFRICA ET AL.

#### Delegation of Authority

1. Pursuant to the authority delegated to me by A.I.D. Delegation of Authority No. 5, dated December 29, 1961, as amended, I hereby delegate to the Director, East Africa Capital Development Office to the Director, West Africa Capital Development Office and to the Director, Office of Capital Development and Finance the authorities contained herein.

A. *Director East Africa Capital Development Office and Director West Africa Capital Development Office.* I hereby delegate to the Director East Africa Capital Development Office and to the Director West Africa Capital Development Office the authority to perform the following functions, subject to instructions otherwise by me or my designee:

(i) Authority to negotiate loan agreements with respect to loans authorized under the Foreign Assistance Act of 1961, as amended (the Act), in accordance with the terms of the authorization of such loan;

(ii) Authority to execute and deliver loan agreements and amendments thereto with respect to loans authorized under the Act: *Provided, however,* That the foregoing authority may not be utilized to approve amendments to such loan agreements which could increase the maximum total amount of the loan;

(iii) Authority to implement loan agreements with respect to loans authorized under the Act and by the Board of Directors of the Corporate Development Loan Fund to the following extent:

(a) Authority to prepare, negotiate, sign, and deliver letters of implementation;

(b) Authority to review and approve documents and other evidence submitted by borrowers in satisfaction of conditions precedent to financing under such loan agreements;

(c) Authority to negotiate, execute and implement all agreements and other documents ancillary to such loan agreements; and

(d) Authority to approve contractors, review and approve the terms of contracts, amendments and modifications thereto and invitations for bids with respect to such contracts financed by funds made available under such loan agreements.

B. *Director, Office of Capital Development and Finance.* I hereby delegate to the Director of the Office of Capital Development and Finance, Bureau for Africa the functions delegated by Delegation of Authority No. 5, as amended.

2. The authority delegated herein shall be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D.

3. The functions herein delegated may be redelegated by the individuals listed above, as appropriate, but not successively redelegated, except that the authority described above in paragraph A (ii) may not be redelegated.

4. The authority delegated herein to designated officers may be exercised by persons who are performing the functions of such officers in an "Acting" capacity.

5. The following redelegations of authority are hereby revoked:

A. Delegation of Authority to the Deputy Assistant Administrator for Africa, dated January 24, 1962 (29 F.R. 9925) said Deputy having such necessary authority by virtue of AFR Delegation of Authority No. 60, dated June 15, 1964.

B. AFR Headquarters Management Notice No. 133, dated April 29, 1964, is hereby revoked insofar as it restricts the authority of the Office of Capital Development and Finance. AFR Delegation of Authority No. 33 is hereby revoked.

6. This Delegation of Authority is effective immediately.

Dated: October 8, 1970.

SAMUEL C. ADAMS, Jr.,
*Assistant Administrator*
*Bureau for Africa.*

[F.R. Doc. 70-14279; Filed, Oct. 22, 1970; 8:49 a.m.]

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[T.D. 70-215]

### ASSISTANT DIRECTOR, FACILITIES SERVICES, AND CHIEF, PURCHASES AND PROPERTY UNIT, FACILITIES SERVICES

#### Designation as Contracting Officers for Certain Types of Contracts; Correction

OCTOBER 16, 1970.

In the first paragraph of T.D. 70-215, published in the FEDERAL REGISTER of October 8, 1970 (35 F.R. 15849), the reference to "Customs Delegation Order No. 33 (T.D. 68-280, 33 F.R. 16529)" is corrected to read "Customs Delegation Order No. 36 (T.D. 70-168, 35 F.R. 12079)."

[SEAL] KENNETH KNIGHT,
*Director, Facilities Management Division, Office of Administration.*

[F.R. Doc. 70-14256; Filed, Oct. 22, 1970; 8:47 a.m.]

## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

[Notice No. 57]

### CITRUS IN ARIZONA-DESERT VALLEY

#### Extension of Closing Date for Filing of Applications for 1970 Crop Year

Pursuant to the authority contained in § 409.22 of Title 7 of the Code of Federal Regulations, the time for filing applications for citrus crop insurance for the 1970 crop year in Maricopa and Yuma Counties, Ariz., and Riverside and Imperial Counties, Calif., where such insurance is otherwise authorized to be offered is hereby extended until the close of business on November 27, 1970. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

RICHARD H. ASLAKSON,
*Manager, Federal*
*Crop Insurance Corp.*

[F.R. Doc. 70-14289; Filed, Oct. 22, 1970; 8:50 a.m.]

## DEPARTMENT OF COMMERCE

### Bureau of International Commerce

[Case No. 412]

### COMP-DATA GES. M.B.H. AND JOHANN NITSCHINGER

#### Order Denying Export Privileges

In the matter of Comp-Data Ges. M.B.H. and Johann Nitschinger, 84 Mariahilferstrasse, Vienna, Austria, respondents; Case No. 412.

On April 2, 1970 the Director, Investigations Division, Office of Export Control issued a charging letter against the above parties. In substance, it is alleged that in 1969 the respondents, in violation of the U.S. Export Control Regulations, participated in a transaction whereby $52,000 worth of U.S.-origin recording magnetic video tape was obtained for a party in Vienna, Austria (Austis Warenhandelsgesellschaft), which party respondents knew or had reason to know was subject to an order denying U.S. export privileges. It is also alleged that respondents solicited a party in the United States to bring about a violation of the U.S. Export Control Regulations.

On April 10, 1970 (35 F.R. 6199, Apr. 16, 1970), a temporary denial order was issued against respondents. This was based primarily on a reasonable basis to believe that respondents had unlawfully participated in the video tape transaction. This order is still in effect.

The respondents filed an answer to the charging letter and an attorney filed

an appearance on behalf of the respondent company. Such appearance was withdrawn before the hearing in the case on September 17, 1970. The respondents did not appear at the hearing and were not represented. Evidence in support of the charges was presented on behalf of the Investigations Division by an attorney from the General Counsel's Office of the Department.

The respondents' answer, in substance, sets forth the following defenses: The respondent firm, Comp-Data Ges. M.B.H., is not responsible for the conduct of Nitschinger since the said firm was not registered until April 8, 1970; Nitschinger had no knowledge that the Austis firm was a denied party; respondents did not participate in the transaction and their books show no dealings with the Austis firm; Nitschinger did not participate in the transaction and his only role was to bring together the two parties who carried out the transaction, namely Mr. Goldeband of the Austis firm of Vienna, Austria, and an individual in California who obtained the video tapes for said firm.

The Compliance Commissioner considered each of these defenses and found them without merit. His reasons are set forth in his report, copies of which are being furnished to respondents.

The Compliance Commissioner, after considering the record in the case, submitted to the undersigned a report which summarizes the essential evidence, considers the various charges and defenses, and which includes findings of fact and conclusions and a recommendation as to sanctions.

After considering the record in the case, I adopt the findings of fact of the Compliance Commissioner, which are as follows:

FINDINGS OF FACT

1. The respondent Johann Nitschinger, a resident of Vienna, Austria, is an engineer by training. From March until December 1968 he was employed as sales manager of the Austrian subsidiary of a United States (California) company engaged in the manufacture and distribution of magnetic recording media and associated hardware. In January 1969, as sole owner, he went into business under the firm name Comp-Data. The firm was engaged in dealing in electronic appliances and tapes for data processing.

2. In May 1969 the respondent Nitschinger established the limited liability company called Comp-Data Ges. M.B.H. Nitschinger was the owner of 99 percent of the capital stock of the company and his wife was the owner of the other 1 percent. This company continued the business of Comp-Data at the same address. Nitschinger was General Manager of Comp-Data Ges. M.B.H. and he was responsible for its operations. This company was recorded in the Commercial Register on April 8, 1970. The events hereinafter described were carried out by Nitschinger on his own behalf in the name of Comp-Data, and on behalf of Comp-Data Ges. M.B.H. after said firm was established in May 1969.

3. While Nitschinger was employed for the subsidiary of the United States firm from March until December 1968 he learned of the Table of Denial and Probation Orders (Supplement No. 1 to Part 388 of the Export Control Regulations) issued and distributed by the Department of Commerce in which was listed parties who had been denied U.S. export privileges. While so employed Nitschinger saw the list and had access to it. He knew that the list included the names of parties who were prohibited from purchasing or receiving and otherwise dealing in U.S.-origin commodities. He was instructed as to the importance of examining the list to make sure that the names of parties he dealt with did not appear on the list. Periodic amendments to the list are issued by the Department and complete revisions are issued annually.

4. On June 25, 1962, the Office of Export Control, Bureau of International Programs (predecessor of the Bureau of International Commerce), U.S. Department of Commerce, issued an order against Austis Warenhandelsgesellschaft and Otto Goldeband, denying them all U.S. export privileges for the duration of export controls. This order was published in the FEDERAL REGISTER on July 6, 1962 (27 F.R. 6396). The names of these parties first appeared in the Table of Denial Orders on August 9, 1962, and have continuously appeared therein to the present time. At the time the events hereinafter described took place the respondents knew or had reason to know that the names of these parties appeared in the Table of Denial Orders.

5. In the early part of 1969 or prior thereto Otto Goldeband, the responsible official of the Austis firm, requested Nitschinger to obtain for the Austis firm a quantity of video tapes which Nitschinger undertook to do.

6. In March 1969 Nitschinger met in San Francisco with a resident of a suburb of that city (hereinafter called the agent) and arranged to have the agent act for him and his firm for the purpose of obtaining price quotations and other information regarding the purchase of video tapes, video instruments, amplifiers, and radio transmitters. With regard to the video tapes, Nitschinger instructed the agent to contact the California company with whose subsidiary Nitschinger had previously been associated.

7. The agent did contact the California firm and had several meetings with its representatives and officials. The agent obtained quotations and shipping information from the California firm and reported same to Nitschinger. There was an exchange of letters and cables between the agent in California and Nitschinger in Vienna, and also transoceanic telephone calls between them. As the result of these exchanges and on instructions from Nitschinger the agent ordered from the California company 210 video tapes having a value of approximately $52,000.

8. On instructions from Nitschinger the agent represented to the California supplier that the video tapes were destined for South Africa. Also on instructions from Nitschinger the agent had the tapes shipped from the supplier via air freight to Vancouver, British Columbia, Canada, with directions to the air carrier to on-ship the goods to the Austis firm in Vienna via a Vienna freight forwarder. The agent complied with these instructions.

9. The Austis firm opened a letter of credit in favor of the agent drawn on a bank in Vancouver in the amount of $56,070. The agent collected on this letter of credit.

10. The video tapes came into possession or under control of the Austis firm in Vienna and on directions of said firm were reexported to East European countries for use with video recorders that had previously been diverted.

11. At the time Nitschinger on behalf of Comp-Data Ges. M.B.H. arranged for the purchase of the video tapes for the denied party (the Austis firm), he knew or should have known that his participation in such transaction was contrary to the U.S. Export Control Regulations which required prior disclosure of the facts of the transaction to, and specific authorization from the Office of Export Control for such participation. Nitschinger failed to disclose such facts and failed to obtain such specific authorization. By reason of such failure the Office of Export Control was precluded from taking appropriate action to prevent the disposition of the video tapes contrary to the U.S. Export Control Regulations.

Based on the foregoing I have concluded that the respondents violated the following sections of the U.S. Export Control Regulations: Section 387.2, in that they caused and induced the doing of acts prohibited by said regulations; § 387.4, in that they ordered and otherwise serviced commodities exported from the United States with knowledge that a violation of said regulations was involved in said transaction; § 387.10, in that without prior disclosure of the facts to, and specific authorization from the Office of Export Control, and with knowledge that another party was subject to an order denying U.S. export privileges, ordered commodities from the United States for such party and otherwise participated in the transaction for the export of such commodities from the United States for benefit of such denied party; § 387.3(a), in that they solicited a person in the United States to bring about a violation of said regulations.

With respect to the contention of Nitschinger that at the time of the transaction in question he was unaware of the existence of the denial list or that the name of the Austis firm appeared on such a list, the Compliance Commissioner summarized portions of the evidence that show that while Nitschinger was employed in Vienna by the subsidiary of the California company he was advised on numerous occasions of the existence of such a list and of the importance of checking to see if the names of the parties he was dealing with appeared on such list. On this point the Compliance Commissioner concluded:

On the basis of the evidence in the record, I find that at all times during the transaction in question Nitschinger knew that there was a denial list and that he knew or should have known that the name of the Austis firm appeared on the list as a denied party.

The contention of respondent, Comp-Data Ges. M.B.H., that it is not responsible for the conduct of Nitschinger prior to its registration on April 8, 1970, was disposed of by the Compliance Commissioner as follows:

Nitschinger began the transaction in question with the agent in California under the firm name Comp-Data. He continued the transaction under the name of Comp-Data Ges. M.B.H., after the firs was established in May 1959 under the name of Comp-Data Ges. M.B.H., after the firm was established in May 1969. He brought the transaction to a conclusion in July 1969 under the name of Comp-Data Ges. M.B.H. At the time of recording of the firm in April 1970 Nitschinger owned 99 percent of the shares and his wife 1 percent. The firm that was recorded was the same firm that had participated in the transaction in question. Whether there have been any significant changes in ownership or management of the firm in recent months does not appear in the record. The issuance of the charging letter against Comp-Data Ges. M.B.H. as one of the respondents was proper and a denial order against this firm based on the violations alleged would also be proper.

Nitschinger contends that his role in the transaction was to bring together the Austis firm and the party in California who handled the transaction. In rejecting this contention the Compliance Commissioner stated:

The exchange of letters and cables between Nitschinger and the agent in California and other communications between the parties involved clearly show the culpable participation by the respondents in this transaction.

The evidence shows that Nitschinger and the Comp-Data firms were deeply involved in the transaction and that the only parties that the agent dealt with on behalf of the purchaser or consignee of the tapes, until the time he exported them to Canada for on-shipment to Vienna, were Nitschinger and the Comp-Data firms.

Nitschinger instructed the agent to obtain price quotations from the California supplier; Nitschinger/Comp-Data advised the agent how to deal with the California supplier; Nitschinger/Comp-Data told the agent that the tapes were destined for South Africa; Nitschinger/Comp-Data instructed the agent to order the tapes from the California supplier; Nitschinger/Comp-Data in a letter to Austis referred to the agent's firm as "our correspondent in San Francisco"; Nitschinger advised the agent that a letter of credit had been opened in his favor; and Nitschinger on June 13 instructed the agent by cable to send the goods to Vancouver for on-shipment to the Austis firm in Vienna. When the agent received this cable it was the first time that he heard of the Austis firm. It is a gross misstatement of facts for Nitschinger to claim that his only role in the transaction was to bring the agent and Austis together.

As to the sanctions that should be imposed, the Compliance Commissioner said:

Not only did Nitschinger knowingly and actively participate in this illegal transaction but he has consistently denied his important role in the transaction. His claim of innocence is clearly refuted by the evidence.

The respondents have been subject to an order denying export privileges since April 10, 1970. I recommend that they be denied export privileges for 5 years with the provision that on or after April 10, 1973, they may apply to have their export privileges restored conditionally while they remain on probation. Such application as may be filed shall be supported by evidence to establish their compliance with the terms of the denial order and they shall make such disclosure of their import and export transactions and dealings and associations as may be necessary to determine such compliance. Their export privileges may be restored under such terms and conditions as appear to be appropriate.

Now, after considering the record in the case and the report and recommendation of the Compliance Commissioner and being of the opinion that his recommendation as to the sanction that should be imposed is fair and just and designed to achieve effective enforcement of the law: *It is hereby ordered:*

I. This order is effective forthwith and supersedes the temporary denial order issued against the above respondents on April 10, 1970 (35 F.R. 6199, Apr. 16, 1970), but the terms and restrictions of said temporary order are continued in full force and effect.

II. Except as qualified in paragraph IV hereof, the respondents, for the period of 5 years are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their successors, representatives, agents, and employees, and also to any person, firm, corporation, or other business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. On or after April 10, 1973 the respondents may apply to have the effective denial of their export privileges held in abeyance while they remain on probation. Such application as may be filed shall be supported by evidence showing respondents' compliance with the terms of this order and such disclosure of their import and export transactions and dealings and associations as may be necessary to determine their compliance with this order. Such application will be considered on its merits and in the light of conditions and policies existing at that time. The respondents' export privileges may be restored under such terms and conditions as appear to be appropriate.

V. During the time when the respondents are prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with the respondents, or whereby the respondents may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

Dated: October 13, 1970.

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

[F.R. Doc. 70-14255; Filed, Oct. 22, 1970; 8:47 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 50-250]

## FLORIDA POWER & LIGHT CO.

### Order Extending Provisional Construction Permit Completion Date

By application dated July 13, 1970, Florida Power & Light Co. requested an extension of the latest completion date specified in Provisional Construction Permit No. CPPR-27. The permit authorizes the construction of a pressurized water nuclear reactor designated as the Turkey Point Nuclear Generating Unit No. 3 at Turkey Point, Dade County, Fla.

Good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and section 50.55(b) of 10 CFR Part 50 of the Commission's regulations: *It is hereby ordered*, That the latest completion date specified in Provisional Construction Permit No. CPPR-27 is extended from January 1, 1971, to July 1, 1971.

Dated at Bethesda, Md., this 19th day of October 1970.

For the Atomic Energy Commission.

PETER A. MORRIS,
*Director,*
*Division of Reactor Licensing.*

[F.R. Doc. 70-14268; Filed, Oct. 22, 1970; 8:48 a.m.]

[Docket No. 50-255]

## CONSUMERS POWER CO.

### Notice of Availability of Environmental Report and Application for Operating License and Request for Comments From State and Local Agencies

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D of 10 CFR Part 50, notice is hereby given that the Consumers Power Co. has submitted an environmental report which discusses environmental considerations relating to the proposed operation of the Palisades Nuclear Power Station and also an undated copy of the company's application for a full power operating license, including a Final Safety Analysis Report. Copies of the environmental report and the undated application are being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and in Suite 201, Kalamazoo City Hall, 241 West South Street, Kalamazoo, Mich. Consumers Power Co. has applied for an operating license for the Palisades Nuclear Power Station located on its site on the eastern shore of Lake Michigan in Covert Township, Van Buren County, Mich., approximately 4½ miles south of South Haven, Mich.

A Statement on the Environmental Considerations Involved in the Proposed Operation of the Palisades Nuclear Power Station was sent to the Council on Environmental Quality on June 8, 1970. This statement, prepared by the Regulatory Staff of the AEC, was based in part upon comments from Federal agencies written before the Environmental Policy Act was enacted and which did not direct their attention to the specific considerations enumerated for comment by the Act. By order dated September 3, 1970, the Chairman of the Atomic Safety and Licensing Board, conducting a public hearing on Consumers Power Co.'s application for an operating license, directed that the AEC Regulatory Staff transmit to the various Federal agencies copies of the company's application, including its Final Safety Analysis Report, for comment respecting the environmental considerations enumerated in the Environmental Policy Act.

The Commission hereby requests, within 60 days of publication of this notice in the FEDERAL REGISTER, from State and local agencies of any affected State (with respect to matters within their jurisdiction) which are authorized to develop and enforce environmental standards, comments on the proposed action and on the report. If any such State or local agency fails to provide the Commission with comments within 60 days of publication of this notice in the FEDERAL REGISTER, it will be presumed that the agency has no comments to make.

Copies of Consumers Power Co.'s environmental report, its application, and the comments thereon of Federal agencies (whose comments are being separately requested by the Commission) will be supplied to such State and local agencies upon request addressed to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

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

For the Atomic Energy Commission.

PETER A. MORRIS,
*Director,*
*Division of Reactor Licensing.*

[F.R. Doc. 70-14269; Filed, Oct. 22, 1970; 8:48 a.m.]

[Docket No. PRM-30-49]

## NUCLEAR-CHICAGO CORP.

### Filing of Petition and Extension of General License

Notice is hereby given that the Nuclear-Chicago Corp., 2000 Nuclear Drive, Des Plaines, Ill., by letter dated October 15, 1970, has filed with the Atomic Energy Commission a petition for rule making to exempt from the Commission's licensing requirements certain products that are presently distributed as generally licensed quantities pursuant to § 31.4 of 10 CFR Part 31.

The petitioner requests that the Commission amend 10 CFR Part 30 to exempt the following products:

a. Barium-133 as a sealed source containing approximately 9.5 microcuries of activity, contained within a Liquid Scintillation Counting System for the purpose of internal calibration and standardization.

b. A unit identified as a "Thyroid Phantom" containing 9.5 microcuries of barium-133 and 0.5 microcurie of cesium-137, used to educate medical students and practitioners in the identification of thyroid maladies.

c. An educational kit containing a 9 microcurie cesium-134 source for use in teaching the properties of radiation, principles of G.M. operation and interpretation of nuclear measurements.

The petitioner also requests that it be granted permission for continued distribution under the general license in § 31.4 until the petition for exemption of these products is finally determined.

A notice of rule making published by the Commission on April 22, 1970 (35 F.R. 6426) revoked the general license in § 31.4 6 months after said publication. The notice stated, however, that if a petition for exemption of a product presently being transferred as generally licensed quantities under § 31.4 is filed prior to revocation of the general license, the Director of Regulation will consider extending the general license until such time as the petition for exemption is finally determined.

The Director of Regulation has concluded that the general license in § 31.4 should not be revoked until Nuclear-Chicago Corp.'s petition is finally determined. Accordingly, until further notice is published in the FEDERAL REGISTER the general license in § 31.4 of 10 CFR Part 31 will remain in full force and effect beyond the proposed revocation date of October 22, 1970.

Dated at Washington, D.C., this 21st day of October 1970.

For the Atomic Energy Commission.

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

[F.R. Doc. 70-14353; Filed, Oct. 22, 1970; 8:50 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 21357]

## CARIBBEAN-ATLANTIC AIRLINES, INC.

### Notice of Reassignment of Prehearing Conference Regarding Subsidy Rate

Notice is hereby given that a prehearing conference in the above-entitled matter, previously assigned to be held on November 5, 1970, is reassigned to October 29, 1970, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., October 19, 1970.

[SEAL] ROSS I. NEWMANN,
*Hearing Examiner.*

[F.R. Doc. 70-14275; Filed, Oct. 22, 1970; 8:48 a.m.]

[Docket No. 22658; Order 70-10-91]

## DELTA AIR LINES, INC.

### Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of October 1970.

By tariff revision bearing the posting date of September 24, and marked to become effective November 5, 1970, Delta Air Lines, Inc. (Delta), proposes to establish an exception rating for aircraft, missile, and space vehicle parts (Item No. 217) with a density of less than 10 pounds per cubic foot at 225 percent of the applicable general commodity rates.[1]

In support of its filing, Delta states, inter alia, that the foregoing commodities require higher transport and handling costs because (1) some shippers of light and bulky aerospace parts request that other freight not be loaded on or around such parts because of the fragile and valuable nature of the cargo, and (2) such shipments must often move on a

[1] Revision to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 8.

high priority basis and, therefore, require special handling and preferred service.

Upon consideration of all relevant matters, the Board finds that Delta's proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.

The proposal involves a sharp increase resulting in rates which are 225 percent of the currently applicable general commodity rates. These are based on certain factors which are claimed by the carrier to result in higher costs of transport and handling. Delta, however, presents no factual data as to the effect on costs of these factors which would warrant the sharp increase proposed. Furthermore, the carrier's justification states that only a portion of the shipments to be affected by the proposed increase possesses the characteristics related to higher costs.

In view of the foregoing, the Board will not permit Delta's proposal to go into effect without investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

*It is ordered*, That:

1. An investigation be instituted to determine whether the exception rating applicable via carrier DL in Item No. 195 on 133d Revised Page 204 and the exception rating via carrier DL in Item No. 217 on 134th Revised Page 204 of Airline Tariff Publishers, Inc., Agent's CAB No. 8 (Agent J. Aniello, series), and rules, regulations, and practices affecting such exception ratings, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudical, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful exception ratings, and rules, regulations, or practices affecting such ratings;

2. Pending hearing and decision by the Board, the exception rating applicable via carrier DL in Item No. 195 on 133d Revised Page 204 and the exception rating via carrier DL in Item No. 217 on 134th Revised Page 204 of Airline Tariff Publishers, Inc., Agent's CAB No. 8 (Agent J. Aniello, series) are suspended and their use deferred to and including Febuary 2, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein be assigned for hearing before an examiner of the Board, at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariff and served upon Delta Air Lines, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
*Secretary.*

[F.R. Doc. 70-14276; Filed, Oct. 22, 1970; 8:49 a.m.]

[Docket No. 22574; Order 70-10-90]

## MISSISSIPPI VALLEY AIRWAYS, INC.

### Order To Show Cause Regarding Establishment of Service Mail Rates

Issued under delegated authority October 16, 1970.

Mississippi Valley Airways, Inc. (Mississippi Valley), is an air taxi operator providing services pursuant to Part 298 of the Board's economic regulations. By petition filed September 17, 1970, Mississippi Valley requested the Board to establish final service mail rates for the transportation of mail between Winona, Minn., on the one hand, and Minneapolis, Minn., and Chicago, Ill., on the other.[1]

By Order 69-10-121, October 24, 1969 (Docket 20710), the Board authorized North Central Airlines, Inc., to suspend service at Winona, Minn., subject to the condition that adequate air taxi service be maintained in the market.

No service mail rates are currently in effect for this transportation by Mississippi Valley. The petitioner requests that the multielement service mail rates established for priority mail by Order E-25610, August 28, 1967, in the Domestic Service Mail Rate Investigation, and for nonpriority mail by Order 70-4-9, April 2, 1970, in Nonpriority Mail Rates, be made applicable to this carriage of mail.[2]

On September 28, 1970, the Postmaster General filed an answer supporting Mississippi Valley's petition. The Postmaster General agrees with Mississippi Valley that the domestic multielement service mail rates for priority and nonpriority mail established by Orders E-25610 and 70-4-9 are fair and reasonable rates of compensation for the service proposed.

The Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Mississippi Valley Airways, Inc., by the Postmaster General for the air transportation of mail, the facilities used and useful therefor, and the services connected therewith between Winona, Minn., on the one hand, and Minneapolis, Minn., and Chicago, Ill., on the other.

Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order[3] to include the following findings and conclusions:

1. On and after September 17, 1970, the fair and reasonable final service mail rates to be paid to Mississippi Valley Airways, 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 between Winona, Minn., on the one hand, and Minneapolis, Minn., and Chicago, Ill., on the other, shall be:

(a) For priority mail, the multielement rate established by the Board in Order E-25610, August 28, 1967;

(b) For nonpriority mail, the multielement rate established by the Board in Order 70-4-9, April 2, 1970.

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

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(f),

*It is ordered*, That:

1. All interested persons and particularly Mississippi Valley Airways, Inc., the Postmaster General, and North Central Airlines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates specified above, as the fair and reasonable rates of compensation to be paid to Mississippi Valley Airways, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified below; and

3. This order shall be served upon Mississippi Valley Airways, Inc., the Postmaster General, and North Central Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
*Secretary.*

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed therein and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

[F.R. Doc. 70-14277; Filed, Oct. 22, 1970; 8:49 a.m.]

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[1] By letter dated Sept. 21, 1970, Mississippi Valley corrected certain typographical errors appearing in its petition.

[2] Present service mail rates provide for terminal charges per pound of 9.36 cents at Winona and 2.34 cents at Chicago and Minneapolis, plus line-haul charges per mail ton-mile of 24 cents for priority mail and 11.33 cents for nonpriority mail.

[3] As this order to show cause is not a final action it is not subject to the review provisions of 14 CFR, Part 385. Those provisions will apply to any final action taken by the staff under authority delegated in § 385.16 (g).

[Docket No. 22652; Order 70-10-92]

## SATELLITE AIR FREIGHT, INC.

### Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of October 1970.

By tariff revisions filed September 21, 1970, and marked to become effective October 21, 1970, Satellite Air Freight, Inc. (Satellite), an air freight forwarder, proposes to: (1) Increase excess valuation charges from 15 to 20 cents applicable to that portion of the shipper's declared value in excess of 50 cents per pound or $50 per shipment, whichever is higher; (2) increase the minimum c.o.d. service fee from $1 to $3; and (3) limit the time allowed in reporting claims for damage from 8 to 2 days. No complaints have been received by the Board.

Satellite has provided no data whatsoever on the relationship between revenues from current excess value charges and losses from claims paid on shipments for which such charges have been paid nor otherwise supported this proposed increase charge.[1] The reduced time limit within which a claim for damage must be filed appears unreasonably short compared with other carriers and would have the effect of denying shippers the right to claim damages that may be otherwise legitimate and reasonable. However, the proposed increase in the minimum c.o.d. charge is comparable to those of various forwarders and does not appear to be unreasonable.

Upon consideration of all relevant factors, the Board finds that the proposals to increase excess valuation charges and to reduce the time limit on filing claims for damage may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

*It is ordered*, That:

1. An investigation is instituted to determine whether the provisions of Rule 3(G)(2) on 1st Revised Page 6 and Rule 10(A)(1) on 1st Revised Page 14 of Satellite Air Freight, Inc.'s CAB No. 2 (Cleveland Air Forwarding, Inc., Series), and rules, regulations, or practices affecting such provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful provisions, and rules, regulations, and practices affecting such provisions;

2. Pending hearing and decision by the Board, Rule 3(G)(2) on 1st Revised Page 6 and Rule 10(A)(1) on 1st Revised Page 14 of Satellite Air Freight, Inc's CAB No. 2 (Cleveland Air Forwarding, Inc., Series) are suspended and their use deferred to and including January 18, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariffs and served upon Satellite Air Freight, Inc., who is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
*Secretary.*

[F.R. Doc. 70-14278; Filed, Oct. 22, 1970; 8:49 a.m.]

[1] In recent actions, the Board suspended, pending investigation, (1) increased excess valuation rates proposed by Shulman Air Freight (Order 69-5-78, May 19, 1969, and Order 69-9-107, Sept. 18, 1969); and (2) increased excess valuation rate proposed by Eagle Air Dispatch, Inc. (Order 69-10-155, Oct. 31, 1969).

# OFFICE OF EMERGENCY PREPAREDNESS

## COMMONWEALTH OF PUERTO RICO

### Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); and by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g); notice is hereby given that on October 12, 1970, the President declared a major disaster as follows:

I have determined that the damages in those areas of the Commonwealth of Puerto Rico adversely affected by heavy rains and flooding beginning on or about October 3, 1970, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I therefore declare that such a major disaster exists in the Commonwealth of Puerto Rico. Areas eligible for Federal assistance will be determined by the Director of the Office of Emergency Preparedness.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11495, November 18, 1969 (34 F.R. 18447, Nov. 20, 1969) to administer the Disaster Relief Act of 1969 (Public Law 91-79, 83 Stat. 125), I hereby appoint Mr. George A. Flowers, Disaster Assistance Coordinator, OEP Region 1, to act as the Federal Coordinating Officer to perform the duties specified by section 9 of that Act for this disaster.

I do hereby determine the following areas in the Commonwealth of Puerto Rico to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 12, 1970:

The Municipalities of:

| | |
|---|---|
| Adjuntas. | Las Piedras. |
| Aguas Buenas. | Loiza. |
| Aibonito. | Luquillo. |
| Arecibo. | Manati. |
| Arroyo. | Maunabo. |
| Barceloneta. | Morovis. |
| Bayamon. | Naguabo. |
| Caguas. | Naranjito. |
| Carolina. | Orocovis. |
| Catano. | Patillas. |
| Cayey. | Penuelas. |
| Ciales. | Ponce. |
| Cidra. | Salinas. |
| Coamo. | San Juan. |
| Comerio. | San Lorenzo. |
| Corozal. | San Sebastian. |
| Dorado. | Santa Isabel. |
| Fajardo. | Toa Alta. |
| Guayama. | Toa Baja. |
| Guaynabo. | Trujillo Alto. |
| Gurabo. | Utuado. |
| Humacao. | Vega Alta. |
| Jayuya. | Vieques. |
| Juana Diaz. | Villalba. |
| Juncos. | Yabucoa. |

Dated: October 19, 1970.

G. A. LINCOLN,
*Director,*
*Office of Emergency Preparedness.*

[F.R. Doc. 70-14246; Filed, Oct. 22, 1970; 8:46 a.m.]

## OKLAHOMA

### Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); and by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g); notice is hereby given that on October 14, 1970, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of Oklahoma adversely affected by tornadoes, heavy rains, and flooding, beginning on or about October 5, 1970, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I therefore declare that such a major disaster exists in the State of Oklahoma. Areas eligible for Federal assistance will be determined by the Director of the Office of Emergency Preparedness.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11495, November 18, 1969 (34 F.R. 18447, Nov. 20, 1969) to administer the Disaster Relief Act of 1969 (Public Law 91-79, 83 Stat. 125), I hereby appoint Mr. George E. Hastings, Regional Director, OEP Region 5, to act as the Federal Coordinating Officer to perform the duties specified by section 9 of that Act for this disaster.

I do hereby determine the following areas in the State of Oklahoma to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 14, 1970:

The counties of:

Cleveland. Pottawatomie.
Lincoln.

Dated: October 19, 1970.

G. A. LINCOLN,
*Director,*
*Office of Emergency Preparedness.*

[F.R. Doc. 70-14247; Filed, Oct. 22, 1970; 8:46 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Report No. 514]

## COMMON CARRIER SERVICES INFORMATION [1]

### Domestic Public Radio Services Applications Accepted for Filing [2]

OCTOBER 19, 1970.

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

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

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

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

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

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

*File No., applicant, call sign and nature of application*

1799-C2-ML-71—Central Telephone Co. of California (KMM632), Modification of license to change frequencies to 152.63 MHz base and 157.89 MHz test. All other terms of the existing license remain the same.

1950-C2-P-71—Mobilfone of Kansas (KPL933), C.P. to add control facilities to operate on frequency 454.15 MHz at a new site described as location No. 4: 2726 Hickory Street, Hays, Kans.

1953-C2-P-(3)-71—Radio Page Communications, Inc. (KME438), C.P. to add control facilities to operate on frequencies 2171.6, 2162.0, and 2178.0 MHz at a new site described as location No. 7: 611 West Sixth Street, Los Angeles, Calif.

1954-C2-MP-(2)-71—Telephone Answering Service, Inc. (KGA805), Modification of C.P. to relocate facilities operating on 43.58 MHz at location No. 2 to: 309 Bailey Street, Pittsburgh, Pa., and change the antenna system at location No. 4: The Washington Plaza Apartments, 1420 Centre Avenue, Pittsburgh, Pa., operating on frequency 43.58 MHz.

1997-C2-P-71—Tri-City Radio Dispatch Service, Inc. (New), C.P. for a new 1-way station to be located at 1795 Tittabawasee Road, Carrolton, Mich., to operate on frequency 158.70 MHz.

1998-C2-P-71—General Telephone Co. of the Southwest (New), C.P. for a new 2-way station to be located at the Intersection of Dillon and Bernice Streets, Spearman, Tex., to operate on frequency 152.60 MHz.

2005-C2-P-71—Professional Answering (New), C.P. for a new 2-way station to be located on Orchard Road, Jamestown, N.Y., to operate on frequency 152.12 MHz.

2006-C2-P-71—ComEx, Inc. (KCI295), C.P. for an additional channel on frequency 454.10 MHz to be located at a new site described as location No. 2: Near intersection Dracutt Road and Sherburne Road, approximately 4 miles southeast of Nashua, N.H.

2007-C2-P-(3)-71—Salinas Valley Radio Telephone Co. (KMA837), C.P. to add repeater facilities to operate on frequency 2121 MHz at location No. 1: Mount Toro, 10.3 miles south-southeast of Salinas, Calif.; change control frequencies from 72.06 and 74.06 MHz to 2171 MHz at location No. 2: 323 Rianda Street, Salinas, Calif., and add repeater facilities to operate on frequency 2161 MHz at location No. 3: 4095 Sun Ridge Road, Pebble Beach, Calif.

2008-C2-P-71—New England Telephone & Telegraph Co. (KCC793), C.P. to add auxiliary test facilities on frequency 459.800 MHz to be located at 173 Boston Street, Dorchester, Mass.

2028-C2-P-71—Vermilion Mobil, Inc. (New), C.P. for a new 2-way station to be located at 10 miles southeast of Pecan Island, Abbeville, La., to operate on frequency 152.15 MHz.

2029-C2-MP-(2)-71—Communications Equipment & Service Co. (KWA632), Modification of C.P. to replace transmitters operating on frequencies 152.03 and 152.09 MHz at location No. 1: Ester Dome, Alaska also change the antenna system for same.

2045-C2-P-71—Philadelphia Mobile Telephone Co. (KGI775), C.P. to add frequency 454.150 MHz at station located at WTAF Tower, East Domino Lane, Philadelphia, Pa.

2046-C2-P-71—Summit Mobile Radio Co. (KCI304), C.P. to change frequency to 454.075 MHz; replace transmitter on same and relocate facilities at location No. 1 to: 20 Cook Street, Auburn, Maine.

*Correction*

5294-C2-P-70—Office Service Bureau, Inc. (New), Correct entry to read: to operate on frequency 152.09 MHz. All other particulars to remain the same as reported on Public Notice dated May 18, 1970, Report No. 492.

RURAL RADIO SERVICE

1960-C1-P/L-71—Communications Engineering, Inc. (New), C.P. and license for a new rural subscriber station to operate on frequencies 158.49, 158.52, 158.55, 158.61, and 158.67 MHz. Location: 15 miles north of Kenai Road, Kenai, Alaska.

1961-C1-P/L-71—Communications Engineering, Inc. (New), Same as above, except, to be located at 5 miles south of Tyonek, Cook Inlet, Alaska.

1962-C1-P/L-71—Communications Engineering, Inc. (New), Same, except, to be located at 17 miles northwest of Kenai, Cook Inlet, Alaska.

1963-C1-P/L-71—Communications Engineering, Inc. (New), Same, except, to be located at 16 miles southwest of Tyonek, Cook Inlet, Alaska.

1964-C1-P/L-71—Communications Engineering, Inc. (New), Same, except, to be located at 16 miles southwest of Tyonek, Cook Inlet, Alaska.

1965-C1-P/L-71—Communications Engineering, Inc. (New), Same, except, to be located at 16 miles north of Kenai Road, Kenai, Alaska.

1966-C1-P/L-71—Communications Engineering, Inc. (New), Same, except, to be located at 22 miles northwest of Kenai, Cook Inlet, Alaska.

1967-C1-P/L-71—Communications Engineering, Inc. (New), Same, except, to be located at 11 miles north of Kenai Road, Kenai, Alaska.

1968-C1-P/L-71—Communications Engineering, Inc. (New), Same, except, to be located at 14 miles north of Kenai Road, Kenai, Alaska.

1969-C1-P/L-71—Communications Engineering, Inc. (New), Same, except, to be located at 19 miles north of Kenai, Cook Inlet, Alaska.

1970-C1-P/L-71—Communications Engineering, Inc. (New), Same, except, to be located at 10 miles northwest of Kenai, Alaska.

1971-C1-P/L-71—Communications Engineering, Inc. (New), Same, except, to be located at 9 miles south of Tyonek, Cook Inlet, Alaska.

1972-C1-P/L-71—Communications Engineering, Inc. (New), Same, except, to be located at Granite Point, 3 miles southwest of Tyonek, Alaska.

1973-C1-P/L-71—Communications Engineering, Inc. (New), Same, except, to be located at West Foreland, 20 miles northwest of Kenai, Alaska.

RURAL RADIO SERVICE—continued

1974-C1-P/L-71—Communications Engineering, Inc. (New), Same, except, to be located at Kenai Airport, Kenai, Alaska.
1975-C1-P/L-71—Communications Engineering, Inc. (New), Same, except, to be located at Daniels Lake, 12 miles north of Kenai, Alaska.
1976-C1-P/L-71—Communications Engineering, Inc. (New), Same, except, to be located at 31 miles west of Drift River, Kenai, Alaska.
1977-C1-P/L-71—Communications Engineering, Inc. (New), Same, except, to be located at 31 miles northwest of Kenai, Cook Inlet, Alaska.
1978-C1-P/L-71—Communications Engineering, Inc. (New), Same, except, to be located at the southwest portion of village, Old Tyonek, Alaska.
1979-C1-P/L-71—Communications Engineering, Inc. (New), Same, except, to be located at 16 miles southwest of Tyonek, Cook Inlet, Alaska.
1980-C1-P/L-71—Communications Engineering, Inc. (New), Same, except, to be located at 16 miles north of Kenai Road, Kenai, Alaska.
1981-C1-P/L-71—Communications Engineering, Inc. (New), Same, except, to be located at 11 miles southwest of Tyonek, Cook Inlet, Alaska.
1982-C1-P/L-71—Communications Engineering, Inc. (New), Same, except, to be located at 3 miles south of Kenai, Kalifonsky Beach, Alaska.
1983-C1-P/L-71—Communications Engineering, Inc. (New), Same, except, to be located at 17 miles north of Kenai, Cook Inlet, Alaska.
1984-C1-P/L-71—Communications Engineering, Inc. (New), Same, except, to be located at 6 miles south of Tyonek, Cook Inlet, Alaska.
1985-C1-P/L-71—Communications Engineering, Inc. (New), Same, except, to be located at 31 miles northwest of Kenai, Cook Inlet, Alaska.
1986-C1-P/L-71—Communications Engineering, Inc. (New), Same, except, to be located at 13 miles north of Kenai, Nikishka, Alaska.
1987-C1-P/L-71—Communications Engineering, Inc. (New), Same, except, to be located at Alexander Lake, 8 miles southeast of Anchorage, Alaska.
1988-C1-P/L-71—Communications Engineering, Inc. (New), Same, except, to be located at Alexander Creek, 37 miles west of Anchorage, Alaska.
1989-C1-P/L-71—Communications Engineering, Inc. (New), Same, except, to be located at 18 miles north of Kenai, Cook Inlet, Alaska.
1999-C1-P-71—South Central Bell Telephone Co. (New), C.P. for a new rural subscriber station to be located at approximately 10 miles east-northeast of Pecan Island, La., to operate on frequencies 157.83 and 158.04 MHz.
2000-C1-P-71—South Central Bell Telephone Co. (New), C.P. for a new rural subscriber station to be located at Fort St. Philip, approximately 7 miles northwest of Venice, La., to operate on frequency 459.40 MHz.
2014-C1-P-71—Pacific Northwest Bell Telephone Co. (New), C.P. for a new central office fixed station to be located at Crescent Butte, 1 mile southeast of Gilchrist, Oreg., to operate on frequency 152.60 MHz.
2015-C1-P-71—Pacific Northwest Bell Telephone Co. (New), C.P. for a new rural subscriber station to be located at Spring River, 16 miles south-southwest of Bend, Oreg., to operate on frequency 157.86 MHz.
2016-C1-P-71—Pacific Northwest Bell Telephone Co. (New), C.P. for a new rural subscriber station to be located at Welch Butte, 8.9 miles south-southwest of Chemult, Oreg., to operate on frequency 157.86 MHz.
2017-C1-P-71—Pacific Northwest Bell Telephone Co. (New), C.P. for a new central office fixed station to be located at Haymaker, 4.2 miles southwest of Keno, Oreg., to operate on frequency 152.75 MHz.
2018-C1-P-71—Pacific Northwest Bell Telephone Co. (New), C.P. for a new rural subscriber station to be located at Cave Mountain, 3 miles northeast of Chiloquin, Oreg., to operate on frequency 158.01 MHz.
2019-C1-P-71—Pacific Northwest Bell Telephone Co. (New), C.P. for a new rural subscriber station to be located at Medicine Mountain, 3 miles southeast of Beatty, Oreg., to operate on frequency 158.01 MHz.
2020-C1-P-71—Pacific Northwest Bell Telephone Co. (New), C.P. for a new rural subscriber station to be located at Brady Butte, 22.7 miles southeast of Bonanza, Oreg., to operate on frequency 158.01 MHz.

RURAL RADIO SERVICE—continued

2021-C1-P-71—Pacific Northwest Bell Telephone Co. (KSP96), C.P. to add frequency 454.50 MHz at station located at Awbrey Butte, 1.8 miles northwest of Bend, Oreg., to operate on frequency 454.50 MHz.
2022-C1-P-71—Pacific Northwest Bell Telephone Co. (New), C.P. for a new rural subscriber station to be located at Hoodoo Butte, 18.2 miles west-northwest of Sisters, Oreg., to operate on frequency 459.50 MHz.
2026-C1-P-71—Silver Beehive Telephone Co. (New), C.P. for a new rural subscriber station to be located at 17 miles south of Grouse Creek, Utah, to operate on frequency 454.65 MHz.
2027-C1-P-71—Silver Beehive Telephone Co. (New), C.P. for a new rural subscriber station to be located near Lakeside, Utah, to operate on frequency 459.65 MHz.

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

1951-C1-P/ML-71—Illinois Bell Telephone Co. (KZA71), C.P. and modification of license to add frequency 6330.7 MHz toward Jacksonville, Ill. Location: 4.5 miles northwest of Berlin, Ill.
1952-C1-P/ML-71—Illinois Bell Telephone Co. (KSO34), C.P. and modification of license to add frequency 4070 MHz toward Berlin, Ill. Location: 620 South Fifth Street, Springfield, Ill.
1955-C1-P/L-71—Golden West Telephone Co. (New), C.P. and License for a new temporary fixed location within the territory of the grantee. Frequencies: 2110–2130 MHz, 2160–2180 MHz, 3700–4200 MHz, 5925–6425 MHz, 10,700–11,700 MHz, and 13,200–13,250 MHz.
1956-C1-P-71—Data Transmission Co. (New), C.P. for a new station to be located at Bull Run Mountain, 4.6 miles south-southwest of Aldie, Va. Frequency: 11,625 MHz toward Tysons Corner, Va.
1957-C1-P-71—Data Transmission Co. (New), C.P. for a new station to be located at Tysons Corner, 1920 Aline Avenue, Vienna, Va. Frequency: 11,015 MHz toward Bull Run Mountain, Va.
1960-C1-P-71—Wisconsin Telephone Co. (New), C.P. for a new station to be located at 4 miles north-northeast of Waunakee, Wis. Frequency: 2122.0 MHz toward Madison, Wis.

(Informative: This C.P. application was erroneously left off of Public Notice dated October 12, 1970, should be included with the 14 C.P. applications for a new Microwave System between Milwaukee and the Point Beach nuclear plant as a system between Madison and the Waunakee substation as well.)

2001-C1-P-71—Southwestern Bell Telephone Co. (KKB49), C.P. to add frequency 6367.7 MHz toward West, Tex. Location: 10th and Washington Avenue, Waco, Tex.
2002-C1-P-71—Southwestern Bell Telephone Co. (KKB47), C.P. to add frequency 6115.7 MHz toward Waco, Tex., and 6130.5 MHz toward Hillsboro, Tex. Location: 3 miles southwest of West, Tex.
2010-C1-P-71—United Telephone Co. of Florida (KIU43), C.P. to add frequency 5989.7 and 6108.3 MHz toward West Frostproof, Fla. Location: 21 North Lake Avenue, Avon Park, Fla.
2011-C1-P/ML-71—The New York Telephone Co. (KEA67), C.P. and modification of license to add frequency 10,835 and 11,605 MHz toward New York, N.Y. Location: 355 Forest Avenue, Staten Island, N.Y.
2012-C1-P/ML-71—The New York Telephone Co. (KEA67), C.P. and modification of license to add frequency 5945.2 and 6286.2 MHz toward Brooklyn, N.Y. Location: 355 Forest Avenue, Staten Island, N.Y.
2013-C1-P/L-71—The New York Telephone Co. (New), C.P. and license for a new station to be located at 101 Willoughby Street, Brooklyn, N.Y. Frequencies: 6063.8 and 6375.2 MHz toward North Staten Island, N.Y.
2030-C1-P-71—MCI Mid-Contient Communications, Inc. (New), C.P. for a new fixed station 1.1 miles northwest of Greenland, Colo., latitude 39°11'51" N., longitude 104°50'35" W. Frequencies 3770 and 3930 MHz toward Parker, Colo., and frequencies 11,425 and 11,665 MHz toward Manitou Springs, Colo.
2031-C1-P-71—MCI Mid-Contient Communications, Inc. (New), C.P. for a new fixed station 7.1 miles southwest of Manitou Springs, Colo., latitude 38°46'21" N., longitude 104°59'32" W. Frequencies: 10,935 and 11,175 MHz toward Colorado Springs, Colo.; 6197.2 and 6315.9 MHz toward Pueblo, Colo., and frequencies 10,895 and 11,135 MHz toward Greenland, Colo.

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

2032-C1-P-71—MCI Mid-Contient Communications, Inc. (New), C.P. for a new fixed station at 100 Chase Stone Center, Colorado Springs, Colo., latitude 38°50'02" N., longitude 104°49'19" W. Frequencies 11,425 and 11,665 MHz toward Manitou Springs, Colo.

2033-C1-P-71—MCI Mid-Contient Communications, Inc. (New), C.P. for a new fixed station at First National Bank of Pueblo, Pueblo, Colo., latitude 38°16'19" N., longitude 104°36'31" W. Frequencies 5974.8 and 6093.5 MHz toward Manitou Springs, Colo.

(Informative: Applicant is proposing to extend the specialized communication service proposed in applications Files Nos. 8235 through 8291-C1-P-70, which appeared on Public Notice dated June 22, 1970, to Colorado Springs and Pueblo, Colo.)

2048-C1-P-71—MCI-North Central State, Inc. (New), C.P. for a new fixed station at Des Plaines, Ill., latitude 42°02'30" N., longitude 87°51'57" W. Frequencies 11,425 and 11,665 MHz toward Chicago, Ill., and frequencies 6226.9 and 6345.5 MHz toward Waukegan, Ill.

(Informative: This proposed station will be part of the previous proposal submitted by MCI—North Central State, Inc., applications Files Nos. 2868-C1-P-70, which appeared on Public Notice dated Dec. 1, 1969.)

*Correction*

993-C1-P-71—American Telephone & Telegraph Co. (KIJ90), Corrected to read: C.P. to add 3810 MHz toward Hillsboro, N.C. Location: 1 mile southeast of Browns Summit, N.C., was on Public Notice dated Aug. 24, 1970.

*Major Amendment*

2838-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Add frequencies 3730 and 3890 MHz toward a new point of communication at Greenland, Colo. Station location: 10.1 miles east of Parker, Colo. All other particulars same as reported on Public Notice dated June 22, 1970.

2875-C1-P-70—MCI-North Central State, Inc. (New), Delete Arlington, Wis., as a point of communication and add Sun Prairie, Wis., as the point to reception for frequencies 5989.7 and 6108.3 MHz. Station location: 4.5 miles south of North Freedom, Wis.

2876-C1-P-70—MCI-North Central State Inc. (New), Change proposed station location to 1.3 miles west of Sun Prairie, Wis., latitude 43°10'47" N., longitude 89°16'47" W. Frequencies 6241.7 and 6360.3 MHz toward North Freedom, Wis.; 6212.0 and 6330.7 MHz toward Lake Mills, Wis., and frequencies 11,305 and 11,625 MHz toward Madison, Wis.

2877-C1-P-70—MCI-North Central State, Inc. (New), Change proposed station location to 3490 Milwaukee Street, Madison, Wis., latitude 43°06'09" N., longitude 89°19'48" W. Delete Arlington, Wis., as a point of communication and add Sun Prairie, Wis., as the point of reception for frequencies 11,015 and 11,175 MHz.

2878-C1-P-70—MCI-North Central State, Inc. (New), Delete Arlington, Wis., as a point to communication and add Sun Prairie, Wis., as the point of reception for frequencies 5930.0 and 6078.6 MHz. Station location: 2.9 miles northwest of Lake Mills, Wis.

2882-C1-P-70—MCI-North Central State, Inc. (New), Delete frequency 5989.7 MHz and Chicago, Ill., as a point of communication and add frequencies 5974.8 and 6093.5 MHz toward new point of communication at Des Plaines, Ill. Station location: Corner of Sheridan Road and Washington Street, Waukegan, Ill.

2883-C1-P-70—MCI-North Central State, Inc. (New), Delete frequency 6241.7 MHz and Waukegan, Ill., as a point of communication and add frequencies 10,775 and 11,015 MHz toward new point of communication at Des Plaines, Ill. Station location: John Hancock Building, Michigan Avenue, Chicago, Ill. All other particulars same as reported in Public Notice dated Dec. 1, 1969.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

2047-C1-MP-71—Mountain Microwave, Inc. (WAN45), Modification of C.P. File No. 7901-C1-P-70 to change frequency to 6212.0 MHz on azimuth 52°28'. Location: Nelson Peak, 18 miles southwest of Salt Lake City, Utah.

2049-C1-MP-71—Wyoming Microwave Corp. (WAY74), Modification of C.P. to change location of station to Bear Park, 20 miles north of Hanna, Wyo., at latitude 42°09'52" N., longitude 106°35'03" W. Frequency 6019.3 MHz on azimuth 15°51', 231°39' and 330°15'.

[F.R. Doc. 70-14285; Filed, Oct. 22, 1970; 8:49 a.m.]

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[Dockets Nos. 19055-19057; FCC 70-1118]

## FIDELITY BROADCASTING CORP., ET AL.

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

In regard applications of Fidelity Broadcasting Corp., Guayama, P.R., requests: 840 kc., 250 w., Day, Class II, Docket No. 19055, File No. BP-17777; Lucas Tomas Muniz, Yabucoa, P.R., requests: 840 kc., 250 w., Day, Class II, Docket No. 19056, File No. BP-17990; James Calderon, Yabucoa, P.R., requests: 840 kc., 250 w., Day, Class II, Docket No. 19057, File No. BP-18003; for construction permits.

1. The Commission has before it for consideration (a) the above-captioned applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; (b) a petition by James Calderon for waiver of § 1.591(b) of the rules and late acceptance; (c) an opposition pleading by Fidelity Broadcasting Corp., and (d) a reply to opposition filed by Calderon.

2. James Calderon's request that his application be accepted for filing is supported by affidavits indicating that: (a) The Calderon application was brought to the new Commission quarters on December 5, 1967, the "cut-off" date, shortly before 5 p.m. The courier proceeded directly to the fee office only to find the corridor doors locked; (b) the courier then proceeded to the Office of the Secretary to advise of the alleged premature closing of the fees office and to present the application to the Secretary. The office of the Secretary was open although it also had a 5 p.m. closing time.

3. In opposition, Fidelity Broadcasting cites Valley Broadcasting Co., Inc. v. F.C.C., 99 U.S. App. D.C. 156 (1956), for the proposition that the 5 p.m. deadline has been recognized by the Court, although it held that "zeal for orderly procedures hardly calls for such Cinderella-like treatment of a protest when the filing party is in the filing office before closing time to present the necessary documents. The denial of the right to a public hearing in these circumstances cannot be allowed to stand on such arbitrary ground." Thus, Fidelity concludes the relief afforded in the Valley case is not available to Calderon because its application was not in the proper place by the 5 p.m. deadline.

4. The fact that the courier was able to gain admittance to the office of the Secretary indicates that the fee office was or should have been open at the time the courier arrived at the locked corridor doors. Subsequent Commission investigation has shown that the possibility does exist that these doors could have been inadvertently closed and locked while the fee office was still open. The Commission believes that this situation was due in part to the confusion existing in the halls and offices of the Commission during its move to its new quarters while construction was still underway in the lobby. Moreover, although prospective applicants are informed by signs in the building to report to the fee office, the rules themselves, §§ 1.512 and 1.1103, do not specify the fee office in particular, but speak only in terms of the Commission's main office in Washington. Thus, it would not be unreasonable for an applicant, faced with an imminent deadline, to tender his application at the Secretary's office. To deprive an applicant of his right to a hearing under these circumstances would be Draconian. Accordingly, the application of James Calderon will be accepted for filing, nunc pro tunc.

5. In Suburban Broadcasters, 30 FCC 1020, 20 RR 951 (1961), in the City of Camden (WCAM), 18 FCC 2d 412 (1969), 16 RR 2d 555, and more recently in our proposed Primer on Ascertainment of Community Problems by Broadcast Applicants, 34 F.R. 20282, 20 FCC 2d 880, we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. James Calderon appears to have elicited programming preferences and not community needs and interests. Moreover, he has not identified the individuals interviewed and we are unable to determine whether a representative cross-section of the area has been consulted. Accordingly, a Suburban issue is required for James Calderon. Lucas Tomas Muniz has interviewed only nine people in regard to

ascertaining community needs and interests. This does not appear to be a statistically reliable sample of the population. Also, a paucity of suggestions have been provided from this survey and Mr. Muniz has apparently not evaluated these suggestions. Thus, the Commission is unable at this time to determine whether Mr. Muniz is aware of and responsive to the needs of the area. Accordingly, a Suburban issue is also required for Lucas Tomas Muniz. Although Fidelity Broadcasting Corporation appears to have made extensive efforts to ascertain community needs and interests, no information concerning the makeup of the population to be served has been provided. Consequently, we are unable to determine whether a true representative cross-section of the area to be served has been consulted. Accordingly, a Suburban issue is also required for Fidelity Broadcasting Corp.

6. James Calderon, one of the applicants for Yabucoa, is also vice president and a 1 percent stockholder of the licensee of station WVOZ, Carolina, P.R., and an employee of station WIAC, San Juan. Since a grant of his proposal for a new station in Yabucoa would result in 1 mv/m overlap with both WVOZ and WIAC thus raising a substantial question as to contravention of § 73.35(a), Mr. Calderon has agreed to divest himself of all interest in these two stations if he receives authorization for a Yabucoa station. Accordingly, an appropriate condition will be imposed in the event of a grant.

7. Since both James Calderon and Fidelity Broadcasting have failed to keep the financial portion of their applications current, they will have to establish their qualifications in hearing. Thus, a financial issue has been included as to these applicants.

8. The proposal for Guayama and the two Yabucoa proposals would serve substantial areas in common. Consequently, in addition to determining pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the operations would best provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

10. *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 applicants 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 the efforts made by the applicants to ascertain the community needs and interests of the area to be served and the means by which they propose to meet those needs and interests.

(3) To determine whether James Calderon and Fidelity Broadcasting Corp. are financially qualified to construct and operate their proposed stations.

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

(5) To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would, on a comparative basis, better serve the public interest.

(6) To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience, and necessity.

11. *It is further ordered*, That the petition for waiver filed by James Calderon is granted.

12. *It is further ordered*, That the above-captioned James Calderon application is accepted for filing, nunc pro tunc December 5, 1967.

13. *It is further ordered*, That, in the event of a grant of the above-captioned James Calderon application, the construction permit shall contain the following condition:

Program tests will not be authorized until James Calderon has severed all connection with Station WVOZ, Carolina, P.R., and Station WIAC, San Juan, P.R.

14. *It is further ordered*, That James Calderon and Fidelity Broadcasting Corp. shall publish local notice of the filing of their applications as required by section 311(a)(1) of the Act.

15. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants 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.

16. *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 application of such notice as required by § 1.594(g) of the rules.

Adopted: October 14, 1970.

Released: October 19, 1970.

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

[F.R. Doc. 70-14286; Filed, Oct. 22, 1970; 8:50 a.m.]

[Dockets Nos. 19053, 19054; FCC 70-1117]

## QUALITY RADIO, INC. AND L. STANLEY WALL

### Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Quality Radio, Inc., Scottdale, Pa., requests: 103.9 mcs., No. 280; 560 w. (H); 560 w. (V); 620 feet, Docket No. 19053, File No. BPH-7051; L. Stanley Wall, Scottdale, Pa., requests: 103.9 mcs., No. 280; 325 w. (H); 325 w. (V); 781 feet, Docket No. 19054, File No. BPH-7136; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. According to its application Quality Radio would require $43,600 to construct and operate its proposed station for 1 year without reliance on revenues. To meet this requirement, applicant relies on a commitment from the former majority stockholder. Since this sum no longer appears to be available, a financial issue will be specified.

3. In Suburban Broadcasters, 30 FCC 951 (1961), our Public Notice of August 22, 1968, FCC 68-847, 13 RR 2d 1903, City of Camden (WCAM), 18 FCC 2d 412 (1969), and our proposed Primer on Ascertainment of Community Problems by Broadcast Applicants, FCC 69-1402, released December 19, 1969, we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. In this case neither applicant has established that it has contacted a representative cross-section of the area and adequately provided the comments regarding community needs obtained from such contacts. Likewise, neither applicant has adequately provided a listing of specific programs responsive to specific community needs as evaluated. As a result, we are unable at this time to determine whether either of the applicants is aware of and responsive to the needs of the area. Accordingly, Suburban issues are required.

4. A full comparison of the programing proposals is warranted when there is a substantial and material difference in the programing plans of the applicants. Such a substantial and material difference exists in this case because Quality Radio proposes to operate only 36 hours per week while L. Stanley Wall proposes to operate 126 hours per week. Therefore, the programing proposals of the applicants may be compared under the standard comparative issue.

5. Data submitted by the applicants indicate that there would be a significant difference in the size of the populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive FM service of 1 mv/m or greater intensity, together with the availability of other primary aural services in such areas will be considered under the standard comparative

issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. *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 whether Quality Radio has available the $43,600 required for construction and first-year operation of its proposed station without reliance on revenues to thus demonstrate its financial qualifications.

(2) To determine the efforts made by Quality Radio 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.

(3) To determine the efforts made by L. Stanley Wall 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.

(4) To determine which of the proposals would, on a comparative basis, better serve the public interest.

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

8. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (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.

9. *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 14, 1970.

Released: October 19, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 70-14287; Filed, Oct. 22, 1970; 8:50 a.m.]

[1] Commissioner Bartley concurring but would add a final issue concerning L. Stanley Wall.

[Dockets Nos. 19051, 19052; FCC 70-1116]

## TRI-COUNTY RADIO CO., INC. AND SOUTHERN ELECTRONICS CO., INC.

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

In regard application of Tri-County Radio Co., Inc., Winona, Miss., Requests: 1190 k.c., 500 w., Day, For Construction Permit, Docket No. 19051, File No. BP-17859; Southern Electronics Co., Inc., Winona, Miss., Has: 1570 k.c., 1 kw., Day, For Renewal of License, Docket No. 19052, File No. BR-3733.

1. The Commission has before it for consideration (a) the above-captioned applications; (b) a petition to deny, as supplemented, filed by Southern Electronics Co., Inc., licensee of station WONA, Winona, Miss.; and (c) pleadings in opposition and reply thereto.

2. The petitioner claims standing as a party in interest on the ground that the proposed station would serve substantially the same area, compete for audience and advertising revenues, and cause economic injury to WONA. The Commission finds that the petitioner does have such standing within the meaning of section 309(d) of the Communications Act of 1934, as amended, and § 1.580(i) of the Commission's rules. FCC v. Sanders Bros. Radio Station, 309 U.S. 470, 9 RR 2008 (1940).

3. Petitioner contends that a grant of the Tri-County application would result in a net diminution of radio service to the public and may ultimately result in the demise of one of the two stations. The petitioner, in seeking to raise a Carroll[1] issue provides a substantial amount of information and economic data in its attempt to meet the pleading requirements set out in Missouri-Illinois Broadcasting, FCC 64-748, 3 RR 2d 232 (1964).

4. WONA states that 38.6 percent of the families in Montgomery County, the county in which Winona is situated, are poverty level families according to standards set by the Office of Economic Opportunity. Petitioner goes on to show how it has derived the maximum potential advertising revenue from its available market. The petitioner reaches this conclusion by correlating the volume of retail sales in Montgomery County to an industry rule which recognizes a 0.2 to 0.4 percent of retail sales as a yardstick for measuring the potential advertising revenue in a market. During preceding years, the petitioner has derived advertising revenues in excess of 0.5 percent of total retail sales.

5. In further support of the claim that all potential advertising revenues have been exploited, petitioner provides an analysis of the businesses in Montgomery County. Of the total number of 374 business establishments in Montgomery County and the town of Vaiden in adjacent Carroll County, 138 have advertised on petitioner's station and 236 have not. WONA contends that these 236 businesses (small grocers, barbers, and beauticians, small cafes, etc.) are too small to be an existing or potential source of advertising revenue. Petitioner also contends that the Winona market is too small to attract substantial amounts of regional and national advertising as evidenced by a letter from M. A. Sales Co., Inc., a national radio representative.

6. Going on to show how a new station would cause a net loss or degradation of program service to Montgomery County and Vaiden, petitioner states that, faced with a substantial loss in revenue, it would have to make numerous changes in its operation. The changes which the petitioner describes include the following: (i) Elimination of local live programing production expenses in the amount of $15,000 to $20,000 per annum; (ii) reduction of the staff by the equivalent of two full-time employees due to the fact that station personnel now devote in excess of 80 hours a week in the production of a local live program service;[2] and (iii) diminution of programing to a level of providing only music and "up-and-read" news service with, at best, nominal attention to local program needs and interests.

7. In its opposition to the petition, the Tri-County challenges petitioner's arguments concerning the economics of the Winona market, asserting that in addition to the some 23 manufacturing concerns in Montgomery County, having payrolls in excess of $5,500,000, there has been a significant establishment of new industries and additions to existing concerns in the Winona area. Tri-County has also submitted economic data showing a rise in business activity, an increase in residential and commercial building, a rise in property values and the undertaking of major capital improvements in the Winona area.

8. Tri-County also asserts that the petitioner is incorrect in stating that advertising support and potential is to be derived solely from Montgomery County, plus the community of Vaiden in Carroll County. Applicant argues that the remainder of Carroll County, situated only 1.1 miles from Winona should also be included notwithstanding any alleged "ties" with Greenwood, Miss., located further to the west. Accordingly, Tri-County concludes, the advertising potential is greater than what the petitioner indicates. The applicant also mentions that two radio stations in a given market will generate a greater amount of total advertising revenue than will one broadcast station. In this regard, the Tri-County argues that there have been no allegations of fact, that loss of revenues to petitioner, even if foreseeable, would deprive the public of service now rendered by station WONA. Moreover, the applicant disputes the cost figures that petitioner relates to his present programing efforts.

9. In its opposition to the petition to deny, Tri-County also submitted signed, mimeographed statements from merchants in the area indicating a willingness to advertise in order to demonstrate

[1] Carroll Broadcasting Co. v. FCC, 258 F. 2d 440, 17 RR 2066.

[2] Approximately 25 percent of its broadcast week.

additional advertising potential for a Winona station. In its reply to the opposition, WONA submitted counterstatements from 71 merchants of those solicited for advertising revenue by the Tri-County. According to some of these counterstatements, 35 merchants have no plan to advertise on a Winona radio station, 11 merchants are outside the service area of the present Winona radio station and offer a potential of less than $100 per year in advertising, and 29 are merchants now advertising on station WONA and do not offer a potential for any material increase in advertising on a new Winona radio station.

10. Although the applicant appears to have effectively rebutted some of the petitioner's economic allegations and data, we find that a hearing is required. In this regard, we note that the Court in Folkways Broadcasting Co., 375 F. 2d 299, 8 RR 2d 2089 (1967), decreed that:

> * * * At times there might be a knowledge of a specific financial loss and its detrimental consequence on programing, but we think a Carroll hearing may not be limited to a case in which preknowledge of the exact economics of the situation is necessarily available. Requiring such precision would eliminate the doctrine as a practical matter.

11. For this reason, we find that there are substantial and material questions of fact concerning the ability of the Winona market to support another standard broadcast station without a net degradation of program service to the public. Accordingly, a Carroll issue will be specified. In view of the foregoing, we come to the request by the applicant that if a Carroll issue were to be resolved in favor of the petitioner, petitioner's renewal application be consolidated for comparative hearing in this proceeding. Inasmuch as petitioner's renewal application is currently in deferred action status pending the outcome of this proceeding, the policy stated in John Self [3] against advancing the filing date of a renewal application is not applicable. In K-Six Television, Inc., 2 FCC 2d 1021, 7 RR 2d 128 (1966), we held that where an existing licensee raises a Carroll issue while an application for renewal of the existing station's license is pending, the public interest requires that such renewal application be designated for hearing in a consolidated proceeding. As we stated there, this procedure is necessary because if it should be found that the area cannot support another broadcast station without a net loss of service to the public, the Commission must determine that the limited broadcasting facilities available will be operated by the party who will better serve the public interest. Moreover, if it develops that a comparison is necessary between the renewal application and the new proposal, consolidation of the two applications for hearing at the outset makes possible an earlier determination of which applicant would better serve the public interest. Accordingly, such consolidation, with a contingent comparative issue, will be ordered herein.

[3] FCC 63-167, 24 RR 1177 (1963).

12. WONA in its reply pleading, submitted an affidavit from W. T. (Troy) Whitten concerning a statement submitted by Tri-County bearing the signature of Troy Whitten. In his affidavit Mr. Whitten states that the signature on the statment regarding potential advertising revenue filed by Tri-County is not his signature and he knows nothing about a new proposed Winona radio station. In view of the seriousness of this allegation, coupled with apparently inconsistent statement and counterstatement mentioned in Paragraph 9, an issue will be specified to determine whether the applicant has made intentional misrepresentation to the Commission.

13. In Suburban Broadcasters, 30 FCC 1021, 20 RR 951 (1961), City of Camden, 18 FCC 2d 412, 16 RR 2d 555 (1969), and more recently in our proposed Primer on Ascertainment of Community Problems by Broadcast Applicants, FCC 69-1402, released December 19, 1969, we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. Tri-County appears to have attempted to ascertain these needs and has proposed specific programing to deal with specific problems as evaluated. However, it has submitted no data relating to the various groups that comprise the total makeup of the community. For this reason, we are unable to determine whether the applicant has consulted a representative cross-section of the area to be served. Accordingly, a Suburban issue is required.

14. Since Tri-County has failed to keep its financial data current, it will be necessary for it to establish its qualifications in hearing. Thus, a financial issue will be included.

15. Except as indicated by the issues specified below the applicants are qualified. In view of the foregoing, however, the Commission is unable to make the statutory finding that a grant of the above-captioned applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below. If it is determined, pursuant to the Carroll issue, that the operation of an additional station in Winona would result in a new loss or degradation of broadcast service to the area, the renewal application and the construction permit proposal will be deemed mutually exclusive. In that event, our recent Policy Statement on Comparative Hearings Involving Regular Renewal Applicants, 35 F.R. 822, 19 RR 2d 1902 (1970) will be applicable.

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

(1) To determine whether Tri-County Radio Co., Inc., is financially qualified to construct and operate its proposed station.

(2) To determine the efforts made by Tri-County Radio Co., Inc., to ascertain the programing needs and interests of the area to be served and the manner in which Tri-County Radio Co., Inc., proposes to meet such needs and interests.

(3) To determine whether the advertising statement submitted by the applicant purporting to bear the signature of W. T. (Troy) Whitten is genuine.

(4) To determine, in the event issue 3 is resolved in the negative, whether the applicant has made an intentional misrepresentation to the Commission.

(5) To determine, in the light of evidence adduced pursuant to the foregoing issues, whether the applicant has the requisite qualifications to be a licensee of the Commission.

(6) To determine whether there are adequate revenues available to support an additional standard broadcast station in the area proposed to be served by the applicant without a net loss or degradation of broadcast service to such area.

(7) To determine, in the event issue 6 is resolved in the negative, whether the proposed operation or the present operation of station WONA, Winona, Miss., would, on a comparative basis, better serve the public interest.

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

17. *It is further ordered,* That, the burden of proceeding with the introduction of evidence and the burden of proof with respect to issue 6 above are hereby placed upon Southern Electronics Co., Inc.

18. *It is further ordered,* That, Southern Electronics Co., Inc., is directed to proceed with the initial presentation of evidence with respect to issue 3 of the proceeding, but that following the initial presentation, Tri-County Radio Co., Inc., must proceed with the burden of going forward with the evidence and will have the burden of proof with respect to issue 3.

19. *It is further ordered,* That, the petition of Southern Electronics Co., Inc., is granted, to the extent indicated above, and is denied in all other respects.

20. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221(d) 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.

21. *It is further ordered,* That, the applicant 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, 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 14, 1970.

Released: October 19, 1970.

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

[F.R. Doc. 70-14288; Filed, Oct. 22, 1970; 8:50 a.m.]

# FEDERAL HOME LOAN BANK BOARD

[H.C. No. 76]

## EQUITY FUNDING CORPORATION OF AMERICA

### Notice of Receipt of Application for Approval of Acquisition of Control of Liberty Savings and Loan Association

OCTOBER 20, 1970.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Equity Funding Corporation of America, Los Angeles, Calif., a unitary savings and loan holding company, for approval of acquisition of control of the Liberty Savings and Loan Association, Los Angeles, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by an exchange of stock of Equity Funding Corporation of America for stock of Liberty Savings and Loan Association. Following said acquisition it is proposed that Liberty Savings and Loan Association will be merged into Crown Savings and Loan Association, an insured subsidiary of Equity Funding Corporation of America. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, JR.,
*Assistant Secretary,*
*Federal Home Loan Bank Board.*

[F.R. Doc. 70-14249; Filed, Oct. 22, 1970; 8:46 a.m.]

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[H.C. No. 77]

## FIDELITY FINANCIAL CORP.

### Notice of Receipt of Application for Approval of Acquisition of Control of Beacon Savings and Loan Association

OCTOBER 20, 1970.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Fidelity Financial Corp., Oakland, Calif., a unitary savings and loan holding company, for approval of acquisition of control of the Beacon Savings and Loan Association, Los Angeles, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by an exchange of stock of Fidelity Financial Corp. for stock of Beacon Savings and Loan Association. Simultaneously with said acquisition, it is proposed that Beacon Savings and Loan Association be merged into Fidelity Savings and Loan Association, an insured subsidiary of Fidelity Financial Corp. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, JR.,
*Assistant Secretary,*
*Federal Home Loan Bank Board.*

[F.R. Doc. 70-14250; Filed, Oct. 22, 1970; 8:46 a.m.]

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[H.C. No. 75]

## FIDELITY FINANCIAL CORP.

### Notice of Receipt of Application for Approval of Acquisition of Control of Don Pedro Savings and Loan Association

OCTOBER 20, 1970.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Fidelity Financial Corp., Oakland, Calif., a unitary savings and loan holding company, for approval of acquisition of control of the Don Pedro Savings and Loan Association, Modesto, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by an exchange of stock of Fidelity Financial Corp., for stock of Don Pedro Savings and Loan Association. Following said acquisition it is proposed that Don Pedro Savings and Loan Association be merged in Fidelity Savings and Loan Association, an insured subsidiary of Fidelity Financial Corp. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, JR.,
*Assistant Secretary,*
*Federal Home Loan Bank Board.*

[F.R. Doc. 70-14251; Filed, Oct. 22, 1970; 8:46 a.m.]

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[H.C. No. 78]

## FIDELITY FINANCIAL CORP.

### Notice of Receipt of Application for Approval of Acquisition of Control of Walnut Creek Savings and Loan Association

OCTOBER 20, 1970.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Fidelity Financial Corp., Oakland, Calif., a unitary savings and loan holding company, for approval of acquisition of control of the Walnut Creek Savings and Loan Association, Walnut Creek, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by an exchange of stock of Fidelity Financial Corp. for stock of Walnut Creek Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, JR.,
*Assistant Secretary,*
*Federal Home Loan Bank Board.*

[F.R. Doc. 70-14252; Filed, Oct. 22, 1970; 8:46 a.m.]

# FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 138]

## ORBIT SHIPPING CORP.

### Order of Revocation

By letter dated September 28, 1970, Norman Wiener, president, Orbit Shipping Corp., 19 Murray Street, New York, N.Y. 10007, advised the Commission that as of September 30, 1969, Orbit Shipping Corp. had suspended operations and requested that Independent Ocean Freight Forwarder License No. 138 be terminated.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated 9/29/70).

*It is ordered,* That Orbit Shipping Corp. return Independent Ocean Freight Forwarder License No. 138 to the Federal Maritime Commission.

*It is further ordered,* That the Independent Ocean Freight Forwarder License No. 138 of Orbit Shipping Corp. be and is hereby revoked effective September 30, 1969, without prejudice to reapplication at a later date.

*It is further ordered,* That a copy of this order be published in the FEDERAL REGISTER and served upon Norman Wiener, president, Orbit Shipping Corp.

AARON W. REESE,
*Managing Director.*

[F.R. Doc. 70-14270; Filed, Oct. 22, 1970; 8:48 a.m.]

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## PUERTO RICO PORTS AUTHORITY AND SEA-LAND SERVICE, INC.

### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as

amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Robert A. Peavy, Morgan, Lewis & Bocklus, Counselors at Law, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

Agreements Nos. T-2357 and T-2357-A, between the Puerto Rico Ports Authority (PRPA) and Sea-Land Service, Inc. (Sea-Land), provide for the preferential use of berthing space at Mayaguez and the construction and use by Sea-Land of a container lifting gantry crane at the Mayaguez Wharf. Agreement No. T-2357 is a preferential use contract whereby PRPA grants Sea-Land preferential berthing privileges and use of the crane. Sea-Land may operate the crane for other users, and charge and retain revenue from such use, however, Sea-Land's charges shall be subject to review by the Government agency having jurisdiction thereon. Sea-Land will pay PRPA rental as set forth in the agreement, subject to a minimum annual guarantee of $100,000 in wharfage charges. Wharfage collected account of use by vessels not operated by Sea-Land will be credited against Sea-Land's guarantee. Agreement No. T-2357-A covers the installation and use of the crane by Sea-Land for itself and other users. Sea-Land's charges for use of the crane by others will be subject to review by the appropriate Government agency.

Dated: October 20, 1970.

By order of Federal Maritime Commission.

FRANCIS C. HURNEY,
*Secretary.*

[F.R. Doc. 70-14272; Filed, Oct. 22, 1970; 8:48 a.m.]

[Independent Ocean Freight Forwarder License No. 1063]

## WATERBORNE CARGO EXPEDITERS, INC.

### Order of Revocation

By letter dated May 18, 1970, Waterborne Cargo Expediters, Inc., of Post Office Box 1117, Miami International Airport, Miami, Fla. 33148, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1063 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before June 15, 1970.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Waterborne Cargo Expediters, Inc. has failed to respond to our certified letter.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated 9/29/70).

*It is ordered*, That the Independent Ocean Freight Forwarder License of Waterborne Cargo Expediters, Inc. be and is hereby revoked effective June 15, 1970.

*It is further ordered*, That a copy of this order be published in the FEDERAL REGISTER and serve upon Waterborne Cargo Expediters, Inc.

AARON W. REESE,
*Managing Director.*

[F.R. Doc. 70-14271; Filed, Oct. 22, 1970; 8:48 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. G-13570 etc.]

## TERRA RESOURCES, INC., ET AL.

### Findings and Order

OCTOBER 14, 1970.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, making successors co-respondents, redesignating proceedings, accepting agreements and undertakings for filing, and accepting related rate schedules and supplements for filing.

Each of the applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, or add to natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that initial sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Terra Resources, Inc., applicant in Dockets Nos. G-13570, CI61-1817, CI63-1218, CI64-653, CI65-551, and CI66-771, proposes to continue the sales of natural gas heretofore authorized in said dockets to be made pursuant to CRA, Inc., FPC Gas Rate Schedule Nos. 8, 23, 20, 32, 35, and 39, respectively. Said rate schedules will be redesignated as those of applicant. The presently effective rates under CRA, Inc., FPC Gas Rate Schedule Nos. 8, 20, 23, 32, 35, and 39 are in effect subject to refund in Dockets Nos. RI68-97, RI69-4, RI66-186, RI70-183, RI67-175, and RI68-656, respectively. Applicant has filed motions to be made co-respondent in said proceedings together with agreements and undertakings to assure the refunds of any amounts collected by it in excess of the amounts determined to be just and reasonable in said proceedings. Therefore, applicant will be made co-respondent; the proceedings will be redesignated accordingly; and the agreements and undertakings will be accepted for filing.

Anadarko Production Co., applicant in Docket No. CI71-18, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI64-671 to be made pursuant to Livingston Oil Co. FPC Gas Rate Schedule No. 10. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of applicant. The presently effective rate under Livingston's rate schedule is in effect subject to refund in Docket No. RI70-1717 and applicant has filed a motion to be made a co-respondent in said proceeding. Therefore, applicant will be made a co-respondent and the proceeding will be redesignated accordingly. Applicant has heretofore filed a general undertaking to assure the refund of amounts collected in excess of amounts determined to be just and reasonable in proceedings under section 4(e) of the Natural Gas Act.

Texas Oil & Gas Corp. (Operator) et al., applicant in Dockets Nos. CI71-51 and CI71-89, proposes to continue in part sales of natural gas heretofore authorized in Dockets Nos. CI60-634 and G-11174, respectively, to be made pursuant

to Continental Oil Co. FPC Gas Rate Schedule No. 196 and Gulf Oil Corporation FPC Gas Rate Schedule No. 98, respectively. The contracts comprising said rate schedules will also be accepted for filing as rate schedules of applicant. The present rate under Continental's rate schedule is in effect subject to refund in Docket No. RI68–153 and a proposed increased rate is suspended in Docket No. RI71–102. The present rate under Gulf's rate schedule is in effect subject to refund in Docket No. RI68–68. Applicant has filed motions to be made co-respondent in Dockets Nos. RI68–68 and RI68–153. Therefore, applicant will be made co-respondent in said proceedings and in the proceeding pending in Docket No. RI71–102 and all of the proceedings will be redesignated accordingly. Applicant has heretofore filed a general undertaking to assure the refund of amounts collected in excess of amounts determined to be just and reasonable in proceedings under section 4(e) of the Natural Gas Act.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petitions to intervene, notices of intervention or protests to the granting of the applications have been filed.

At a hearing held on October 9, 1970, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commisson; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered and conditioned.

(6) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Terra Resources, Inc., should be made a co-respondent in the proceedings pending in Dockets Nos. RI68–186, RI67–175, RI68–97, RI68–656, RI69–4, and RI70–183; that said proceedings should be redesignated accordingly; and that the agreements and undertakings submitted by Terra Resources, Inc., should be accepted for filing.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Anadarko Production Co. should be made a co-respondent in the proceeding pending in Docket No. RI70–1717 and that said proceeding should be redesignated accordingly.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Texas Oil & Gas Corp. (Operator) et al., should be made a co-respondent in the proceedings pending in Dockets Nos. RI68–68, RI68–153, and RI71–102 and that said proceedings should be redesignated accordingly.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The initial rate for the sale authorized in Docket No. CI71–50 shall be 18.5 cents per Mcf at 15.025 p.s.i.a. for gas well gas and casinghead gas, subject to B.t.u. adjustment as prescribed in Opinion No. 546, as modified by Opinion No. 546–A, as adjusted for quality of gas, or the contract rate, whichever is lower. Within 90 days from the date of initial delivery applicant shall file three copies of a rate schedule quality statement in the form prescribed in Opinion No. 546.

(b) The initial rate for the sale authorized in Docket No. CI71–79 shall be the applicable area base rate prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality of gas, or the contract rate, whichever is lower. Within 45 days from the date of this order applicant shall file three copies of a rate schedule quality statement in the form prescribed in Opinion No. 468–A.

(c) If the quality of the gas delivered by applicants in Dockets Nos. CI71–50 and CI71–79 deviates at any time from the quality standards set forth in Opinion No. 546, as modified by Opinion No. 546–A, and Opinion No. 468, as modified by Opinion No. 468–A, whichever are applicable, so as to require a downward

adjustment of the existing rates, notices of changes in rates shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rates.

(d) Applicant in Docket No. CI71–50 shall not require buyer to take-or-pay for an annual quantity of gas well gas which is in excess of an average of 1 Mcf per day for each 7,300 Mcf of determined gas well gas reserves or the specified contract quantity, whichever is the lesser amount.

(e) The rate for the sale authorized in Docket No. CI62–1251 shall be 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement.

(E) Applicant in Docket No. CI70–1032 shall file three copies of a billing statement for the first month's service as required by the regulations under the Natural Gas Act.

(F) The orders issuing certificates in Dockets Nos. G–15912, CI62–1251, and CI70–1032 are amended by adding thereto authorization to sell natural gas as described in the tabulation herein.

(G) The orders issuing certificates in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein to authorize service from the subject acreage:

| *Amend to delete acreage* | *New certificate* |
|---|---|
| G–3894 | CI71–92 |
| G–11174 | CI71–89 |
| CI60–634 | CI71–51 |
| CI62–1441 | CI71–70 |
| CI64–679 | CI71–18 |

(H) The orders issuing certificates in the following dockets are amended to reflect the successors in interest as certificate holders:

| | | |
|---|---|---|
| G–13570 | CI65–551 | CI68–1430 [1] |
| G–14411 | CI65–1319 | CI69–414 [1] |
| CI61–1457 | CI66–601 [1] | CI69–838 [1] |
| CI61–1817 | CI66–771 | CI69–840 [1] |
| CI63–1218 | CI67–219 [1] | CI70–302 |
| CI63–1338 | CI67–805 [1] | CI70–314 [1] |
| CI64–232 [1] | CI67–1364 [1] | CI70–317 |
| CI64–653 | CI68–599 | CI70–499 |
| CI65–240 [1] | CI68–945 [1] | CI70–620 [1] |
| CI65–323 | CI68–1390 [1] | |
| CI65–357 | CI68–1397 [1] | |

[1] Temporary certificate.

(I) Permission for and approval of the abandonment of service by applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(J) Permission for and approval of the abandonment in Docket No. CI71–88 shall not be construed to relieve applicant of any refund obligations in the rate proceedings pending in Dockets Nos. RI64–791 and RI69–853.

(K) The certificates heretofore issued in Dockets Nos. CI61–1524, CI62–510, and CI63–1420 are terminated.

(L) Terra Resources, Inc., is made a co-respondent in the proceedings pending in Dockets Nos. RI66–186, RI67–175, RI68–97, RI68–656, RI69–4, and RI70–183; said proceedings are redesignated accordingly; and the agreements and undertakings submitted by Terra Resources, Inc., in said proceedings are accepted for filing. Terra Resources, Inc., shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreements and undertakings shall remain in full force and effect until discharged by the Commission.

(M) Anadarko Production Co. is made a co-respondent in the proceeding pending in Docket No. RI70–1717 and said proceeding is redesignated accordingly. Anadarko shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(N) Texas Oil & Gas Corp. (Operator) et al., is made a co-respondent in the proceedings pending in Dockets Nos. RI68–68, RI68–153, and RI71–102 and said proceedings are redesignated accordingly. Texas Oil & Gas Corp. shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(O) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

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

| Docket No. and date filed | Applicant | Purchaser, field, and location | FPC rate schedule to be accepted: Description and date of document | No. | Supp. |
|---|---|---|---|---|---|
| G–13570 [1] E 5–19–70 | Terra Resources, Inc. (successor to CRA, Inc.). | Northern Natural Gas Co., Hugoton Field, Finney County, Kans. | CRA, Inc., FPC GRS No. 8. | 19 | |
| | | | Supplements Nos. 1–2 | 19 | 1–2 |
| | | | Notice of succession 5–18–70 | | |
| | | | Assignment 3–26–70 | 19 | 3 |
| | | | Effective date: 3–1–70 | | |
| G–14411 E 5–19–70 | do | Kansas-Nebraska Natural Gas Co., Inc., Hugoton Field, Finney County, Kans. | CRA, Inc., FPC GRS No. 18. | 20 | |
| | | | Supplement No. 1 | 20 | 1 |
| | | | Notice of succession 5–13–70 | | |
| | | | Assignment 3–26–70 | 20 | 2 |
| | | | Effective date: 3–1–70 | | |
| G–15912 C 7–27–70 | Skelly Oil Co. | El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex. | Letter agreement 6–25–70 [2] | 131 | 13 |
| | | | Notice of change 7–24–70 [2] | 131 | 14 |
| CI61–1457 E 7–31–70 | Robert B. Stallworth, Jr., d.b.a. Dominion Oil & Gas Co. (successor to Eagle Oil Co.). | United Fuel Gas Co., acreage in Clay County, W. Va. | Contract 12–23–58 [4] | 9 | |
| | | | (No. 6185) Assignment 2–1–62 [3] | 9 | 1 |
| | | | Amendatory agreement 11–6–62 [4] | 9 | 2 |
| | | | Effective date: 2–7–62 | | |
| | | | Assignment 3–1–63 [3] | 9 | 3 |
| | | | Effective date: 3–1–63 | | |
| CI61–1817 E 5–22–70 | Terra Resources, Inc. (successor to CRA, Inc. (Operator), et al.). | Northern Natural Gas Co., Northeast Gate-lake Field, Harper County, Okla. | CRA, Inc. (Operator) et al., FPC GRS No. 23. | 23 | |
| | | | Supplements Nos. 1–5 | 23 | 1–5 |
| | | | Notice of succession 5–20–70. | | |
| | | | Assignment 3–26–70 | 23 | 6 |
| | | | Effective date: 3–1–70 | | |
| CI62–1251 C 8–3–70 | Texas Pacific Oil Co., Inc. (Operator), et al. [5] | Arkansas Louisiana Gas Co., Wilburton Field, Pittsburg County, Okla. | Amendment 7–29–70 [2] | 10 | 15 |
| CI63–1218 E 5–11–70 | Terra Resources, Inc. (successor to CRA, Inc.). | Natural Gas Pipeline Co. of America, Forgan Field, Beaver County Okla. | CRA, Inc., FPC GRS No. 20. | 21 | |
| | | | Supplements Nos. 1–2 | 21 | 1–2 |
| | | | Notice of succession 5–8–70. | | |
| | | | Assignment 3–26–70 | 21 | 3 |
| | | | Effective date: 3–1–70 | | |
| CI63–1338 E 5–19–70 | do | Northern Natural Gas Co., Bulco Field, Beaver County Okla. | CRA, Inc., FPC GRS No. 30. | 24 | |
| | | | Supplements Nos. 1–2 | 24 | 1–2 |
| | | | Notice of succession 5–18–70 | | |
| | | | Assignment 3–26–70 | 24 | 3 |
| | | | Effective date: 3–1–70 | | |
| CI64–232 [6] E 7–6–70 | Exchange Oil & Gas Corp. (successor to Exchange Oil & Gas Co.). | Consolidated Gas Supply Corp., Perry Field, Vermilion Parish, La. | Exchange Oil & Gas Co., FPC GRS No. 1. | 1 | |
| | | | Notice of succession 7–3–70 | | |
| CI64–653 E 5–19–70 | Terra Resources, Inc. (successor to CRA, Inc.). | Northern Natural Gas Co., Sunnyside Field, Beaver County, Okla. | CRA, Inc., FPC GRS No. 32. | 25 | |
| | | | Supplements Nos. 1–2 | 25 | 1–2 |
| | | | Notice of succession 5–18–70 | | |
| | | | Assignment 3–26–70 | 25 | 3 |
| | | | Effective date: 3–1–70 | | |
| CI65–240 [6] E 6–3–70 | do | Michigan Wisconsin Pipe Line Co., Oakdale Field, Woods County, Okla. | CRA, Inc., FPC GRS No. 26. | 26 | |
| | | | Supplements Nos. 1–2 | 26 | 1–2 |
| | | | Notice of succession 6–1–70 | | |
| | | | Assignment 3–26–70 | 26 | 3 |
| | | | Effective date: 3–1–70 | | |
| CI65–323 E 7–6–70 | Exchange Oil & Gas Corp. (successor to Exchange Oil & Gas Co.). | Consolidated Gas Supply Corp., Chalkley Field, Cameron Parish, La. | Exchange Oil & Gas Co., FPC GRS No. 2. | 2 | |
| | | | Notice of succession 7–3–70 | | |
| CI65–357 E 6–5–70 | Terra Resources, Inc. (Operator), et al. (successor to CRA, Inc. (Operator), et al.). | Panhandle Eastern Pipe Line Co., Sunnyside Field, Beaver County, Okla. | CRA, Inc. (Operator), et al., FPC GRS No. 34. | 27 | |
| | | | Supplement No. 1 | 27 | 1 |
| | | | Notice of succession 6–3–70 | | |
| | | | Assignment 3–26–70 | 27 | 2 |
| | | | Effective date: 3–1–70 | | |

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

| Docket No. and date filed | Applicant | Purchaser, field, and location | FPC rate schedule to be accepted: Description and date of document | No. | Supp. |
|---|---|---|---|---|---|
| CI65-851 E 6-3-70 | Terra Resources, Inc. (successor to CRA, Inc.). | Arkansas Louisiana Gas Co., North Cooper Field, Blaine County, Okla. | CRA, Inc., FPC GRS No. 35. | 28 | |
| | | | Supplements Nos. 1-3 | 28 | 1-3 |
| | | | Notice of succession 6-1-70 | | |
| | | | Assignment 3-26-70 | 28 | 4 |
| | | | Effective date: 3-1-70 | | |
| CI65-1319 E 6-5-70 | do | Panhandle Eastern Pipe Line Co., Sunnyside Field, Beaver County, Okla. | CRA, Inc., FPC GRS No. 36. | 29 | |
| | | | Supplements Nos. 1-3 | 29 | 1-3 |
| | | | Notice of succession 6-2-70 | 29 | 4 |
| | | | Effective date: 3-1-70 | | |
| CI66-601 [1] E 7-6-70 | Exchange Oil & Gas Corp. et al. (successor to Exchange Oil & Gas Co. et al.). | Texas Gas Transmission Corp., Hell Hole Bayou Area, Vermilion Parish, La. | Exchange Oil & Gas Co., et al., FPC GRS No. 3. | 3 | |
| | | | Notice of succession 7-3-70 | | |
| CI66-771 E 6-5-70 | Terra Resources, Inc. (successor to CRA, Inc.). | Arkansas Louisiana Gas Co., Nardin Field, Kay County, Okla. | CRA, Inc., FPC GRS No. 30. | 30 | |
| | | | Supplements Nos. 1-2 | 30 | 1-2 |
| | | | Notice of succession 6-2-70 | | |
| | | | Assignment 3-26-70 | 30 | 3 |
| | | | Effective date: 3-1-70 | | |
| CI67-219 [1] E 7-6-70 | Exchange Oil & Gas Corp. (Operator) et al. (successor to Exchange Oil & Gas Co. (Operator) et al.). | Michigan Wisconsin Pipe Line Co., Franklin Field, St. Mary Parish, La. | Exchange Oil & Gas Co. (Operator) et al., FPC GRS No. 4. | 4 | |
| | | | Notice of succession 7-3-70 | | |
| CI67-805 [1] E 7-6-70 | do | Michigan Wisconsin Pipe Line Co., Block 17 Field, West Cameron Area, Cameron Parish, La. | Exchange Oil & Gas Co. (Operator) et al., FPC GRS No. 5. | 5 | |
| | | | Notice of succession 7-3-70 | | |
| CI67-1364 [1] E 7-6-70 | Exchange Oil & Gas Corp. et al. (successor to Exchange Oil & Gas Co. et al.). | United Fuel Gas Co., Twin Island Field, Cameron Parish, La. | Exchange Oil & Gas Co. et al., FPC GRS No. 6. | 6 | |
| | | | Notice of succession 7-3-70. | | |
| CI68-899 E 7-28-70 | Texas Oil & Gas Corp. (successor to Phil W. Phillips). | Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla. | Phil W. Phillips, FPC GRS No. 6. | 66 | |
| | | | Notice of succession 7-27-70. | | |
| | | | Assignment 1-8-70 [2] | 66 | 1 |
| | | | Assignment 1-8-70 [2] | 66 | 2 |
| | | | Effective date: 1-1-70 | | |
| CI68-945 [1] E 7-6-70 | Exchange Oil & Gas Corp. et al. (successor to Exchange Oil & Gas Co. et al.). | Michigan Wisconsin Pipe Line Co., South Lake Sand Field, St. Mary and Iberia Parishes, La. | Exchange Oil & Gas Co. et al., FPC GRS No. 7. | 7 | |
| | | | Notice of succession 7-3-70. | | |
| CI68-1390 [1] E 7-6-70 | Exchange Oil & Gas Corp. (successor to Exchange Oil & Gas Co.). | Southern Natural Gas Co., Diamond Field, Plaquemines Parish, La. | Exchange Oil & Gas Co., FPC GRS No. 8. | 8 | |
| | | | Notice of succession 7-3-70. | | |
| CI68-1397 [1] E 7-6-70 | Exchange Oil & Gas Corp. et al. (successor to Exchange Oil & Gas Co. et al.). | Transcontinental Gas Pipe Line Corp., Block 16 Field, Vermilion Parish, La. | Exchange Oil & Gas Co. et al., FPC GRS No. 10. | 10 | |
| | | | Notice of succession 7-3-70. | | |
| CI68-1430 [1] E 7-6-70 | Exchange Oil & Gas Corp. (Operator) et al. (successor to Exchange Oil & Gas Co. (Operator) et al.). | Trunkline Gas Co., Twin Island Field, Cameron Parish, La. | Exchange Oil & Gas Co. (Operator) et al., FPC GRS No. 9. | 9 | |
| | | | Notice of succession 7-3-70. | | |
| CI69-414 [1] E 7-6-70 | Exchange Oil & Gas Corp. et al. (successor to Exchange Oil & Gas Co. et al.). | Southern Natural Gas Co., Block 19 Field, Breton Sound Area, Plaquemines Parish, La. | Exchange Oil & Gas Co., et al., FPC GRS No. 11. | 11 | |
| | | | Notice of succession 7-3-70. | | |
| CI69-838 [1] E 7-6-70 | Exchange Oil & Gas Corp. (Operator) et al. (successor to Exchange Oil & Gas Co. (Operator) et al.). | Gas Gathering Corp., South Klondike Field, Iberville Parish, La. | Exchange Oil & Gas Co. (Operator) et al., FPC GRS No. 13. | 13 | |
| | | | Notice of succession 7-3-70. | | |
| CI69-840 [1] E 7-6-70 | Exchange Oil & Gas Corp. (successor to Exchange Oil & Gas Co.). | Southern Natural Gas Co., Diamond Field Area, Plaquemines Parish, La. | Exchange Oil & Gas Co., FPC GRS No. 12. | 12 | |
| | | | Notice of succession 7-3-70. | | |

See footnotes at end of table.

| Docket No. and date filed | Applicant | Purchaser, field, and location | FPC rate schedule to be accepted: Description and date of document | No. | Supp. |
|---|---|---|---|---|---|
| CI70-302 E 7-6-70 | Exchange Oil & Gas Corp. (Operator) et al. (successor to Exchange Oil & Gas Co. (Operator) et al.). | Tennessee Gas Pipeline Co., a division of Tenneco Inc., South Tigre Lagoon Field, Iberia Parish, La. | Exchange Oil & Gas Co. (Operator) et al., FPC GRS No. 14. | 14 | |
| | | | Notice of succession 7-3-70. | | |
| CI70-314 [1] E 7-6-70 | do | Texas Gas Transmission Corp., Chalkley Field, Cameron Parish, La. | Exchange Oil & Gas Co. (Operator) et al., FPC GRS No. 15. | 15 | |
| | | | Notice of succession 7-3-70. | | |
| CI70-317 E 7-6-70 | do | do | Exchange Oil & Gas Co. (Operator) et al., FPC GRS No. 16. | 16 | |
| | | | Notice of succession 7-3-70. | | |
| CI70-499 E 7-6-70 | Exchange Oil & Gas Corp. (successor to Exchange Oil & Gas Co.). | Transcontinental Gas Pipe Line Corp., Block 172, Eugene Island Area, Offshore Louisiana. | Exchange Oil & Gas Co., FPC GRS No. 17. | 17 | |
| | | | Notice of succession 7-3-70. | | |
| CI70-620 [1] E 7-6-70 | Exchange Oil & Gas Corp. et al. (successor to Exchange Oil & Gas Co. et al.). | Southern Natural Gas Co., North Kings Ridge Field, Lafourche Parish, La. | Exchange Oil & Gas Co, et al., FPC GRS No. 18. | 18 | |
| | | | Notice of succession 7-3-70. | | |
| CI70-1032 C 8-5-70 | Westrans Petroleum Inc. | Carnegie Natural Gas Co., Union and Clay Districts, Ritchie County, W. Va. | Supplemental Agreement 5-17-70.[3] | 13 | 1 |
| CI71-18 (CI64-679) F 7-6-70 | Anadarko Production Co. (successor to LVO Corp.[4]). | Kansas-Nebraska Natural Gas Co., Inc., Bradshaw Field, Hamilton County, Kans. | Contract 9-16-63 [5] | 192 | |
| | | | Assignment 3-25-70 [6] | 192 | 1 |
| | | | Effective date: 3-1-70 | | |
| CI71-50 A 7-20-70 [7] | Gulf Oil Corp. | Plaquemines Oil & Gas Co., Inc., Potash (West Bank) Field Plaquemines Parish, La. | Ratified 5-9-66 | 419 | |
| | | | Contract 3-1-66 | 419 | 1 |
| | | | Letter agreement 7-13-66 | 419 | 2 |
| | | | Letter agreement 8-3-70 [8] [9] | 419 | 3 |
| CI71-51 (CI60-634) F 7-29-70 | Texas Oil & Gas Corp. (Operator), et al. (successor to Continental Oil Co.). | Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla. | Contract 4-28-60 [10] | 65 | |
| | | | Amendatory agreement 7-1-65. | 65 | 1 |
| | | | Assignment 4-23-70 [8] [11] | 65 | 2 |
| CI71-70 (CI62-1441) F 7-28-70 | Texas Oil & Gas Corp. (successor to National Cooperative Refinery Association). | do | Contract 4-21-60 [12] | 64 | |
| | | | Amendatory agreement 7-1-65. | 64 | 1 |
| | | | Assignment 3-17-70 [8] [13] | 64 | 2 |
| CI71-79 (CS67-46) F 7-29-70 | Triton Oil & Gas Corp. (successor to L. & N. Production Co.). | El Paso Natural Gas Co., Big Lake Area, Reagan County, Tex. | Contract 1-6-67 | 10 | |
| | | | Assignment 5-11-70 [14] | 10 | 1 |
| | | | Effective Date: 3-1-70 | | |
| CI71-80 A 7-30-70 [15] | Lloyd G. Jackson et al. | United Fuel Gas Co., acreage in Logan County, W. Va. | Contract 4-29-57 [16] (No. 6044).[3] | 10 | |
| CI71-81 A 7-29-70 | Charley Cain | United Fuel Gas Co., acreage in Martin County, Ky. | Contract 6-21-55 [17] (No. 5762) [3] | 5 | |
| CI71-88 (CI62-510) B 7-31-70 | Shell Oil Co. (Operator) et al. | United Gas Pipe Line Co., acreage in Lincoln and Pike Counties, Miss. | Notice of cancellation 7-29-60.[18] [19] | 260 | 3 |
| CI71-89 (G-11174) F 8-3-70 | Texas Oil & Gas Corp. (Operator) et al. (successor to Gulf Oil Corp.). | Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Lavefne Field, Harper County, Okla. | Contract 8-3-56 [20] | 68 | |
| | | | Assignment 6-17-70 [8] [21] | 68 | 1 |
| CI71-92 (G-3894) F 7-24-70 | Phillips Petroleum Co. (successor to Atlantic Richfield Co.). | Arkansas Louisiana Gas Co., Ada Field, Bienville Parish, La. | Contract 1-25-60 [22] | 480 | |
| | | | Assignment 5-28-70 [23] | 480 | 1 |
| | | | Assignment 7-1-70 [8] [24] | 480 | 2 |
| CI71-95 A 7-27-70 | R. H. Adkins, et al., d.b.a. Morris Gas Co. | United Fuel Gas Co., acreage in Logan County, W. Va. | Contract 4-29-57 [25] (No. 6044) [3] | 98 | |
| | | | Contract 1-23-57 [26] (No. 6028) [3] | 99 | |
| CI71-97 (CI61-1524) B 8-4-70 | Texas Oil & Gas Corp. (Operator). | Transcontinental Gas Pipe Line Corp., Gueydon Field, Vermilion Parish, La. | Notice of cancellation 8-4-70.[18] [19] | 27 | 4 |
| CI71-98 (CI63-1420) B 8-4-70 | Rhodes & Hicks Drilling Corp. et al. | Valley Gas Transmission, Inc., Mastra Field, Goliad County, Tex. | Notice of cancellation 7-31-70.[18] [19] | 4 | 1 |

| Docket No. and date filed | Applicant | Purchaser, field, and location | FPC rate schedule to be accepted: Description and date of document | No. | Supp. |
|---|---|---|---|---|---|
| CI71-102..... A 8-3-70 | Mrs. Helen C. Phillips, Trustee for Beaver Valley Gas & Oil Co. | United Fuel Gas Co., acreage in Floyd County, Ky. | Contract 10-24-28 [30] (No. 934). | 1 | ..... |
| | | | Supplemental agreement 11-12-29.[6] | 1 | 1 |
| | | | Letter agreement 1-20-51.[31] | 1 | 2 |
| | | | Letter agreement 12-15-52.... | 1 | 3 |
| | | | Letter 6-11-60 [32] | 1 | 4 |
| | | | Letter 5-19-67 [33] | 1 | 5 |
| | | | Effective date: 6-11-60..... | | |

[1] The certificate is in the name of John B. Hawley, Jr., and G. S. Davidson, trustees under John B. Hawley, Jr., Trust No.1 (Operator) et al., and CRA, Inc., is a nonoperator with interest covered under said certificate.
[2] Deletes the production from the Jicarilla B Well No. 3 from dedication under a high-pressure contract (FPC GRS No. 90), Docket No. G-9396 and dedicates same to a low pressure contract (FPC GRS No. 131).
[3] Filed July 27, 1970; provides for a reduction in rate from 15.0593 cents to 13 cents for production transferred from FPC GRS No. 90 to FPC GRS No. 131.
[4] No rate schedule filings were submitted by the original certificate holder, Eagle Oil Co., in Docket No. CI61-1457.
[5] Assigns all of the stock of Eagle Oil Co. to Robert B. Stallworth, Jr.
[6] Adds acreage.
[7] Assigns producing properties from Eagle to Robert B. Stallworth, Jr., d.b.a. Dominion Oil & Gas Co.
[8] Contract provides for rate of 16.015 cents per Mcf including tax reimbursement, however, applicant states willingness to accept permanent authorization at the rate of 15 cents per Mcf including tax reimbursement.
[9] Effective date: Date of initial delivery (applicant shall advise the Commission as to such date).
[10] No permanent certificate issued; sale being rendered pursuant to temporary certificate.
[11] From Phil W. Phillips to applicant (Lease No. BLM 011922).
[11a] From Phil W. Phillips to applicant (Vickers Petroleum Co.—No. 1 Well and other leases).
[12] Formerly Livingston Oil Co.
[13] On file as Livingston Oil Co. FPC GRS No. 10.
[14] Conveys interest from Livingston Oil Co. to applicant.
[15] Additional material submitted Aug. 24, 1970; Gulf also indicated willingness to accept a permanent certificate conditioned to limit buyer's take-or-pay obligation in letter filed Aug. 24, 1970.
[16] Eliminates indefinite pricing provision from contract.
[17] On file as Continental Oil Co., FPC GRS No. 196, as supplemented.
[18] From Continental Oil Co. to applicant.
[19] On file as National Cooperative Refinery Association FPC GRS No. 8.
[20] From National Cooperative Refinery Association to applicant.
[21] Acreage assigned by L. & N. Production Co. to Triton Oil & Gas Corp.
[22] Filing covers interest of Lloyd G. and Pauline A. Jackson under said contract.
[23] Sale being rendered without prior Commission authorization.
[24] Source of gas depleted.
[25] Effective date: Date of this order.
[26] Currently on file as Gulf Oil Corp. FPC GRS No. 98.
[27] From Gulf Oil Corp. et al. to applicant.
[28] Currently on file as Atlantic Richfield Co. (Operator) et al., FPC GRS No. 53.
[29] From Atlantic Richfield Co. to applicant.
[30] Between Beaver Valley Gas & Oil Co., seller, and Warfield Natural Gas Co., buyer, naming Calvin Clark as trustee. Sale being rendered on June 7, 1954, by predecessors.
[31] Between Clavin Clark, trustee and United Fuel Gas Co. (successor to Warfield).
[32] Designates Helen C. Ziegler as trustee.
[33] Changes name of trustee from Helen C. Ziegler to Mrs. Helen C. Phillips.

[F.R. Doc. 70-14104; Filed, Oct. 22, 1970; 8:45 a.m.]

[Docket No. CP71-80]

## ATLANTIC SEABOARD CORP.

### Notice of Application

OCTOBER 15, 1970.

Take notice that on September 29, 1970, Atlantic Seaboard Corp. (Applicant), Post Office Box 1273, Charleston, W. Va. 25325, filed in Docket No. CP71-80 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of certain natural gas transportation facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate four segments of 36-inch gas transmission pipeline loop totaling approximately 37.7 miles on its high-pressure transmission system and to install and operate a total of 6,300 additional horsepower at two existing compressor stations.

The application states that as a result of Applicant's increased gas requirements on the design peak day of the 1971-72 winter period, Applicant's existing transmission system will be deficient by 78,500 Mcf per day. The application further alleges that because of a proposed increase in Applicant's Contract Demand with United Fuel Gas Co., sufficient additional volumes of natural gas will be available to meet the increased requirements of its customers. Applicant requests approval of the proposed pipeline and compressor capacity in order to move the available volumes of gas to market.

Applicant states that the total additional investment required is $11,552,300 which cost is to be financed through the issuance and sale of promissory notes and common stock to The Columbia Gas System, Inc.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 6, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
*Acting Secretary.*

[F.R. Doc. 70-14234; Filed, Oct. 22, 1970; 8:45 a.m.]

[Docket No. CP71-77]

## COLUMBIA GULF TRANSMISSION CO.

### Notice of Application

OCTOBER 15, 1970.

Take notice that on September 29, 1970, Columbia Gulf Transmission Co. (Applicant), Post Office Box 683, Houston, Tex. 77001, filed in Docket No. CP71-77 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the following:

(1) Approximately 34.6 miles of 36-inch pipeline in four mainline loops.

(2) A 14.5 mile, 30-inch pipeline loop of its East Lateral.

(3) A 10.3 mile, 20-inch pipeline loop of its Erath Supply Lateral.

(4) A 3.9 mile dual crossing of the Mississippi River.

(5) Eight engine-compressor units totaling 86,500 horsepower.

(6) Gas supply facilities to be constructed during the ensuing 12-month period under a budget-type authorization pursuant to § 157.7(b) of the Regulations under the Natural Gas Act. The total of such expenditures is not to exceed $7 million, no single onshore project is to exceed $1 million, and no single offshore project is to exceed $1,750,000.

Applicant states that the proposed projects are necessary to enable it to meet the estimated increase in gas requirements of United Fuel Gas Co. for the 12-month period beginning November 1, 1971. Further, the budget-type authorization is requested so that Applicant can augment its ability to act with reasonable dispatch in contracting

for and connecting to its pipeline system additional supplies of natural gas in areas generally coextensive with its system.

Applicant states that the total estimated cost of the proposed facilities is $45,389,100, which will be financed through promissory notes and common stock to be sold to The Columbia Gas System, Inc., and through the use of current funds generated internally.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 6, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
*Acting Secretary.*

[F.R. Doc. 70-14235; Filed, Oct. 22, 1970; 8:45 a.m.]

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[Docket No. CP71-79]

## KENTUCKY GAS TRANSMISSION CORP.

### Notice of Application

OCTOBER 15, 1970.

Take notice that on September 29, 1970, Kentucky Gas Transmission Corp. (applicant), 1700 MacCorkle Avenue SE., Charleston, W. Va., filed in Docket No. CP71-79 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 4⅝₁₀ miles of 30-inch loop pipeline in Bath and Nicholas Counties, Ky., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the proposed additional pipeline capacity is required to enable it to transport and deliver the volumes of natural gas available to meet its market requirements during the 1971-72 winter period.

Applicant states that the estimated cost of its proposed facility is approximately $1,100,500, which amount is to be financed through open account advances from and the issuance of promissory notes and common stock to applicant's parent company, The Columbia Gas System, Inc.

Applicant also requests authorization to increase maximum daily deliveries during the 1971-72 winter season under rate schedule providing for firm service to jurisdictional customers by a net aggregate of approximately 70,700 Mcf daily.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 6, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
*Acting Secretary.*

[F.R. Doc. 70-14236; Filed, Oct. 22, 1970; 8:45 a.m.]

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[Docket No. CP71-76]

## LAWRENCEBURG GAS TRANSMISSION CORP.

### Notice of Application

OCTOBER 13, 1970.

Take notice that on September 25, 1970, Lawrenceburg Gas Transmission Corp. (applicant), 220 West High Street, Lawrenceburg, Ind. 47025, filed in Docket No. CP71-76 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an increase of natural gas service to Lawrenceburg Gas Co. (Lawrenceburg) from the previously authorized 12,530 Mcf maximum daily delivery obligation to the new proposed maximum delivery obligation of 15,000 Mcf effective November 1, 1970, and authorizing delivery of the portion of increased volume which is not immediately required by Lawrenceburg to the Cincinnati Gas and Electric Co. (Cincinnati), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it sells natural gas in interstate commerce to Lawrenceburg and Cincinnati, both affiliated companies, pursuant to authorization granted by the Commission in Dockets Nos. CP65-186 and CP67-205, respectively. Applicant also provides retail interruptible service to an industrial customer, Schenley Distillers, Inc. (Schenley), under the jurisdiction of the Public Service Commission of Indiana. Applicant proposes, as of October 1, 1970, to discontinue service to Schenley, and to transfer the Sales Contract with Schenley to Lawrenceburg.

Applicant further proposes to enter into a new Service Agreement with Lawrenceburg, to become effective November 1, 1970, which supersedes the Service Agreement dated October 23, 1969, on file with the Commission in Docket No. CP70-6. Under the new Service Agreement the maximum daily delivery obligation will be increased by 2,470 Mcf per day to 15,000 Mcf per day.

Applicant states that a portion of said 2,470 Mcf of increased volume will be delivered to Lawrenceburg by Texas Gas Transmission Corp. (Texas) on account of applicant at Texas' Rising Sun Sales Station in Dearborn County, Ind., and Bright Sales Station top in Lawrenceburg, Ind. The balance of the 2,470 Mcf increase will be delivered by Texas to applicant at Regulator Stations No. 1 and No. 2 for delivery to Lawrenceburg. Applicant proposes to sell to Cincinnati under FPC Rate Schedule EX-1, as authorized in Docket No. CP65-186, portions of the 2,470 Mcf increase not immediately required by Lawrenceburg.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 3, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a

petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
*Acting Secretary.*

[F.R. Doc. 70-14237; Filed, Oct. 22, 1970; 8:45 a.m.]

[Docket No. CP71-82]

## MANUFACTURERS LIGHT AND HEAT CO.

### Notice of Application

OCTOBER 15, 1970.

Take notice that on September 29, 1970, The Manufacturers Light and Heat Co. (Manufacturers), 800 Union Trust Building, Pittsburgh, Pa. 15219, filed in Docket No. CP71-82 an application pursuant to sections 7(c) and 7(b) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the sale and delivery of additional volumes of natural gas to existing wholesale customers, and for permission and approval to abandon certain facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Manufacturers seeks authorization to (1) replace an existing 1,080 horsepower compressor unit with a new 3,000 horsepower compressor unit at an existing transmission compressor station in West Virginia; (2) construct an 18.8 mile 10-inch extension of Line No. 1655 in Pennsylvania; (3) activate a new underground storage field in Pennsylvania; (4) replace 8.9 miles of 12-inch and 16-inch transmission pipelines with 9 miles of 12-inch and 16-inch transmission pipelines in the same locales in Pennsylvania; (5) abandon 4.1 miles of 10-inch transmission pipeline in Pennsylvania; and (6) abandon two transmission compressor stations totalling 185 horsepower in Pennsylvania.

Manufacturers also seeks authorization to increase sales and deliveries to certain existing jurisdictional customers in accordance with such customers' estimates.

Manufacturers states that (1) the proposed enlargements of its transmission and storage capacities are necessary to provide for immediate and future market requirements; (2) the proposed replacements are necessary to provide continued reliable service compatible with market requirements; (3) the facilities proposed to be abandoned can no longer be economically maintained or they are no longer needed or useful; (4) no abandonment of service will result from the proposed abandonments; and (5) the proposed increased sales and deliveries are required by Manufacturers' customers to serve their 1971-72 market requirements.

Manufacturers states that this application is predicated upon approval of the certificate applications pending in Dockets Nos. CP68-364 and CP70-97 (Phase II).

Manufacturers states that the total estimated cost of constructing the proposed facilities inclusive of filing fees is $9,793,000 which will be financed by the sale of notes and/or common stock to The Columbia Gas System, Inc., parent company of Manufacturers.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 3, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and/or permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
*Acting Secretary.*

[F.R. Doc. 70-14238; Filed, Oct. 22, 1970; 8:45 a.m.]

[Docket No. CP71-81]

## OHIO FUEL GAS CO.

### Notice of Application

OCTOBER 15, 1970.

Take notice that on September 29, 1970, The Ohio Fuel Gas Co. (Applicant), 99 North Front Street, Columbus, Ohio 43215, filed in Docket No. CP71-81 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act authorizing the construction and operation of natural gas facilities and permitting and approving the abandonment of natural gas facilities on its existing transmission system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the construction and operation of 10 pipeline projects, all in the State of Ohio, as part of a program to provide increased capacity needed to serve its existing markets and to assure dependable service.

In addition Applicant proposes the abandonment of 22.2 miles of 10¾-inch O.D. pipeline, located in Marion and Wyandot Counties, Ohio, retiring part of Line T-50. Applicant states that it is no longer practical or economical to maintain this line in service since the markets heretofore served by it are now being served by more economical means through other transmission pipelines of Applicant or sections of Line T-50 not proposed for abandonment. Applicant further states that the proposed abandonment will not result in termination of service to any customer.

Applicant also requests that the present limitation on the maximum daily deliveries to its customers under firm rate schedules be increased.

Applicant states that the total estimated cost of the proposed transmission projects will be $4,282,600, which the Columbia Gas System, Inc. will finance.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 6, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any

person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and/or permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
*Acting Secretary.*

[F.R. Doc. 70-14239; Filed, Oct. 22, 1970; 8:45 a.m.]

[Docket No. CP71-98]

## TRANSCONTINENTAL GAS PIPE LINE CORP., ET AL.

### Notice of Application

OCTOBER 15, 1970.

Take notice that on October 6, 1970, Transcontinental Gas Pipe Line Corp. (Transco), Post Office Box 1396, Houston, Tex. 77001; Columbia Gulf Transmission Co. (Columbia Gulf), Post Office Box 683, Houston, Tex. 77001; and United Fuel Gas Co. (United Fuel), Post Office Box 1273, Charleston, W. Va. 25325, filed in Docket No. CP71-98 a joint application pursuant to section 7(c) of the Natural Gas Act, seeking authorization for the exchange and delivery of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants seek authorization for the exchange of natural gas pursuant to a letter agreement dated May 25, 1970, at an existing point of interconnection between the systems of Transco and Columbia Gulf in Evangeline Parish, La., and at natural gas processing plants and other common points where both Columbia Gulf and Transco take or may in the future take delivery of natural gas from others. Applicants state that they do not presently propose to construct any additional facilities to carry out the exchange agreement.

Applicants state that the purpose of their new exchange agreement is to modernize their existing emergency exchange agreement authorized by a certificate of public convenience and necessity issued November 27, 1964, in joint Docket No. CP65-76. Applicants state that the new exchange agreement will result in a greater flexibility in exchanging gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 6, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
*Acting Secretary.*

[F.R. Doc. 70-14240; Filed, Oct. 22, 1970; 8:46 a.m.]

[Docket No. CP71-78]

## UNITED FUEL GAS CO.

### Notice of Application

OCTOBER 15, 1970.

Take notice that on September 29, 1970, United Fuel Gas Co. (applicant), Post Office Box 1273, Charleston, W. Va. 25325, filed in docket No. CP71-78 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the wholesale sale and delivery of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant requests authorization to:

(1) Construct and operate approximately 4⅘ miles of 36-inch loop pipeline in Boyd County, Ky., and Wayne County, W. Va., on the Kentucky side of the Big Sandy River to Ceredo Compressor Station;

(2) Construct and operate approximately 7⅘ miles of 30-inch loop pipeline in Kanawha County, W. Va., between Lanham and Clendenin Compressor Stations;

(3) Construct and operate approximately 9⅘ miles of 26-inch loop pipeline in Roane and Calhoun Counties, W. Va., between Clendenin and Glenville Compressor Stations; and

(4) Install and operate one 4,000-horsepower compressor unit and transfer to standby service two existing 1,100-horsepower compressor units at Glenville Compressor Station in Gilmer County, W. Va.

Further, applicant requests authorization to increase maximum daily firm deliveries to certain of its existing jurisdictional customers by a net daily aggregate increase of 187,400 Mcf during the 1971-72 winter season.

The application states that, as a result of applicant's increased requirements on the design summer day of 1972, applicant's existing transmission system will be deficient by 108,100 Mcf per day. For this reason the applicant requests the proposed additions to its existing transmission system.

The application further states that the total estimated cost of the proposed projects is $6,509,100, which is to be financed through open account advances from and the issuance of promissory notes and common stock to applicant's parent company, The Columbia Gas System, Inc.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 6, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
*Acting Secretary.*

[F.R. Doc. 70-14241; Filed, Oct. 22, 1970; 8:46 a.m.]

# FEDERAL RESERVE SYSTEM

## AMERIBANC, 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 Ameribanc, Inc., St. Joseph, Mo., for prior approval by the Board of Governors of action whereby Applicant would become a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The American National Bank of St. Joseph and the successor by merger to Belt National Bank of St. Joseph, both in St. Joseph, Mo.

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 Kansas City.

By order of the Board of Governors, October 19, 1970.

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

[F.R. Doc. 70-14265; Filed, Oct. 22, 1970; 8:48 a.m.]

## FIRST NATIONAL STATE BANCORPORATION

### Order Approving Action To Become a Bank Holding Company

In the matter of the application of First National State Bancorporation, Newark, N.J., for approval of action to become a bank holding company through the acquisition of voting shares of four banks in the State of New Jersey.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First National State Bancorporation, Newark, N.J., which owns presently all (less directors' qualifying shares) of the voting shares of First National State Bank of New Jersey, Newark, N.J., for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of the following New Jersey banks, or their successors by merger: City National Bank, Hackensack; The Warren County National Bank, Washington; The Edison Bank, South Plainfield; and First National Bank of Spring Lake, Spring Lake.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and the New Jersey Commissioner of Banks, and requested their views and recommendations. The Comptroller recommended approval; the Commissioner did not object to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 30, 1970 (35 F.R. 12240), which provided an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

*It is hereby ordered*, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[2] October 15, 1970.

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

[F.R. Doc. 70-14266; Filed, Oct. 22, 1970; 8:48 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York.

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

## SECURITY FINANCIAL SERVICES, INC.

### Order Denying Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Security Financial Services, Inc., Sheboygan, Wis., for approval of acquisition of 80 percent or more of the voting shares of Security West Side Bank, Sheboygan, Wis., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Security Financial Services, Inc., Sheboygan, Wis., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Security West Side Bank, Sheboygan, Wis., a proposed new bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking of the State of Wisconsin and requested his views and recommendation. The Commissioner indicated that he would offer no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on August 5, 1970 (35 F.R. 12499), which provided an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

*It is hereby ordered*, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is denied.

By order of the Board of Governors,[2] October 19, 1970.

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

[F.R. Doc. 70-14267; Filed, Oct. 22, 1970; 8:48 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

## OTIS OIL & GAS CORP.

### Order Suspending Trading

OCTOBER 15, 1970.

It appearing to the Securities and Exchange Commission that the summary

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

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

suspension of trading in the common stock of Otis Oil & Gas Corp. (a California corporation), and all other securities of Otis Oil & Gas Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 15, 1970, through October 24, 1970, both dates inclusive.

By the Commission.

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

[F.R. Doc. 70-14259; Filed, Oct. 22, 1970; 8:47 a.m.]

# INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

## NORTH AMERICAN COAL CORP.

### Application for Renewal Permit; Notice of Opportunity for Public Hearing

Application for a Renewal Permit for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.³) has been accepted for consideration as follows:

(1) ICP Docket No. 10726, the North American Coal Corp., Ohio Division, Powhatan No. 5 Mine, USBM ID No. 33 00937 0, Powhatan Point, Belmont County, Ohio. Section ID No. 003 (Main North), Section ID No. 006 (Main South).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK, *Chairman, Interim Compliance Panel.*

OCTOBER 20, 1970.

[F.R. Doc. 70-14248; Filed, Oct. 22, 1970; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 175]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 19, 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 1074 (Sub-No. 12 TA), filed October 14, 1970. Applicant: ALLEGHENY FREIGHT LINES, INCORPORATED, Post Office Box 601, Valley Pike, Winchester, Va. 22601. Applicant's representative: C. F. Germelman, Post Office Box 601, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Women's apparel, materials, supplies, and equipment used in, or useful to, their manufacture*, serving Harrisville, W. Va., as an off-route point in connection with carrier's presently authorized regular route authority in Docket MC-1074 and subs thereunder, for 150 days: NOTE: Applicant intends to tack with its present authority at Charleston, Parkersburg, Clarksburg, W. Va., Pittsburgh, Pa., Winchester, Va., and Baltimore, Md. Supporting shipper: Economy Industries, Harrisville, W. Va. 26362. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 52579 (Sub-No. 127 TA), filed October 14, 1970. Applicant GILBERT CARRIER CORP., One Gilbert Drive, Secaucus, N.J. 07094. Applicant's representative: W. Abel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers, from Hialeah and Miami, Fla., to Lumberton, N.C., for 150 days. Supporting shipper: Tiffany Apparel, Inc., 152 Madison Avenue, New York, N.Y. 10016. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 52709 (Sub-No. 311 TA), filed October 13, 1970. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. 80216. Applicant's representative: Eugene Hamilton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, serving Humble Oil & Refining Co., Highland Uranium Mine site and plant facilities located approximately 25 miles northwest of Douglas, Wyo., as an off-route point in connection with applicant's regular-route operations. NOTE: Will be tacked with regular route authority under Docket MC 52709 or interlined with other carriers at Douglas, Wyo., for 180 days. Supporting shipper: Humble Oil & Refining Co., Houston, Tex. 77001. Send protests to: Roger L. Buchanan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 105457 (Sub-No. 70 TA), filed October 13, 1970. Applicant: THURSTON MOTOR LINES, INC., 60 Johnson Road, Post Office Box 10638, Charlotte, N.C. 28201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard, wood fiberboard faced or finished* with decorative and/or protective material and *accessories* and *supplies* used in the installation thereof, from the plant and warehouse sites of Evans Products Co. at or near Doswell, Va., to points in Alabama, Kentucky, Louisiana, Mississippi, Arkansas, Florida, Georgia, North Carolina, South Carolina, Tennessee, and West Virginia, for 150 days. Supporting shipper: Evans Products Co., 2200 East Devon Avenue, Des Plaines, Ill. 60018. Send protests to: District Supervisor Jack Huff, Interstate Commerce Commission, Bureau of Operations, Suite 417, BSR Building, 316 East Morehead Street, Charlotte, N.C. 28202.

No. MC 107295 (Sub-No. 457 TA), filed October 13, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *comon carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building slabs composed of wood fiber and cement;* from Richmond, Va., to points in Illinois, Michigan, Wisconsin, Kentucky, and Tennessee, for 180 days. Supporting shipper: The Flintkote Co., Richmond, Va. Send protests to: Harold Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 115669 (Sub-No. 115 TA), filed October 14, 1970. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, from Fairbury, Nebr., to points in Iowa, Kansas, and Missouri, for 180 days. Supporting shipper: Cominco American Inc., Fairbury, Nebr. Send protests to: District Supervisor Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 117613 (Sub-No. 3 TA), filed October 14, 1970. Applicant: DONALD M. BOWMAN, JR., 15 East Oak Ridge Drive, Route 3, Hagerstown, Md. 21740. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick* (except refractory brick) and *tile*, from Martinsburg and Hedgesville, W. Va., to points in the District of Columbia, Virginia, and Maryland. Restriction: The operations authorized herein are limited to a transportation service to be performed under contracts with Continental Clay Products, Inc., and United Clay Products, Inc., Washington, D.C., for 180 days. Supporting shippers: Continental Clay Products, Inc., and United Clay Products, Inc., Washington, D.C. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 118459 (Sub-No. 3 TA), filed October 14, 1970. Applicant: SIGNAL DELIVERY SERVICE, INC., 930 North York Road, Room 214, Hinsdale, Ill. 60521. Applicant's representative: Eugene L. Cohn, Suite 2255, One North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, paint materials, and related articles* normally sold in retail paint and hardware stores, from the distribution service center of the Sherwin-Williams Co. located at Savage (Howard County), Md., to points in Virginia and *returned, damaged refused and rejected articles* as described above, from points in Virginia to the distribution service center of the Sherwin-Williams Co. located at Savage (Howard County), Md. Restriction: The operations authorized herein are restricted against service to or from any stores or other places of business of Montgomery Ward & Co., Inc., and Sears, Roebuck & Co., for 180 days. Supporting shipper: The Sherwin-Williams Co., 101 Prospect Avenue NW., Cleveland, Ohio 44115. Send protest to: William E. Gallagher, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, Ill. 06604.

No. MC 119777 (Sub-No. 192 TA) filed October 14, 1970. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box L, Madisonville, Ky. 42431. Applicant's representative: Wm. G. Thomas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crated new furniture*, from West Mifflin, Pa., to points in the United States, for 180 days. Supporting shipper: Dan A. Gaw, Truck Traffic Supervisor, Permaneer Corp., 145 Weldon Parkway, Maryland Heights, Mo. 63043. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 119880 (Sub-No. 43 TA), filed October 13, 1970. Applicant: DRUM TRANSPORT, INC., Post Office Box 205, 616 Chicago Street, East Peoria, Ill. 61611. Applicant's representative: B. N. Drum (same adress as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pyridine, mixed picolines, 2-vinyl pyridine*, in bulk, in tank vehicles, from Indianapolis, Ind., to Elizabeth, N.J., for 180 days. Supporting shipper: Reilly Tar & Chemical Corp., 11 South Meridian Street, Indianapolis, Ind. 46204. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 120800 (Sub-No. 29 TA), filed October 14, 1970. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, Calif. 90222. Applicant's representative: A. O'Malley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid natural gas*, in vacuum jacketed trailers, from port of entry Highgate Springs, Vt., and port of entry Rouses Point, N.Y., on international boundary between the United States and Canada, to Boston, Mass., for 120 days. Supporting shipper: Bostongas, 144 McBride Street, Boston, Mass. 02130. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 123061 (Sub-No. 57 TA), filed October 14, 1970. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned pet foods*, between points in Oregon, Washington, and Idaho, for 180 days. Supporting shipper: O'Connell Packing Co., Post Office Box 190, Sherwood, Oreg. 97104. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 125140 (Sub-No. 10 TA) (Republication), filed January 9, 1970, published in the FEDERAL REGISTER, issue of January 28, 1970, and republished in this issue. Applicant: RICHARD B. BRUNZLICK, Augusta, Wis. 54722. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Applicant holds 180-day temporary authority authorizing the transportation as a motor *contract carrier of dairy products, dairy byproducts, fruit juices, and fruit drinks*, for the account of Bowman Dairy Sales Co., over irregular routes, from Rockford, Ill., to points in Illinois, Indiana, Iowa, Missouri, Wisconsin, Minnesota, and points in that part of Michigan on and south of U.S. Highway 10, subject to certain safety conditions. Applicant now seeks to substitute the name of Fieldcrest Sales Co. of Franklin Park, Ill., in lieu of Bowman Dairy Sales Co., of Franklin Park, Ill. Any interested person desiring to participate may file objections to such change within 15 days from the date of publication in the FEDERAL REGISTER. Send objections to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 127042 (Sub-No. 66 TA), filed October 15, 1970. Applicant: HAGEN INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, Iowa 51108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts and articles distributed by meat packinghouses*, from Pekin, Ill., and its commercial zone, to points in Indiana, Ohio, and Kentucky, for 180 days. Supporting shipper: Bird Provision Co., 420 Washington Street, Pekin, Ill. 61554. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 128117 (Sub-No. 12 TA), filed October 14, 1970. Applicant: NORTON-RAMSEY MOTOR LINES, INC., Catawba Avenue, Post Office Box 477, Old Fort, N.C. 28762. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated and uncrated, from points in Campbell and Franklin Counties, Va., to points in Arkansas, Louisiana, Oklahoma, Texas, and New Mexico, for 180 days. Supporting shipper: The Lane Co., Inc., Altavista, Va. 24517. Send protests to: District Supervisor Jack Huff, Interstate Commerce Commission, Bureau of Operations, Suite 419, BSR Building, 316 East Morehead Street, Charlotte, N.C.

No. MC 133962 (Sub-No. 2 TA) (Correction), filed October 6, 1970, published FEDERAL REGISTER of October 14, 1970, and republished as corrected this issue. Applicant: JAMES W. ALDRICH, 748 Northeast 35th Street, Ocala, Fla. 32670. Applicant's representative: Norman T. Bolinger, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. NOTE: The purpose of this republication is to show that applicant seeks authority for 180 days. This was inadvertently omitted from previous publication. The rest of the notice remains as previously published.

No. MC 134070 (Sub-No. 3 TA), filed October 15, 1970. Applicant: LEW ROSE

doing business as LEW ROSE PETROLEUM TRANSPORT, 855 South Fort Street, Detroit, Mich. 48217. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, 1001 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, in tank vehicles, from Detroit, Mich., to Fostoria, Ohio, for 150 days. Supporting shipper: Marathon Oil Co., Findlay, Ohio 45840. Send protests to: District Supervisor Melvin F. Kirsch, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 134475 (Sub-No. 2 TA), filed October 14, 1970. Applicant: WHEELERS DISTRIBUTING CO., Post Office Box E, 3415 Potash Road, Grand Island, Nebr. 68801. Applicant's representative: Frederick J. Coffman, Post Office Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is used or dealt in by wholesale and retail farm and home supply stores, from points in Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, Washington, and Wisconsin, to Guthrie Center, Iowa, restricted to the transportation of traffic destined to the warehouses or stores of Wheelers Stores, Inc., or its wholly owned subsidiaries, and further restricted to service performed under continuing contract or contracts with Wheelers Stores, Inc., or its wholly owned subsidiaries, for 150 days. Supporting shipper: Wheelers Stores, Inc., 3415 Potash Road, Grand Island, Nebr. 68801. Send protests to: District Supervisor Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 134777 (Sub-No. 5 TA), filed October 15, 1970. Applicant: SOONER EXPRESS, INC., Post Office Box 219, Sooner Building, Highway 70 South, Madill, Okla. 73446. Applicant's representative: Raymond Gary (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from Omaha, Nebr., and Des Moines, Iowa, to points in Georgia, North Carolina, and South Carolina, for 180 days. Supporting shipper: Armour & Co., 111 East Wacker Drive, Chicago, Ill. 60690. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 134872 (Sub-No. 2 TA), filed October 14, 1970. Applicant: GOSSELIN EXPRESS LTD., a corporation, 141 Smith Boulevard, Thetford Mines, Quebec, Canada. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles and all terrain vehicles*, from ports of entry on the international boundary line between the United States and Canada, in New York, Michigan, Vermont, and Maine to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Wisconsin, Minnesota, New Jersey, and Michigan, and from Minnesota to the ports of entry on the international boundary line between the United States and Canada in Michigan and New York, for 180 days. Supporting shippers: Auto Ski, Inc., C.P. 24, Compton, Quebec; Trans-Ski Ltee, C.P. 24, Compton, Quebec; Moto Jet Limitee, C.P. 10, St. Martin (Beauce), Quebec; Karou Inc., 535 St. Pierre, Drummondville, Quebec; Les Industries Ben-Angus Ltee, C.P. 130, Lambton (Frontenac), Quebec. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord, N.H. 03301.

No. MC 134887 (Sub-No. 1 TA), filed October 13, 1970. Applicant: JOSEPH A. BARTLINSKI, 18 Muth Street, South Amboy, N.J. 08879. Applicant's representative: Sidney J. Leshin, 501 Madison Avenue, New York, N.Y. 10022. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, from Brooklyn and Staten Island, N.Y., to Piscataway, N.J., and return, for 150 days. Supported by: Twenty-eight employees of American Telephone & Telegraph Co., at Piscataway, N.J., names on file at Newark, N.J., field office. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-14281; Filed, Oct. 22, 1970; 8:49 a.m.]

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[Notice 176]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 20, 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 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 30237 (Sub-No. 19 TA), filed October 14, 1970. Applicant: YEATTS TRANSFER COMPANY, Post Office Box 666, Altavista, Va. 24517. Applicant's representative: C. F. Germelman, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, as described in appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Catawba County, N.C., to Altavista, Va. (Applicant states that it intends to tack authority sought with that presently held in MC-30237 and subs thereunder), for 150 days. Supporting shipper: The Lane Co., Inc., Altavista, Va. Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 55883 (Sub-No. 14 TA) (Correction), filed September 17, 1970, published FEDERAL REGISTER, issue of October 2, 1970, and republished as corrected this issue. Applicant: EXPRESS, INCORPORATED, Post Office Box 15, Stephenson, Va. 22656. Applicant's representative: Bill R. Davis, Suite 1600 First Federal Building, Atlanta, Ga. 30303. NOTE: The purpose of this republication is to show that applicant seeks to operate as a common carrier, rather than as a contract carrier, which was published in error. The rest of the notice remains as previously published.

No. MC 114106 (Sub-No. 83 TA), filed October 15, 1970. Applicant: MAYBELLE TRANSPORT COMPANY, 1820 South Main Street, Post Office Box 573, Lexington, N.C. 27292. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polystyrene*, in bulk, from Greer, S.C., to Forest City, N.C., for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: District Supervisor Jack Huff, Interstate Commerce Commission, Bureau of Operations, Suite 417, BSR Building, 316 East Morehead Street, Charlotte, N.C. 28202.

No. MC 115331 (Sub-No. 291 TA), filed October 15, 1970. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63131. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Dry feed grade urea*, from storage facilities utilized by Occidental Chemical Co. at Pekin, Ill., to points in Illinois, Iowa, Kentucky, Minnesota, Missouri, and Wisconsin, for

180 days. Supporting shipper: Occidental Chemical Co., Post Office Box 1185, Houston, Tex. 77001. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 134882 (Sub-No. 1 TA), (Correction), filed September 30, 1970, published FEDERAL REGISTER, issue of October 10, 1970, and republished as corrected this issue. Applicant: WINTLE DELIVERY & REFRIGERATOR TRUCK SERVICE, INC., 43 East Lincoln Avenue, Columbus, Ohio 43214. Applicant's representative: Morton Y. Reeves, 8 East Broad Street, Columbus, Ohio 43215. NOTE: The purpose of this republication is to show applicant's correct name, which was shown incorrectly in previous publication. The rest of the notice remains as previously published.

No. MC 134982 (Sub-No. 1 TA), filed October 15, 1970. Applicant: ROGER YELLE, doing business as RED ENTERPRISES ENR'G., Rural Route No. 4, Trout River, Huntingdon County, Province of Quebec, Canada. Applicant's representative: Adrien Paquette, 200 Rue St. Jacques, Suit 1010, Montreal, Province of Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Popsicle, coffee, and ice cream sticks, and tongue depressors*, from ports of entry on the international boundary line between the United States and Canada to Milford, Del.; Brooklyn, N.Y.; Baltimore and Laurel, Md.; Englewood, N.J.; Dunkirk, N.Y.; Lake Geneva, Wis.; St. Louis, Mo.; Memphis, Tenn.; St. Paul, Minn.; Toledo, Ohio; Lafayette, Ind.; Le Mars, Iowa; Dallas, Tex., and Houston, Tex.; for 180 days. Supporting shipper: John Lewis, Inc., 9060 Parkway Boulevard, Montreal 347, Province of Quebec, Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

MOTOR CARRIER OF PASSENGERS

No. MC 134861 (Sub-No. 1 TA) (Correction), filed September 22, 1970, published FEDERAL REGISTER, issue of October 1, 1970, and republished as corrected this issue. Applicant: DICKENSON LINES, INC., Route 1, Anoka, Minn. 55303. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. NOTE: The purpose of this republication is to show that applicant intends to operate over irregular routes, in lieu of over regular routes, as previously set forth in error. The rest of the notice remains as previously published.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-14282; Filed, Oct. 22, 1970; 8:49 a.m.]

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[Notice 605]

## MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 20, 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.

F.D. No. 26352. By order of October 15, 1970, the Motor Carrier Board approved the transfer to Hendren Tow-Boat Co., Inc., Portland, Oreg., of the Fourth Amended Certificate in No. W-481 issued January 5, 1967, to Floyd G. Hendren, Jr., doing business as Hendren Tow Boat Co., Portland, Oreg., authorizing operations as a common carrier, by towing vessels, in the performance of general towage between ports and points in Washington and Oregon on the Columbia River and its tributaries, below and including The Dalles, Oreg., but not including the Willamette River above Oswego, Oreg. Donald F. Marshall, 8535 North Lombard Street, Portland, Oreg. 97203, attorney for applicants.

No. MC-FC-72234. By order of October 15, 1970, the Motor Carrier Board approved the transfer to American Freight Lines, Inc., Jackson, Miss., of the operating rights in certificate No. MC-121142 (Sub-No. 8) issued January 5, 1970, to J & G Express, Inc., Jackson, Miss., authorizing the transportation of general commodities, with exceptions, between Jackson, Miss., on the one hand, and, on the other, points in Northwestern Mississippi on and north of Mississippi Highway 8 and on and west of interstate Highway 55 (except points in the Memphis, Tenn., commercial zone, as defined by the Commission. Jerry H. Blount, Post Office Box 2366, Jackson, Miss. 39205, attorney for applicants.

No. MC-FC-72329. By order of October 15, 1970, the Motor Carrier Board approved the transfer to David City Transfer, Inc., David City, Nebr., of certificate No. MC-120645 (Sub-No. 2) issued March 13, 1969, to Gerald L. Petersen and Adeline M. Petersen, a partnership, doing business as David City Transfer, David City, Nebr., authorizing the transportation of: General commodities, with the usual exceptions, between Omaha, Nebr., and David City, Nebr.; and between David City, Nebr., and Lincoln, Nebr. Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102, attorney for applicants.

No. MC-FC-72416. By order of October 15, 1970, the Motor Carrier Board approved the transfer to Elbert Grady Shelton, doing business as Shelton Trucking, Route 1, Box 230, Altha, Fla. 32421, of the operating rights in certificate No. MC-124887 (Sub-No. 1) issued November 13, 1963, to Walter J. Baker, doing business as Baker Truck Co., Lenox, Ga., authorizing the transportation of fertilizer and fertilizer materials, in bags and in dry bulk, poultry feed and poultry feed materials, in bags and in dry bulk, and animal feed and animal feed materials, in bags and in dry bulk, and treated fenceposts, from Guntersville, Ala., and points in that part of Georgia on and south of U.S. Highway 80, to points in that part of Florida on and north of a line beginning at Cedar Key, Fla., and extending along Florida Highway 24 to Gainesville, Fla., thence along Florida Highway 20 to Palatka, Fla., and thence along Florida Highway 207 to St. Augustine, Fla.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-14283; Filed, Oct. 22, 1970; 8:49 a.m.]

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