FEDERAL REGISTER

VOLUME 35 • NUMBER 212

Friday, October 30, 1970 • Washington, D.C.

Pages 16779–16824

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FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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PART 151—POLITICAL ACTIVITY OF STATE OR LOCAL OFFICERS OR EMPLOYEES

PART 733—POLITICAL ACTIVITY OF FEDERAL EMPLOYEES

Parts 151 and 733 are revised to identify the permissible and prohibited political activities of both State or local officers or employees and employees in the competitive and excepted services, and to clarify and simplify the procedures applicable to actions based on alleged violations of the prohibitions.

1. Part 151 is revised and amended as set out below:

GENERAL PROVISIONS

AUTHORITY: The provisions of this Part 151 issued under 5 U.S.C. 1302, 1501–1508.

GENERAL PROVISIONS

§ 151.101 Definitions.

In this part:

(a) "State" means a State or territory or possession of the United States;

(b) "State or local agency" means the executive branch of a State, municipality, or other political subdivision of a State, or an agency or department thereof;

(c) "Federal agency" means an executive agency or other agency of the United States, but does not include a member bank of the Federal Reserve System;

(d) "State or local officer or employee" means an individual employed by a State or local agency whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal agency, but does not include—

(1) An individual who exercises no functions in connection with that activity; or

(2) An individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by a State or political subdivision thereof, or by a recognized religious, philanthropic, or cultural organization.

(e) "Political party" means a National political party, a State political party, and an affiliated organization;

(f) "Election" includes a primary, special, and general election;

(g) "Nonpartisan election" means—

(1) An election at which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected; and

(2) An election involving a question or issue which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance, or any other question or issue of a similar character; and

(h) "Partisan" when used as an adjective refers to a political party.

PERMISSIBLE ACTIVITIES

§ 151.111 Permissible activities.

(a) All State or local officers or employees are free to engage in political activity to the widest extent consistent with the restrictions imposed by law and this part. Each employee retains the right to—

(1) Register and vote in any election;

(2) Express his opinion as an individual privately and publicly on political subjects and candidates;

(3) Display a political picture, sticker, badge, or button;

(4) Participate in the nonpartisan activities of a civic, community, social, labor, or professional organization, or of a similar organization;

(5) Be a member of a political party or other political organization and participate in its activities to the extent consistent with law;

(6) Attend a political convention, rally, fund-raising function, or other political gathering;

(7) Sign a political petition as an individual;

(8) Make a financial contribution to a political party or organization;

(9) Take an active part, as a candidate or in support of a candidate, in a nonpartisan election;

(10) Be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance or any other question or issue of a similar character;

(11) Serve as an election judge or clerk, or in a similar position to perform nonpartisan duties as prescribed by State or local law; and

(12) Otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise the neutrality, efficiency, or integrity of his administration of federally funded functions.

(b) Paragraph (a) of this section does not authorize a State or local employee to engage in political activity in violation of Federal, State, or local law, the regulations of his employing agency, or while on duty. The head of a State or local agency may prohibit or limit the participation of an employee or class of employees of his agency in an activity permitted by paragraph (a) of this section, if participation in the activity would interfere with the efficient performance of offical duties, or create a conflict or apparent conflict of interests.

PROHIBITED ACTIVITIES

§ 151.121 Use of official authority; coercion; prohibitions.

A State or local officer or employee may not—

(a) Use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office; or

(b) Directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a political party, committee, organization, agency, or person for a political purpose.

§ 151.122 Political management and political campaigning; prohibitions.

(a) A State or local officer or employee may not take an active part in political management or in a political campaign, except as permitted by this part.

(b) Activities prohibited by paragraph (a) of this section include but are not limited to—

(1) Serving as an officer of a political party, a member of a National, State, or local committee of a political party, an officer or member of a committee of a partisan political club, or being a candidate for any of these positions;

(2) Organizing or reorganizing a political party organization or political club;

(3) Directly or indirectly soliciting, receiving, collecting, handling, disbursing, or accounting for assessments, contributions, or other funds for a partisan political purpose;

(4) Organizing, selling tickets to, promoting, or actively participating in a fundraising activity of a partisan

candidate, political party, or political club.

(5) Taking an active part in managing the political campaign of a partisan candidate for public office or political party office;

(6) Becoming a partisan candidate for, or campaigning for, an elective public office;

(7) Soliciting votes in support of or in opposition to a partisan candidate for public office or political party office;

(8) Acting as recorder, watcher, challenger, or similar officer at the polls on behalf of a political party or partisan candidate;

(9) Driving voters to the polls on behalf of a political party or partisan candidate;

(10) Endorsing or opposing a partisan candidate for public office or political party office in a political advertisement, a broadcast, campaign literature, or similar material;

(11) Serving as a delegate, alternate, or proxy to a political party convention;

(12) Addressing a convention, caucus, rally, or similar gathering of a political party in support of or in opposition to a partisan candidate for public office or political party office; and

(13) Initiating or circulating a partisan nominating petition.

§ 151.123 Political management and political campaigning: exceptions.

Section 151.122 does not apply to—

(a) The Governor or Lieutenant Governor of a State or an individual authorized by law to act as Governor;

(b) The Mayor of a city;

(c) A duly elected head of an executive department of a State or municipality who is not classified under a State or municipal merit or civil service system;

(d) An individual holding elective office; or

(e) Activity in connection with a nonpartisan election.

PROCEDURES

§ 151.131 Investigation.

The Commission investigates an allegation of prohibited political activity that it receives from a State or local agency or from any other source. After review of the report of investigation, the General Counsel of the Commission may close the case or issue a letter of charges.

§ 151.132 Charges.

A letter of charges shall set forth the alleged political activity specifically and in detail. The letter of charges shall be served on the State or local officer or employee and on the State or local agency employing him (the respondents). Each respondent may be represented by counsel at this and every other stage of the proceedings.

§ 151.133 Answer.

A respondent may answer the charges within 15 days from the day he receives them. After review of the answer or after the time for answering has expired, the General Counsel may close the case or refer it to the hearing examiner of the Commission for further proceedings.

§ 151.134 Motions.

An application or request for an order or ruling not otherwise specifically provided for in this part shall be made by motion addressed to the Commission or the hearing examiner. The motion and supporting reasons shall be served on the parties. Objections to a motion shall be submitted within 10 days after the motion is served, except that a motion for continuance or extension of time may be ruled on ex parte.

§ 151.135 Hearings.

(a) Unless the respondents and the General Counsel agree to waive a hearing, on receipt of the case the hearing examiner shall schedule a hearing, considering the convenience of the parties as to time and place. The hearing examiner shall notify the parties of the date and place of the hearing at least 10 days in advance. A hearing under this part is public, except when the Commission or the hearing examiner for good cause orders otherwise.

(b) The Commission issues subpenas requiring the attendance of witnesses or the production of documents on application of a party to the proceedings. An application for a subpena for the production of documentary evidence shall specifically describe, and show the relevancy and materiality of, the documents sought. The Commission may order the taking of depositions for good cause shown on application of a party to the proceedings.

(c) Testimony is under oath or affirmation. Witnesses who testify are subject to cross-examination. The party at whose instance a witness appears pays the witness fee and mileage that are payable in the courts of the United States.

(d) The hearing is recorded by a reporter designated by the Commission. Copies of the transcript are made available to the respondents at the rate fixed by contract between the Commission and the reporter.

§ 151.136 Powers of the hearing examiner.

The hearing examiner may:

(a) Administer oaths and affirmations;

(b) Rule on offers of proof and receive relevant evidence;

(c) Fix the time and place of hearing;

(d) Regulate the course of the hearing;

(e) Exclude any person from the hearing for contumacious conduct or misbehavior that obstructs the hearing;

(f) Hold conferences for simplification of the issues, or for any other purpose;

(g) Dispose of procedural requests or similar matters;

(h) Authorize, and set the time for, the filing of briefs, memorandums of law, or other documents as may be required in the proceedings;

(i) Grant continuances and extensions of time; and

(j) Take any other action in the course of the proceedings consistent with the purpose of this part.

§ 151.137 Decision.

(a) The presiding hearing examiner (or any designated hearing examiner, if the hearing is waived) initially decides the case. Before preparing his decision, the hearing examiner shall give the parties an opportunity to submit proposed findings and conclusions, with supporting reasons. The hearing examiner shall serve a copy of his decision on the parties or counsel by certified or registered mail. The parties may file exceptions to the decision of the hearing examiner, with supporting reasons, within 30 days from the date of service.

(b) When the hearing examiner decides that there has been no violation of the statute or a violation that does not warrant removal, his initial decision becomes the final decision of the Commission without further proceedings unless, within 30 days from the date of service of the decision, a party appeals to the Commission, or the Commission, on its motion, decides to review the case.

(c) When the hearing examiner decides that there has been a violation of the statute that warrants removal, he prepares a recommended decision for consideration by the Commission.

(d) On appeal from or review of a decision of the hearing examiner, the Commission makes its decision on the record and notifies the State or local officer or employee and the State and local agency employing him. When a violation so warrants, the Commission recommends the removal of the State or local officer or employee. If the State or local officer or employee is not removed, or if he is removed and is removed within 18 months in a State or local agency of the same State, the Commission may direct the withholding from the next Federal loan or grant to the State of an amount equal to 2 years' pay at the rate the State or local officer or employee was receiving at the time of the violation.

§ 151.138 Withholding order.

(a) The General Counsel initiates proceedings for withholding order by filing a petition with the hearing examiner.

(b) When the petition of the General Counsel on its face shows good cause for withholding of funds, the hearing examiner prepares a proposed withholding order and serves it on the State or local agency. This order becomes final without further proceedings unless the State or local agency submits exceptions to it within 30 days after service.

(c) A State or local agency that submits exceptions is entitled to a hearing and a decision on the record of the hearing.

(d) After the hearing or, if the hearing is waived, after receipt of the exceptions of the State or local agency, the hearing examiner recommends a decision to the Commission.

(e) When the Commission decides that funds should be withheld, it serves a withholding order on the appropriate Federal agency, with a copy to the State or local agency.

2. Part 733 is revised and amended as set out below:

AUTHORITY: The provisions of this Part 733 issued under 5 U.S.C. 1308, 3301, 3302, 7324, 7325, 7327; 42 U.S.C. 2729; E.O. 10577, 3 CFR 1954–58 Comp.

Subpart A—The Competitive Service

GENERAL PROVISIONS

§ 733.101 Definitions.

In this subpart:

(a) "Employee" means an individual who occupies a position in the competitive service;

(b) "Agency" means an executive agency and the government of the District of Columbia;

(c) "Political party" means a National political party, a State political party, and an affiliated organization;

(d) "Election" includes a primary, special, and general election;

(e) "Nonpartisan election" means—

(1) An election at which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected; and

(2) An election involving a question or issue which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance, or any question or issue of a similar character; and

(f) "Partisan" when used as an adjective refers to a political party.

PERMISSIBLE ACTIVITIES

§ 733.111 Permissible activities.

(a) All employees are free to engage in political activity to the widest extent consistent with the restrictions imposed by law and this subpart. Each employee retains the right to—

(1) Register and vote in any election;

(2) Express his opinion as an individual privately and publicly on political subjects and candidates;

(3) Display a political picture, sticker, badge, or button;

(4) Participate in the nonpartisan activities of a civic, community, social, labor, or professional organization, or of a similar organization;

(5) Be a member of a political party or other political organization and participate in its activities to the extent consistent with law;

(6) Attend a political convention, rally, fund-raising function; or other political gathering;

(7) Sign a political petition as an individual;

(8) Make a financial contribution to a political party or organization;

(9) Take an active part, as an independent candidate, or in support of an independent candidate, in a partisan election covered by § 733.124;

(10) Take an active part, as a candidate or in support of a candidate, in a nonpartisan election;

(11) Be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance or any other question or issue of a similar character;

(12) Serve as an election judge or clerk, or in a similar position to perform nonpartisan duties as prescribed by State or local law; and

(13) Otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise his efficiency or integrity as an employee or the neutrality, efficiency, or integrity of his agency.

(b) Paragraph (a) of this section does not authorize an employee to engage in political activity in violation of law, while on duty, or while in a uniform that identifies him as an employee. The head of an agency may prohibit or limit the participation of an employee or class of employees of his agency in an activity permitted by paragraph (a) of this section, if participation in the activity would interfere with the efficient performance of official duties, or create a conflict or apparent conflict of interests.

PROHIBITED ACTIVITIES

§ 733.121 Use of official authority; prohibition.

An employee may not use his official authority or influence for the purpose of interfering with or affecting the result of an election.

§ 733.122 Political management and political campaigning; prohibitions.

(a) An employee may not take an active part in political management or in a political campaign, except as permitted by this subpart.

(b) Activities prohibited by paragraph (a) of this section include but are not limited to—

(1) Serving as an officer of a political party, a member of a National, State, or local committee of a political party, an officer or member of a committee of a partisan political club, or being a candidate for any of these positions;

(2) Organizing or reorganizing a political party organization or political club;

(3) Directly or indirectly soliciting, receiving, collecting, handling, disbursing, or accounting for assessments, contributions, or other funds for a partisan political purpose;

(4) Organizing, selling tickets to, promoting, or actively participating in a fund-raising activity of a partisan candidate, political party, or political club;

(5) Taking an active part in managing the political campaign of a partisan candidate for public office or political party office;

(6) Becoming a partisan candidate for, or campaigning for, an elective public office;

(7) Soliciting votes in support of or in opposition to a partisan candidate for public office or political party office;

(8) Acting as recorder, watcher, challenger, or similar officer at the polls on behalf of a political party or partisan candidate;

(9) Driving voters to the polls on behalf of a political party or partisan candidate;

(10) Endorsing or opposing a partisan candidate for public office or political party office in a political advertisement, a broadcast, campaign literature, or similar material;

(11) Serving as a delegate, alternate, or proxy to a political party convention;

(12) Addressing a convention, caucus, rally, or similar gathering of a political party in support of or in opposition to a partisan candidate for public office or political party office; and

(13) Initiating or circulating a partisan nominating petition.

§ 733.123 Prohibited activity; exception of certain employees.

(a) Sections 733.121 and 733.122 do not apply to an employee of an educational or research institution, establishment, agency, or system which is supported in whole or in part by the District of Columbia or by a recognized religious, philanthropic, or cultural organization.

(b) Section 733.122 does not apply to—

(1) An individual exempted under section 7324(d) of title 5, United States Code;

(2) An employee of The Alaska Railroad who resides in a municipality on the line of the railroad in respect to political activities involving that municipality;

(3) Subject to the conditions of section 733.124, an employee who resides in a municipality or other political subdivision designated by the Commission under that section; or

(4) An employee who works on an irregular or occasional basis, on the days that he performs no services.

§ 733.124 Political management and political campaigning; exception of certain elections.

(a) Section 733.122 does not prohibit activity in political management or in a political campaign by an employee in connection with—

(1) A nonpartisan election, or

(2) Subject to the conditions and limitations established by the Commission, an election held in a municipality or political subdivision designated by the Commission under paragraph (b) of this section.

(b) For the purpose of subparagraph (2) of paragraph (a) of this section, the Commission may designate a municipality or political subdivision in Maryland or Virginia in the immediate vicinity of the District of Columbia or a municipality in which the majority of voters are employed by the Government of the United States, when the Commission determines that, because of special or unusual circumstances, it is in the domestic interest of employees to participate in local elections. Information as to the documentation required to support a request for designation is furnished by the Commission on request. The Commission has designated the following municipalities and political subdivisions, effective on the date specified:

IN MARYLAND

Annapolis (May 16, 1941).
Berwyn Heights (June 15, 1944).
Bethesda (Feb. 17, 1943).
Bladensburg (Apr. 20, 1942).
Bowie (Apr. 11, 1952).
Brentwood (Sept. 26, 1940).
Capitol Heights (Nov. 12, 1940).
Cheverly (Dec. 18, 1940).
Chevy Chase, sections 1 and 2 (Mar. 4, 1941).
Chevy Chase, section 3 (Oct. 8, 1940).
Chevy Chase, section 4 (Oct. 2, 1940).
Martin's Additions 1, 2, 3, and 4 to Chevy Chase (Feb. 13, 1941).
Chevy Chase View (Feb. 26, 1941).
College Park (June 13, 1945).
Cottage City (Jan. 15, 1941).
District Heights (Nov. 2, 1940).
Edmonston (Oct. 24, 1940).
Fairmont Heights (Oct. 24, 1940).
Forest Heights (Apr. 22, 1949).
Garrett Park (Oct. 2, 1940).
Glenarden (May 21, 1941).
Glen Echo (Oct. 22, 1940).
Greenbelt (Oct. 4, 1940).
Hyattsville (Sept. 20, 1940).
Kensington (Nov. 8, 1940).
Landover Hills (May 5, 1945).
Montgomery County (Apr. 30, 1964).
Morningside (May 19, 1949).
Mount Rainier (Nov. 22, 1940).
North Beach (Sept. 20, 1940).
North Brentwood (May 6, 1941).
North Chevy Chase (July 22, 1942).
Northwest Park (Feb. 17, 1943).
Prince Georges County (June 19, 1962).
Riverdale (Sept. 26, 1940).
Rockville (Apr. 15, 1948).
Seat Pleasant (Aug. 31, 1942).
Somerset (Nov. 22, 1940).
Takoma Park (Oct. 22, 1940).
University Park (Jan. 18, 1941).
Washington Grove (Apr. 5, 1941).

IN VIRGINIA

Alexandria (Apr. 15, 1941).
Arlington County (Sept. 9, 1940).
Clifton (July 14, 1941).
Fairfax County (Nov. 10, 1949).
Town of Fairfax (Feb. 9, 1954).
Falls Church (June 6, 1941).
Herndon (Apr. 7, 1945).
Vienna (Mar. 18, 1946).
Portsmouth (Feb. 27, 1958).
Prince William County (Feb. 14, 1967).

OTHER MUNICIPALITIES

Bremerton, Wash. (Feb. 27, 1946).
Port Orchard, Wash. (Feb. 27, 1946).
Elmer City, Wash. (Oct. 28, 1947).
Anchorage, Alaska (Dec. 29, 1947).
Benicia, Calif. (Feb. 20, 1948).
Norris, Tenn. (May 6, 1959).
Warner Robins, Ga. (Mar. 19, 1948).
Sierra Vista, Ariz. (Oct. 5, 1955).
New Johnsonville, Tenn. (Apr. 26, 1956).
Huachuca City, Ariz. (Apr. 9, 1959).
Crane, Indiana (Aug. 3, 1967).
Shrewsbury Township, N.J. (July 2, 1968).

(c) An employee who resides in a municipality or political subdivision listed in paragraph (b) of this section may take an active part in political management and political campaigns in connection with partisan elections for local offices of the municipality or political subdivision, subject to the following limitations:

(1) Participation in politics shall be as an independent candidate or on behalf of, or in opposition to, an independent candidate.

(2) Candidacy for, and service in, an elective office shall not result in neglect of or interference with the performance of the duties of the employee or create a conflict, or apparent conflict, of interests.

PROCEDURE

§ 733.131 Investigation.

An agency shall promptly inform the Commission of any instance of prohibited political activity on the part of an employee in the competitive service. The Commission will determine whether to investigate an allegation of prohibited activity that it receives from an agency or from any other source. The employing agency will be notified before the investigation is started.

§ 733.132 Charges.

After review of the report of investigation, the General Counsel of the Commission may close the case or issue charges. The charges shall set forth the alleged political activity specifically and in detail. The charges shall be served on the employee at least 30 days before the date of the adverse action that is proposed. The employee may be represented by counsel at this and every other stage of the proceedings. The employee is entitled to be retained in an active-duty status until a final decision is made by the Commission.

§ 733.133 Answer.

(a) The employee may answer the charges within 15 days from the day he receives them. He may answer personally, in writing, or both personally and in writing, and may furnish affidavits in support of his answer.

(b) After review of the answer or after the time for answering has expired, the General Counsel may close the case or refer it to an examiner of the Commission for further proceedings.

§ 733.134 Motions.

An application or request for an order or ruling not otherwise specifically provided for in this subpart shall be made by motion addressesd to the Commission or the examiner. The motion and supporting reasons shall be served on the parties. Objections to a motion shall be submitted within 10 days after the motion is served, except that a motion for continuance or extension of time may be ruled upon ex parte.

§ 733.135 Hearings.

(a) Unless the employee and the General Counsel agree to waive a hearing, the examiner shall schedule a hearing considering the convenience of the parties as to time and place. The hearing examiner shall notify the parties of the date and place of the hearing at least 10 days in advance.

(b) Testimony is under oath or affirmation. Witnesses who testify are subject to cross-examination. Each party is responsible for securing the attendance of his witnesses. The examiner may allow the introduction of affidavits.

(c) The hearing is recorded by a reporter designated by the Commission. The Commission furnishes a copy of the transcript to the employee without charge.

§ 733.136 Powers of the examiner.

The examiner may:

(a) Administer oaths and affirmations;

(b) Rule on offers of proof and receive relevant evidence;

(c) Fix the time and place of hearing;

(d) Regulate the course of the hearing;

(e) Exclude any person from the hearing for contumacious conduct or misbehavior that obstructs the hearing;

(f) Hold conferences for simplification of the issues, or for any other purpose;

(g) Dispose of procedural requests or similar matters;

(h) Authorize, and set the time for, the filing of briefs, memorandums of law, or other documents as may be required in the proceedings;

(i) Grant continuances and extensions of time; and

(j) Take any other action in the course of the proceedings consistent with the purpose of this subpart.

§ 733.137 Decision.

Following the hearing, or the receipt of the file when hearing is waived, the examiner shall prepare and forward to the Commission his recommended decision and the record on which it is based. The Commission makes its decision on this record and notifies the employee and the employing agency. If

the Commission's decision is that the employee engaged in prohibited political activity, the penalty is removal from the service, unless the Commission unanimously agrees that a less severe penalty is justified. Suspension without pay for 30 days is the minimum penalty.

Subpart B—The Excepted Service

§ 733.201 Jurisdiction.

Sections 733.111–733.124 apply to an employee in the excepted service. It is the responsibility of the employing agency to investigate and decide allegations of prohibited political activity on the part of such an employee.

§ 733.202 Agency procedure.

(a) An agency shall process cases of alleged poltical activity by an employee in the excepted service under procedures like those in §§ 733.132 and 733.133.

(b) After review of the answer or after the time for answering has expired, the agency makes its decision and notifies the employee. If the agency's decision is that the employee engaged in prohibited political activity the penalty is removal from the service. The agency shall inform the employee of his right to appeal to the Commission.

§ 733.203 Appeal to the Commission.

When the agency decision is to remove an employee in the excepted service, the employee may appeal to the Commission. The time limit for filing an appeal is 15 days from the date of receipt of the notice of the agency decision.

§ 733.204 Commission procedure.

In adjudicating an appeal under this subpart, the Commission follows the procedures set out in §§ 733.134–733.137.

Subpart C—The Job Corps

§ 733.301 Coverage.

This subpart applies to each officer, employee, and enrollee of the Job Corps established by the Economic Opportunity Act of 1964, as amended, who is alleged to have engaged in political activity in violation of that act.

§ 733.302 Procedure.

An action against an individual covered by this subpart is processed by the Commission under the procedures set out in §§ 733.131–733.137.

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

[F.R. Doc. 70-14614; Filed, Oct. 29, 1970; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the position of Deputy Assistant Secretary for Youth and Student Affairs is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (4) of paragraph (n) of § 213.3316 is revoked.

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

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

[F.R. Doc. 70-14610; Filed, Oct. 29, 1970; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one additional position of Special Assistant to the Assistant Secretary for Metropolitan Planning and Development is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (3) of paragraph (d) of § 213.3384, is amended as set out below.

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(d) *Office of the Assistant Secretary for Metropolitan Planning and Development.* * * *

(3) Three Special Assistants to the Assistant Secretary.

* * * * *

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

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

[F.R. Doc. 70-14611; Filed, Oct. 29, 1970; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to show that one position of Confidential Assistant to the Assistant Director for Program Development is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (24) is added to paragraph (a) of § 213.3373 as set out below.

§ 213.3373 Office of Economic Opportunity.

(a) *Office of the Director.* * * *

(24) One Confidential Assistant to the Assistant Director for Program Development.

* * * * *

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

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

[F.R. Doc. 70-14612; Filed, Oct. 29, 1970; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to show that one additional position of Deputy Assistant Director for VISTA is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (f) of § 213.3373 is amended as set out below.

§ 213.3373 Office of Economic Opportunity.

* * * * *

(f) *Volunteers in Service to America.* * * *

(2) Two Deputy Assistant Directors for VISTA.

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

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

[F.R. Doc. 70-14613; Filed, Oct. 29, 1970; 8:48 a.m.]

Title 7—AGRICULTURE

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

[Export Reg. 18, Amdt. 1]

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

Limitation of Export Shipments

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

(2) The recommendations by the Growers Administrative Committee reflect its appraisal of the Florida citrus crops specified herein and the current and prospective export market conditions for such fruit. More restrictive grade regulation requirements should be made effective no later than November 2, 1970, so as to provide export markets with the quality of fruit consistent with current demand and the overall quality of the crops, thereby maximizing returns to the producers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments, including those in export other than to Canada, or Mexico, of oranges, including Temple and Murcott Honey oranges, grapefruit, and tangelos are currently regulated pursuant to Export Regulation 18 (35 F.R. 14607) and determinations as to the need for, and extent of, continued regulation of export shipments of such fruit must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation on export shipments subsequent to November 2, 1970, and in the manner herein provided, were promptly submitted to the Department after an assembled meeting of the Growers Administrative Committee on October 20, 1970, such meeting was held (after giving due notice) to consider recommendations for regulation; and interested persons were afforded an opportunity to submit their views; the provisions of this amendment are identical with the aforesaid recommendations of the committees, and information concerning such provisions has been disseminated among handlers of such fruit; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective as hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 905.527 (Export Regulation 18; 35 F.R. 14607) the provisions of paragraph (a) preceding subparagraph (2) thereof are revised to read as follows and paragraph (a)(2) is redesignated as paragraph (b):

§ 905.527 Export Regulation 18.

(a) Order: During the period November 2, 1970, through September 12, 1971, no handler shall ship to any destination outside the continental United States, other than to Canada or Mexico:

(1) Any oranges, other than Navel, Temple, and Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 1;

(2) Any Navel oranges, grown in the production area, which do not grade at least U.S. No. 1 Golden;

(3) Any Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(4) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(5) Any grapefruit, grown in the production area, which do not grade at least Improved No. 2;

(6) Any Tangelos, grown in the production area, which do not grade at least U.S. No. 1;

(7) Any oranges, including Murcott Honey oranges but not including Temple oranges, grown in the production area, which are of a size smaller than 2$\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges, except Temple oranges, smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the amended U.S. Standards for Florida Oranges and Tangelos;

(8) Any Temple oranges, grown in the production area, which are of a size smaller than 2$\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the aforesaid U.S. standards for Florida Oranges and Tangelos;

(9) Any grapefruit, grown in the production area, which are of a size smaller than 3$\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of grapefruit smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised U.S. Standards for Florida Grapefruit; or

(10) Any tangelos, grown in the production area, which are of a size smaller than 2$\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said amended U.S. Standards for Florida Oranges and Tangelos.

* * * * *

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

Dated: October 27, 1970, to become effective November 2, 1970.

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

[F.R. Doc. 70-14634; Filed, Oct. 29, 1970; 8:50 a.m.]

PART 919—PEACHES GROWN IN MESA COUNTY, COLO.

Change of Fiscal Period

On October 13, 1970, notice was published in the FEDERAL REGISTER (35 F.R. 16054) that the Department was considering an addition, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations), pursuant to § 919.10 and other applicable provisions of the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in Mesa County, Colo., effective under applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice, which was submitted by the Administrative Committee (established pursuant to said amended marketing agreement and order as the agency to administer the provisions thereof) it is hereby found that the amendment, as hereinafter set forth, of said rules and regulations, is in accordance with the provisions of said amended marketing agreement and order and will tend to effectuate the declared policy of the act. Such amendment is hereby approved, and said rules and regulations are amended by adding a new § 919.102 fiscal period reading as follows:

§ 919.102 Fiscal period.

The fiscal period specified in § 919.10 of this part which began November 1, 1969, and ends on October 31, 1970, is changed to include the period of November 1 through November 30, 1970. Thereafter, the fiscal period will begin on December 1 and end on November 30 of the following year.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rule making concerning this amendment was published in the FEDERAL REGISTER on October 13, 1970 (35 F.R. 16054), and no objection to this amendment was received; (2) the recommendation and supporting information for this amendment were submitted to the Department after an open meeting of the Administrative Committee on September 15, 1970, which was held to consider recommendations for such amendment, after giving due notice of such meeting, and interestd persons were afforded an opportunity to submit their views at this meeting; (3) the provisions of this amendment are identical with the aforesaid recommendation of the committee; (4) no advance preparation for such effective date will be required of handlers for compliance therewith; (5) the changed fiscal period will tend to effectuate the declared policy of the act; (6) no useful purpose would be served by postponing such effective date; and (7) the current fiscal period is to be extended to include the period November 1, through November 30, 1970 and this amendment should be effective before the beginning date of such extension.

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

Dated, October 27, 1970, to become effective October 31, 1970.

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

[F.R. Doc. 70-14539; Filed, Oct. 29, 1970; 8:50 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 2]

[Docket No. AO–71–A60]

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are made for the New York-New Jersey Order No. 2 and are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the New York-New Jersey order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid marketing areas.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The New York-New Jersey order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the New York-New Jersey marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The New York-New Jersey order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the New York-New Jersey order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1002.90.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the New York-New Jersey order effective not later than November 1, 1970. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued July 7, 1970, and the decision of the Assistant Secretary containing all amendment provisions of the New York-New Jersey order was issued October 5, 1970. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective November 1, 1970, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within the New York-New Jersey marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the New York-New Jersey order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That, on and after the effective date hereof, the handling of milk in the New York-New Jersey marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

§ 1002.12 [Amended]

1. In paragraph (c)(4) of § 1002.12 *Producer-handler*, the provision "or cream," where it appears in the proviso is revoked.

2. Section 1002.15 is revised as follows:

§ 1002.15 Fluid milk product.

"Fluid milk product" means all skim milk and butterfat in the form of milk, fluid skim milk, filled milk, cultured or flavored milk drinks (except eggnog and yogurt), concentrated fluid milk disposed of in consumer packages, half and half (except sour) and any other mixture of cream, milk or skim milk containing less than 18 percent butterfat (other than frozen desserts, frozen dessert mixes, whipped topping mixtures, evaporated milk, plain or sweetened condensed milk or skim milk, sterilized milk or milk products in hermetically sealed containers, and any product which contains 6 percent or more nonmilk fat (or oil)): *Provided*, That when any fluid milk product is fortified with nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1002.41 [Amended]

3. Section 1002.41 *Classes of utilization* is amended by revoking subparagraph (3) of paragraph (c). The designation subparagraph "(3)" is reserved for future assignment.

§ 1002.45 [Amended]

4. Section 1002.45 *Allocation of skim milk and butterfat classified* is amended as follows:

A. Paragraph (a)(2) is revised as follows:

(2) Subtract from the remaining pounds of skim milk in Class I–A milk the pounds of skim milk in packaged fluid milk products received from other order plants;

B. Paragraph (a)(9) is revised as follows:

(9) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk in receipts of bulk fluid milk products pooled and priced under Part 1015 of this chapter which are not in excess of the pounds of skim milk remaining in such class;

5. Section 1002.52 is revised as follows:

§ 1002.52 Connecticut order differential.

For skim milk and butterfat which is classified in Class II under Part 1015 of this chapter and is received in the form of a bulk fluid milk product at a pool plant and is classified as Class I–A, the handler shall pay a differential equal to the difference between the Class II price under Part 1015 of this chapter and the Class I–A price appropriately adjusted for differentials pursuant to §§ 1002.51, 1002.81, and 1002.82(b).

6. A new § 1002.55 is added as follows:

§ 1002.55 Transportation credit on bulk unit pool milk disposed of for Class II use.

For pool milk received by a handler in a pool or partial pool unit and disposed of for Class II use, a transportation credit at the rate of 10 cents per hundredweight shall be computed. For this purpose the handler's bulk unit pool milk shall be assigned to Class II milk in the identical proportion that total pool milk in all plants and units of such handler is classified as Class II milk.

§ 1002.70 [Amended]

7. Section 1002.70 *Net pool obligation of handlers* is amended as follows:

A. The introductory text preceding paragraph (a) is revised as follows:

Each handler's net pool obligation for milk received at each plant and unit shall be computed separately pursuant to paragraphs (a) through (d) of this section and then combined into one total to be adjusted by any credit applicable pursuant to paragraph (e) of this section to determine the handler's total net pool obligation.

B. In paragraph (d), subparagraph (6) is revoked and subparagraph (5) is revised as follows:

(5) Multiply the Connecticut order price differential by the pounds of skim milk and butterfat in bulk receipts of fluid milk products which have been priced and pooled under Part 1015 of this chapter and subtracted from Class I–A milk pursuant to § 1002.45(a)(12) and the corresponding step of § 1002.45 (b).

C. A new paragraph (e) is added as follows:

(e) Deduct any credit applicable pursuant to § 1002.55.

8. In § 1002.80, the introductory text preceding paragraph (a) is revised as follows:

§ 1002.80 Time and rate of payment.

On or before the 25th day of each month each handler shall make payment, pursuant to paragraphs (a), (b), (c), and (d) of this section, to each producer for all pool milk delivered by such producer during the preceding month at not less than the uniform price, subject to appropriate differentials set forth in §§ 1002.81 and 1002.82. For milk received in a bulk tank unit, there may be deducted, as proper and as authorized in writing by the producer, or by a cooperative association authorized to act on behalf of such producer, a tank truck service (transportation) charge up to 10 cents per hundredweight, in no event to exceed in the case of Class II milk on which a transportation credit is applicable pursuant to § 1002.55, actual transportation costs in excess of 10 cents and otherwise actual transportation costs, in either circumstance only to the extent transportation was actually provided by the handler or at his expense. Any such deduction with respect to bulk tank milk must be made by the handler not later than the date on which the producer is required to be paid for the milk involved. If authorization for such deduction is canceled by the producer or by the cooperative by notifying the handler in writing, such cancellation shall be effective on the first day of the month following its receipt by the handler.

* * * * *

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

Effective date: November 1, 1970.

Signed at Washington, D.C., on October 26, 1970.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 70-14587; Filed, Oct. 29, 1970; 8:46 a.m.]

[Milk Order 61]

[Docket No. AO-367-A2]

PART 1061—MILK IN THE SOUTHEASTERN MINNESOTA-NORTHERN IOWA (DAIRYLAND) MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southeastern Minnesota-Northern Iowa (Dairyland) marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than November 1, 1970. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued September 21, 1970, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued October 16, 1970. The changes affected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective November 1, 1970, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended and;

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and and after the effective date hereof, the handling of milk in the Southeastern Minnesota-Northern Iowa (Dairyland) marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Paragraph (a) of § 1061.51 is revised to read:

§ 1061.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $0.86, plus an additional 20 cents.

* * * * *

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

Effective date: November 1, 1970.

Signed at Washington, D.C., on October 26, 1970.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 70-14588; Filed, Oct. 29, 1970; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5B—Public Buildings Service, General Services Administration

PART 5B–16—PROCUREMENT FORMS

Illustrations of Forms

The table of contents of Part 5B–16 is amended to reflect the issuance of the

June 1970 editions of the following forms:

Subpart 5B–16.9—Illustrations of Forms

Sec.
5B–16.901–19 Standard Form 19 (GSA Overprint—June 1970): Invitation, Bid and Award (Construction, Alteration or Repair).
5B–16.901–19–B Standard Form 19–B (GSA Overprint—June 1970): Representations and Certifications (Construction Contract).

NOTE: Copies of the forms are filed with the original document and are available from the Business Service Center in any regional office of the General Services Administration.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1.101(c))

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

Dated: October 20, 1970.

A. F. SAMPSON,
Commissioner,
Public Buildings Service.

[F.R. Doc. 70–14571; Filed, Oct. 29, 1970; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Livestock From Mexico

On July 17, 1970, there was published in the FEDERAL REGISTER (35 F.R. 11493) a notice with respect to a proposed amendment to Part 92, Subchapter D, Chapter I, Code of Federal Regulations, to require the testing for tuberculosis, with certain exceptions, of all cattle offered for importation from Mexico. Interested persons were given an opportunity to submit written data, views, or arguments concerning the proposed amendment for a period of 60 days following publication of said notice. After due consideration of all relevant material including that submitted in connection with said notice and pursuant to the provisions of sections 6, 7, 8, and 10 of the Act of August 30, 1890, as amended, section 2 of the Act of February 2, 1903, as amended, and sections 4, 5, and 11 of the Act of July 2, 1962 (21 U.S.C. 102–105, 111, 134c, 134d, and 134f) said Part 92, is hereby amended in the following respects:

Paragraph (b) of § 92.35 is amended to read as follows:

§ 92.35 Cattle from Mexico.

* * * * *

(b) *Tuberculosis.* (1) In addition to the provisions required in the certificate under paragraph (a) of this section, such certificate shall also show, with respect to all cattle from Mexico except cattle certified in accordance with § 92.40, that a review of the available herd history, including any tuberculin test results, trace-back slaughter reports and postmortem reports, and any other available records or information do not indicate evidence of tuberculosis or exposure thereto during the preceding 60 days. The certificate shall also show, with respect to all cattle, except cattle certified in accordance with § 92.40 and steers, that the herd or herds from which the animals proceed have been tuberculin tested with negative results not more than 12 months nor less than 3 months before the date the animals are offered for entry into the United States, and that the animals presented for entry, excepting only the natural increase in the herd, were included in the herd or herds of origin at the time of said herd test. The said certificate shall give the date and place of inspection, the data and place and results of the tuberculin test if applicable, the name of the herd owner, the name of the consignor and consignee, and an individual description of each animal including breed, age, sex, and tattoo or ear tag number.

(2) Cattle from a herd or herds in which one or more reactors to the tuberculin test have been disclosed shall not be eligible for importation until said herd or herds have reached full tuberculosis-free status under Mexican Government regulations.

(3) All bulls and female cattle accompanied by the certificate described herein shall be detained at the port of entry under the supervision of the port veterinarian until tested for tuberculosis with negative results: *Provided,* That if any reactor is disclosed in any lot when so tested at the port of entry, the entire lot shall be refused entry and the entire lot or any portion thereof shall not be eligible for importation until said lot has reached full tuberculosis-free status under Mexican Government regulations and the animals offered for entry have met the other applicable requirements of this section.

(Secs. 6, 7, 8, 10, 26 Stat. 416, 417, as amended; sec. 2, 32 Stat. 792, as amended; secs. 4, 5, and 11, 76 Stat. 130, 132, 21 U.S.C. 102–105, 111, 134c, 134d, 134f; and 29 F.R. 16210, as amended)

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

One purpose of this amendment is to require that all cattle offered for importation from Mexico (except cattle for immediate slaughter from the States specified in 9 CFR 92.40 and steers) shall originate in herds which have been tested for tuberculosis with negative results and shall then be retested for tuberculosis with negative results by the ANH port veterinarian at the port of entry immediately prior to entry into the United States.

The amendment also requires a certification for all cattle from Mexico (except immediate slaughter cattle from States specified in § 92.40), that all herd history, tests results, and any other records or information available do not indicate evidence of tuberculosis or exposure thereto during the preceding 60 days.

The amendment imposes restrictions which are deemed necessary and should be made effective promptly to prevent the dissemination of the contagion of tuberculosis, a communicable disease of livestock. Therefore under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and public participation in this rule-making proceeding are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of October 1970.

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

[F.R. Doc. 70–14633; Filed, Oct. 29, 1970; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 70–WE–37–AD, Amdt. 39–1101]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707–720 Series Aircraft

Pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), an airworthiness directive was adopted on October 16, 1970, and made effective immediately by telegram to all known U.S. operators of Boeing 707–720 series aircraft. This directive incorporated the provisions of Boeing Telegraphic Alert Service Bulletin 3003, dated October 16, 1970. This directive requires inspection and rework of the elevator aft control quadrant.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Boeing 707–720 series aircraft by individual telegrams dated October 16, 1970. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Pursuant to the authority of the Federal Aviation Act of 1958, delegated to me by the Administrator, the following airworthiness directive, applicable to all operators of Boeing 707-720 airplanes, is effective immediately upon receipt of this telegram. Because of a reported failure of an aft elevator control quadrant P/N 50-3119, the Administrator has determined that a visual inspection be made on P/N 50-3119 within 15 flight hours after receipt of this telegram in accordance with Boeing Telegraphic Alert Service Bulletin 3003 dated October 16, 1970, or later FAA-approved revisions, or an equivalent inspection approved by the Chief, Aircraft Engineering Division, FAA Western Region. Replace any cracked control quadrant with a serviceable part or repair in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region before further flight.

This amendment becomes effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated October 16, 1970.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on October 23, 1970.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[F.R. Doc. 70-14597; Filed, Oct. 29, 1970; 8:47 a.m.]

[Airworthiness Docket No. 70-WE-35-AD, Amdt. 39-1100]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747 Series Airplanes

There have been a number of engine fires due to damaged or misaligned engine cowl fluid drain bellows seals.

Since this condition is likely to exist or develop in other airplanes of the same type design, an Airworthiness Directive (AD) is being issued to require inspection and modification of the engine cowl fluid drain bellows seal on all Boeing Model 747 Series Airplanes. The inspections and modifications to the engine cowl fluid drain bellows seal will preclude the possibility of a damaged or misaligned fluid drain seal resulting in an engine fire.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days. In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to Model 747 Series Airplanes. Compliance required as indicated.

To prevent fuel leakage and possible engine fire due to a damaged or misaligned engine cowl fluid drain bellows seal, accomplish the following:

(a) Within the next 100 hours' time in service after the effective date of this AD, unless the seal modifications in accordance with (b) or (c), below, have been previously accomplished, inspect the bellows seal on the gang drain assembly each time the engine cowl doors are closed to insure proper seal installation and seating on the drain duct in accordance with the inspection instructions in Boeing Service Bulletin 71-2018, Revision 2, dated June 18, 1970, or later FAA-approved revision or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(b) Within the next 300 hours' time in service after the effective date of this AD, unless previously accomplished, inspect the aft fuel drain duct for proper alignment with the turbine case and combustion chamber drains and modify the engine fluid drain bellows seal in accordance with Boeing Service Bulletin 71-2018, Revision 2, dated June 18, 1970, or later FAA-approved revision or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) Within the next 1,500 hours' time in service after the effective date of this AD, unless already accomplished, modify the engine gang drain bellows seal in accordance with Boeing Service Bulletin 71-2030, dated October 16, 1970, or later FAA-approved revision or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) Upon completion of the work described in (c), the inspection and modification requirements of (a) and (b) are no longer applicable.

This amendment becomes effective on November 3, 1970.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on October 23, 1970.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 70-14598; Filed, Oct. 29, 1970; 8:47 a.m.]

[Docket No. 70-EA-89, Amdt. 39-1099]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper PA-30, PA-31, and PA-23 type aircraft.

There have been reports that certain aircraft of the subject types have experienced a loss of electrical power as a result of the loss of a single alternator. While the system has two separately driven alternators, they have a commonality in the system wherein the loss of one causes the failure of the other, and since this deficiency can exist in other aircraft of similar type design, an airworthiness directive is being issued to require modification of the electrical system on the subject aircraft. Further, it is apparent since a situation exists which required expeditious adoption of this rule, notice and public procedure hereon are impractical and the rule may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

Applies to Model PA 23-250 and PA-E23-250 (Six Place) S/Nos. 27-3837, 27-3944. To 27-4442 Inclusive; PA-30, S/Nos. 30-1717, 30-1746 to 30-2000, Inclusive; PA-31 and PA-31-300, S/Nos. 31-228, 31-230, 31-231, 31-233 to 31-588. Certificated for Instrument Flight.

Compliance required within the next 100 hours in service after the effective date of this AD, unless already accomplished.

To prevent the hazards associated with the possibility of a complete loss of electrical power while operating under Instrument Flight Rules. Accomplish the following:

(a) Modify the aircraft electrical system in accordance with Piper Service Bulletin No. 306 dated January 9, 1970, or equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

Upon request with substantiating data submitted through an FAA maintenance inspector, the compliance time specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment is effective November 4, 1970.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on October 21, 1970.

WAYNE HENDERSHOT,
Acting Director.

[F.R. Doc. 70-14602; Filed, Oct. 29, 1970; 8:47 a.m.]

[Airspace Docket No. 70-WE-62]

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

Designation of Control Zone

On October 9, 1970, F.R. Doc. 70-13537 (35 F.R. 15908) was published in the FEDERAL REGISTER adopting an amendment to Part 71 of the Federal Aviation Regulations which designated a control zone for El Monte, Calif., airport. The proposal as circulated in the notice of proposed rule making contained the provision that the effective times of the control zone would be established by NOTAM; however, this information was inadvertently omitted in the final rule. In addition, it has now been determined that the control tower will not be commissioned until on or about January 15, 1971. Therefore, it is appropriate to change the effective date of the amendment.

Since these changes are minor in nature and impose no additional burden on any person, notice and public procedure hereon is unnecessary.

In consideration of the foregoing, F.R. Doc. 70-13537 (35 F.R. 15908) is amended as follows:

1. Amend the description of the El Monte control zone by adding "* * * This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

2. Change the effective date to read "* * * January 7, 1971."

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

Issued in Los Angeles, Calif., on October 22, 1970.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 70-14599; Filed, Oct. 29, 1970; 8:47 a.m.]

[Docket No. 7947; Amdt. 91-81]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Extension of Compliance Date for Installation of Altitude Alerting Systems

The purpose of this amendment to Part 91 of the Federal Aviation Regulations is to extend the compliance date for installation of the altitude alerting system or device required by § 91.51.

Section 91.51 was adopted by Amendment 91-57 (33 F.R. 12180), and became effective September 28, 1968. It states that after February 28, 1971, no person may operate a turbojet powered U.S. registered civil airplane unless that airplane is equipped with an approved altitude alerting system or device which is in an operable condition and meets certain specified requirements.

The FAA has received several petitions for rule making from air carriers and other interested persons, asking that the compliance date specified in § 91.51 be extended. The petitions state that there have been unforeseen problems in the manufacture and distribution of the altitude alerting equipment which seriously affect orderly installations and scheduled operations.

After consideration of the matter submitted in the petitions, the FAA has determined that it is in the public interest to extend the compliance date to allow for more efficient scheduling of installations and operations. Although one of the petitioners requested an extension of the compliance date of 1 year, we believe that an extension of 6 months is sufficient to allow time for compliance. Accordingly, this amendment changes the compliance date specified in § 91.51 from February 28, 1971, to August 31, 1971.

Since this amendment does not change the existing rule, but merely extends the time for compliance, I find that public notice and procedure thereon are not necessary, and that the amendment may become effective in less than 30 days.

In consideration of the foregoing, § 91.51(a) of the Federal Aviation Regulations is amended, effective October 30, 1970, by striking out "February 28, 1971," and inserting "August 31, 1971," in place thereof.

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

Issued in Washington, D.C., on October 23, 1970.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-14600; Filed, Oct. 29, 1970; 8:47 a.m.]

[Docket No. 10289; Amdt. Nos. 121-69 and 127-21]

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

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

Maintenance, Preventive Maintenance, and Alterations

The purpose of these amendments to Parts 121 and 127 of the Federal Aviation Regulations is to authorize holders of certificates issued under those parts to approve and return to service aircraft, airframes, aircraft engines, propellers, or appliances which have had maintenance performed by any person who does so in accordance with the certificate holder's airworthiness maintenance program and maintenance manual.

These amendments are based on a notice of proposed rule making (Notice 70-20), issued on April 29, 1970, and published in the FEDERAL REGISTER on May 5, 1970 (35 F.R. 7083).

The comments received in response to Notice 70-20 supported the proposal. The amendments authorize a certificate holder to approve for return to service aircraft, airframes, aircraft engines, propellers, or appliances which have been maintained or altered by any person when that work is performed in accordance with the certificate holder's manual. Section 121.379(a) is amended so that the authorization of approval for return to service specified in § 121.379 (b) includes work performed by others as well as work performed by the certificate holder. Section 121.379(b) is also amended so that the reference to work performed for the certificate holder's approval includes that performed by other persons. Similar amendments are made to the provisions of FAR Part 127.

These amendments do not change the certificate holder's primary responsibility to maintain its aircraft in an airworthy condition, or to have it performed in accordance with its manual.

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

In consideration of the foregoing, Parts 121 and 127 of the Federal Aviation Regulations are amended, effective November 29, 1970, as follows:

1. Section 121.379 is amended to read:

§ 121.379 Authority to perform and approve maintenance, preventive maintenance, and alterations.

(a) A certificate holder may perform, or it may make arrangements with other persons to perform, maintenance, preventive maintenance, and alterations as provided in its continuous air worthiness maintenance program and its maintenance manual. In addition, a certificate holder may perform these functions for another certificate holder as provided in the continuous airworthiness maintenance program and maintenance manual of the other certificate holder.

(b) A certificate holder may approve any aircraft, airframe, aircraft engine, propeller, or appliance for return to service after maintenance, preventive maintenance, or alterations that are performed under paragraph (a) of this section. However, in the case of a major repair or major alteration, the work must have been done in accordance with technical data approved by the Administrator.

2. Section 127.140 is amended to read:

§ 127.140 Authority to perform and approve maintenance, preventive maintenance, and alterations.

(a) An air carrier may perform, or it may make arrangements with other persons to perform, maintenance, preventive maintenance, and alterations as provided in its continuous airworthiness maintenance program and its maintenance manual. In addition, an air carrier may perform these functions for another air carrier as provided in the continuous airworthiness maintenance program and maintenance manual of the other air carrier.

(b) An air carrier may approve any helicopter, airframe, aircraft engine, propeller, or appliance for return to service after maintenance, preventive maintenance, or alterations that are performed under paragraph (a) of this section. However, in the case of a major repair or major alteration, the work must have been done in accordance with technical data approved by the Administrator.

(Secs. 313(a), 601, 605, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1425; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on October 23, 1970.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-14601; Filed, Oct. 29, 1970; 8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Releases Nos. 33-5090, 34-8997, 35-16857, AS-117]

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

Statements of Source and Application of Funds

The Securities and Exchange Commission today adopted an amendment to Regulation S-X consisting of a new section designated Article 11A (17 CFR 210.11A-01 and 210.11A-02) to govern the content of statements of source and application of funds, for which a requirement has recently been adopted in certain registration and reporting forms under the Securities Act of 1933 and the Securities Exchange Act of 1934.

The adoption of a requirement for certified statements of source and application of funds in the registration and reporting forms was an implementation of a recommendation contained in the Disclosure Policy Study report submitted to the Commission last year. In 1963 the Accounting Principles Board of the American Institute of Certified Public Accountants, in its Opinion No. 3, stated its belief that a statement of source and application of funds should be presented as supplemental information in financial reports, but indicated that inclusion was not mandatory and coverage of the statement in the report of the certifying accountant was optional. The opinion was endorsed by the New York Stock Exchange and by the Directors of the Financial Analysts Federation. A survey by the Institute ("Accounting Trends and Techniques", 1969) of the 1968 annual reports of 600 companies indicated that 535 (89 percent) companies presented a funds statement with their financial statements and that such statements were covered in the auditor's report in 443 (83 percent) of the cases.

The amendment was published in preliminary draft form for public comment on September 15, 1969, in Securities Act Release No. 4998 (Securities Exchange Act Release No. 8686 and Public Utility Holding Company Act Release No. 16460) (34 F.R. 14227). A number of helpful comments have been received and were carefully considered in the preparation of the definitive article.

This amendment is adopted pursuant to authority conferred on the Securities and Exchange Commission by the Securities Act of 1933, particularly sections 6, 7, 8, 10, and 19(a) thereof; the Securities Exchange Act of 1934, particularly sections 12, 13, 15(d), and 23(a) thereof; and the Public Utility Holding Company Act of 1935, particularly sections 5(b), 14, and 20(a) thereof.

Commission action. The Commission hereby amends Part 210 of Chapter II of Title 17 of the Code of Federal Regulations by adding the following caption and new §§ 210.11A-01 and 210.11A-02 immediately following §§ 210.11-02, reading as follows:

STATEMENT OF COURSE AND APPLICATION OF FUNDS

§ 210.11A-01 Application of §§ 210.-11A-01 to 210.11A-02.

These sections shall be applicable to statements of source and application of funds filed pursuant to requirements in registration and reporting forms under the Securities Act of 1933 and the Securities Exchange Act of 1934, except that companies which are required to file quarterly reports on Form 7-Q (17 CFR 249.307a) shall comply, in all findings, with the requirements as to type, form and content of a funds statement specified in that form.

§ 210.11A-02 Statement of source and application of funds.

(a) The statement of source and application of funds shall summarize the sources from which funds or working capital have been obtained and their disposition. (See § 210.3-01.)

(b) Material changes in the components of net funds or working capital shall be shown in the statement or in a supporting tabulation.

(c) As a minimum, the following shall be reported:

(1) Sources of funds:

(i) Current operations (showing separately net income or loss and the addition and deduction of specific items which did not require the expenditure or receipt of funds; e.g., depreciation and amortization, deferred income taxes, undistributed earnings or losses of unconsolidated persons, etc.),

(ii) Sale of noncurrent assets (identifying separately such items as investments, fixed assets, intangibles, etc.)

(iii) Issuance of debt securities or other long-term debt,

(iv) Issuance or sale of capital stock;

(2) Disposition of funds:

(i) Purchase of noncurrent assets (identifying separately such items as investments, fixed assets, intangibles, etc.),

(ii) Redemption or repayment of debt securities or other long-term debt,

(iii) Redemption or purchase of capital stock,

(iv) Dividends;

(3) Increase (decrease) in net funds or working capital.

The foregoing amendment shall be effective with respect to registration statements and reports filed with the Commission after December 31, 1970.

(Secs. 6, 7, 8, 10, 19, 48 Stat. 78, 79, 81, 85, sec. 209, 48 Stat. 908, 15 U.S.C. 77f, 77g, 77h, 77j, 77s; secs. 12, 13, 15(d), 23(a), 48 Stat. 892, 894, 895, 901, sec. 8, 49 Stat. 1379, secs. 3, 4, 6, 78 Stat. 565, 569, 570, secs. 1, 2, 82 Stat. 454, 15 U.S.C. 78l, 78m, 78o(d), 78w; secs. 5(b), 14, 20(a), 49 Stat. 812, 827, 833, 15 U.S.C. 79e(b), 79n, 79t(a))

By the Commission, October 14, 1970.

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

[F.R. Doc. 70-14620; Filed, Oct. 29, 1970; 8:49 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Spectinomycin Injection Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (40-040V) filed by Amdal Co., division of Abbott Laboratories, providing for the safe and effective use of spectinomycin injection for the treatment of turkey poults. The supplemental application is approved.

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

§ 135b.23 Spectinomycin injection veterinary.

(a) *Specifications.* The spectinomycin dihydrochloride pentahydrate used in manufacturing the drug is the antibiotic substance produced by the growth of *Streptomyces flavopersicus* (var. Abbott) or the same antibiotic substance produced by any other means. Each cubic centimeter of the drug contains the following amount of spectinomycin activity from spectinomycin dihydrochloride pentahydrate:

(1) 5 milligrams when used as provided in paragraph (d)(1) of this section.

(2) 25 milligrams when used as provided in paragraph (d)(2) of this section.

(b) *Sponsor.* Amdal Co., Division of Abbott Laboratories, Abbott Park, North Chicago, Ill. 60064.

(c) *Special considerations.* The quantity of spectinomycin referred to in this section refers to the equivalent weight of base activity for the drug.

(d) *Conditions of use.* It is administered as spectinomycin dihydrochloride pentahydrate in the treatment of 1- to 3-day-old turkey poults as follows:

(1) Subcutaneously at the rate of 1 to 2 milligrams per poult as an aid in the prevention of mortality associated with Arizona group infection.

(2) Subcutaneously at the rate of 5 milligrams per poult as an aid in the control of chronic respiratory disease (CRD) associated with *E. coli.*

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

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

Dated: October 21, 1970.

C. D. VANHOUWELING,
Director,
Bureau of Veterinary Medicine.

[F.R. Doc. 70-14573; Filed, Oct. 29, 1970; 8:45 a.m.]

Title 42—PUBLIC HEALTH

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

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 78—REGULATIONS FOR THE ADMINISTRATION AND ENFORCEMENT OF THE RADIATION CONTROL FOR HEALTH AND SAFETY ACT OF 1968

Definitions

Notice of proposed rule making, public rule making procedures, and postponement of effective date have been omitted as unnecessary in the issuance of the following amendments to § 78.100. The definitions added by the amendments, which now appear in § 78.702, were subjected to public scrutiny and comment when originally proposed in subpart H and no substantial changes would be occasioned by their applying to the entire part. The remaining amendments are technical in nature resulting from the definition of "purchaser" being applied whenever the term is used in Part 78.

1. Section 78.100 is amended by adding paragraphs (l), (m), (n), and (o) to read as follows:

§ 78.100 Definitions and interpretations.

* * * * *

(l) The term "dealer" means a person engaged in the business of offering electronic products for sale to purchasers, without regard to whether such person is or has been primarily engaged in such business, and includes persons who offer such products for lease or as prizes or awards.

(m) The term "distributor" means a person engaged in the business of offering electronic products for sale to dealers without regard to whether such person is or has been primarily or customarily engaged in such business.

(n) The term "purchaser" means the first person who, for value, or as an award or prize, acquires an electronic product for purposes other than resale, and also includes a person who leases an electronic product for purposes other than subleasing.

(o) The term "model" means any identifiable, unique electronic product design, and refers to products having the same structural and electrical design characteristics and to which the manufacturer has assigned a specific designation to differentiate between it and other products produced by that manufacturer.

2. Subparagraph (2) of § 78.502(b) is revised to read as follows:

§ 78.502 Discovery of defect or failure of compliance by manufacturer; notice requirements.

* * * * *

(b) * * *

(2) The purchaser of such product and any subsequent transferee of such product (where known to the manufacturer or where the manufacturer upon reasonable inquiry to dealers, distributors, or purchasers can identify the present user).

3. Subparagraph (1) of § 78.504(c) is revised to read as follows:

§ 78.504 Notification by the manufacturer to affected persons.

* * * * *

(c) * * *

(1) By certified mail to purchasers of the product and to subsequent transferees.

* * * * *

4. The heading of § 78.505 is revised to read "Copies of communications sent to purchasers, dealers or distributors."

(Sec. 215, 58 Stat. 690, sec. 356, 82 Stat. 1174; 42 U.S.C. 216, 263d)

RAYMOND T. MOORE,
Acting Commissioner, Environmental Control Administration.

[F.R. Doc. 70-14607; Filed, Oct. 29, 1970; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4929]

[Nevada 059798]

NEVADA

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 32 Stat. 388, 43 U.S.C. section 416 (1964), it is ordered as follows:

1. Public Land Order No. 3512 of December 7, 1964, which withdrew lands for the Southern Nevada Water Supply Project, is hereby revoked so far as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 21 S., R. 62 E.,
Sec. 25, S½SW¼, SW¼SE¼;
Sec. 35, E½NE¼NW¼, N½NE¼, SW¼SW¼, E½SW¼.
T. 21 S., R. 63 E.,
Sec. 19, N½, SE¼;
Sec. 20, all except those lands included in Patented Mineral Survey 4808;
Sec. 21, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 22, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 27, N½, SW¼;
Sec. 35, lots 4, 5, 10;
Sec. 36, N½.
T. 22 S., R. 63 E.,
Secs. 11, 12, and 13;
Sec. 23, E½;
Sec. 26, E½.
T. 22 S., R. 63½ E.,
Secs. 12 and 13.

The areas described aggregate approximately 6,784 acres in Clark County, of which the N½, N½SW¼, SE¼SW¼, SE¼, sec. 22, T. 21 S., R. 63 E., have been patented.

The lands are located on the southeast edge of Las Vegas Valley near the Lake Mead National Recreation Area and are rough and mountainous.

2. At 10 a.m. on November 28, 1970, the public land shall be open to operation of the public land laws, including the U.S. mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 28, 1970, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been and continue to be open to the filing of applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nev.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 23, 1970.

[F.R. Doc. 70-14590; Filed, Oct. 29, 1970; 8:46 a.m.]

[Public Land Order 4930]

[Idaho 2908]

IDAHO

Powersite Cancellation No. 298; Partial Cancellation of Powersite Classifications Nos. 197 and 408

By virtue of the authority contained in section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. § 818 (1964), and pursuant to the determination of the Federal Power Commission in DA-596-Idaho, it is ordered as follows:

1. The departmental orders of December 14, 1927, and May 19, 1950, creating Powersite Classifications Nos. 197 and 408 are hereby canceled so far as they affect the following described lands:

KANIKSU NATIONAL FOREST

BOISE MERIDIAN

Powersite Classification No. 197

T. 55 N., R. 1 E.,
Every smallest legal subdivision, which when surveyed, will be within one-fourth mile of Pend Oreille Lake. Protraction of public land surveys indicates that the lands described above, when surveyed, will be within secs. 1 and 7 to 12, inclusive.
T. 56 N., R. 1 E.,
Sec. 19, lots 3, 4, and 5;
Sec. 20, lot 1;
Sec. 30, lots 1, 2, and 3.
T. 53 N., R. 1 W.,
Sec. 3, lot 2;
Sec. 4, lots 1 and 2;
Sec. 7, lot 1;
Sec. 8, lots 1, 2, and 3;
Sec. 9, lots 1, 2, and 3.

T. 54 N., R. 1 W.,
Sec. 3, lot 2;
Sec. 10, lots 2, 4, and 5;
Sec. 15, lot 1;
Sec. 27, lots 1 and 2;
Sec. 30, lots 1, 2, and 3;
Sec. 34, lot 4.
T. 55 N., R. 1 W.,
Sec. 7, lots 1 and 2;
Sec. 8, lots 1 and 2;
Sec. 13, lots 1 and 2;
Sec. 14, lot 1;
Sec. 18, lots 1 to 4, inclusive;
Sec. 19, lot 1;
Sec. 23, lots 2, 3, and 4;
Sec. 26, lots 4 and 5;
Sec. 34, lots 3 and 5;
Sec. 35, lots 1 and 7.
T. 56 N., R. 1 W.,
Sec. 22, lot 4;
Sec. 26, lots 1 to 4, inclusive;
Sec. 28, lot 2;
Sec. 33, lots 1 to 4, inclusive.
T. 53 N., R. 2 W.,
Sec. 10, lots 3, 6, 7, and 8;
Sec. 11, (unsurveyed) Every smallest legal subdivision which, when surveyed, will be within one-fourth mile of Pend Oreille Lake;
Sec. 12, (unsurveyed) Every smallest legal subdivision which, when surveyed, will be within one-fourth mile of Pend Oreille Lake.
T. 54 N., R. 2 W.,
Sec. 2, lots 1, 3, 4, 5;
Sec. 14, lots 1, 2, 3;
Sec. 24, lots 1 to 4, inclusive.
T. 55 N., R. 2 W.,
Sec. 24, lots 1 to 4, inclusive;
Sec. 25, lot 1;
Sec. 26, lots 1, 2, 3;
Sec. 35, lots 1 to 4, inclusive.

Totaling approximately 3,995.35 acres.

Powersite Classification No. 408

T. 55 N., R. 2 E.,
Sec. 6, lots 1, 2, 3.
T. 53 N., R. 1 W.,
Sec. 8, lot 4.
T. 55 N., R. 1 W.,
Sec. 5, lot 4.
T. 56 N., R. 1 W.,
Sec. 33, lot 5.
T. 54 N., R. 2 W.,
Sec. 14, lot 4.
T. 55 N., R. 2 W.,
Sec. 24, lot 5;
Sec. 25, lot 2.

Totaling approximately 221.83 acres.

The areas described aggregate approximately 4,217 acres of national forest lands in Bonner and Kootenai Counties.

Except for certain surveyed mining claims, the lands described above are withdrawn for use by the Corps of Engineers for the Albeni Falls Project by Public Land Order No. 1703 of August 4, 1958.

2. At 10 a.m. on November 28, 1970, the national forest lands, not otherwise appropriated, shall be open to such forms of disposition as by law may be made of national forest lands, subject to valid existing rights, and the provisions of existing withdrawals.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 23, 1970.

[F.R. Doc. 70-14591; Filed, Oct. 29, 1970; 8:46 a.m.]

[Public Land Order 4931]

[Wyoming 19135]

WYOMING

Partial Revocation of Executive Order 6441

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910, 36 Stat. 857, 43 U.S.C. § 141 (1964), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Order 6441 of November 21, 1933, is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 47 N., R. 60 W.,
Sec. 9, NE¼, E½NW¼;
Sec. 10, lots 5 and 6 (formerly lots 1 and 2);
Sec. 15, lots 5, 6, 7 (formerly lots 2, 3, and 4);
Sec. 21, W½NE¼, E½NW¼, NW¼NW¼, and lot 1 (formerly NE¼SW¼);
Sec. 33, NE¼, E½SE¼, SW¼SE¼;
Sec. 34, lots 1 to 4, inclusive.
T. 48 N., R. 60 W.,
Sec. 4, lot 5 (formerly lot 2);
Sec. 5, lot 5 (formerly lot 4);
Sec. 6, lots 8, 9, 10 (formerly lots 1, 2, 3);
Sec. 7, lot 4;
Sec. 15, lots 5 to 8, inclusive (formerly lots 1 to 4, inclusive);
Sec. 17, lot 5 (formerly SE¼NE¼) and SW¼SE¼;
Sec. 18, lot 5 (formerly NE¼NW¼);
Sec. 22, lots 5, 6, and 7 (formerly lots 1, 2, and 3);
Sec. 28, NE¼SE¼.
T. 52 N., R. 60 W.,
Sec. 21, E½NW¼.
T. 49 N., R. 61 W.,
Sec. 22, NE¼NE¼;
Sec. 27, SW¼SE¼.
T. 50 N., R. 61 W.,
Sec. 8, NE¼NE¼.
T. 51 N., R. 61 W.,
Sec. 9, SE¼SE¼;
Sec. 29, SE¼SE¼;
Sec. 32, NE¼NE¼.
T. 52 N., R. 61 W.,
Sec. 13, lots 5, 6, and 7;
Sec. 26, lots 1 and 3;
Sec. 27, lots 6 and 7;
Sec. 34, lots 1 to 5, inclusive.
T. 50 N., R. 62 W.,
Sec. 34, E½SW¼.
T. 54 N., R. 62 W.,
Sec. 21, NW¼NW¼;
Sec. 28, SW¼NE¼.

The areas described aggregate 2,683.56 acres in Weston and Crook Counties, of which 473.27 acres are privately owned.

The lands are located near the population centers of Newcastle and Sundance, Wyo., and Spearfish, S. Dak. The character of the lands ranges from strongly to steeply rolling hills and very steeply rolling mountains. Approximately 85 percent of the lands contain stands of timber and the remaining area contains mixed grasses and sagebrush. The lands are considered too rough and mountainous for cultivation.

2. At 10 a.m. on November 28, 1970, the public lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 28, 1970, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The land will be open to location for nonmetalliferous minerals at 10 a.m. on November 28, 1970. It has been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws for metalliferous minerals.

Inquiries concerning the land shall be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyo. 82001.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 23, 1970.

[F.R. Doc. 70-14592; Filed, Oct. 29, 1970; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 0—COMMISSION ORGANIZATION

PART 97—AMATEUR RADIO SERVICE

Order Regarding Radio Operator Examination Points

1. The Commission has before it the desirability of amending § 0.485 showing the location of the Field Engineering Bureau's examination points for amateur and commercial radio operator licenses.

2. Authority for the amendment is contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended, section 552 of the Administrative Procedure Act and § 0.261(a) of the Commission's rules. Because the amendment is procedural in nature, the prior notice and effective date provisions of section 553 of the Administrative Procedure Act do not apply.

3. *It is ordered*, That effective October 30, 1970, Parts 0 and 97 of the rules and regulations are amended as set forth in the Appendix hereto.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: October 22, 1970.

Released: October 23, 1970.

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

1. In § 0.485, paragraphs (b) and (d) are amended to read as follows:

§ 0.485 Amateur and commercial operator examination points.

* * * * *

(b) Examinations for all classes of radio operator licenses are given frequently, by appointment, at the Commission's offices in the following cities:

Mobile, Ala.	Tampa, Fla.
Anchorage, Alaska.	Savannah, Ga.
San Diego, Calif.	Beaumont, Tex.

* * * * *

(d) Arrangements have also been made, with the cooperation of other Federal agencies, for Extra Class and General Class examinations in outlying areas, as follows:

Guam: District Communications Officer, U.S. naval station.

Hawaii: At not exceeding one point on any island, by the Engineer in Charge (Honolulu).

2. Appendix 1 to Part 97 is amended as follows:

a. The second paragraph under the undesignated center heading "Examination Points" is amended by deleting from the listing of examination points where examinations are given by appointment the city of "Gettysburg, Pa."

b. The last paragraph is amended by deleting after the word "follows:" the entry "Alaska: Alaska Communications System stations."

[F.R. Doc. 70-14629; Filed, Oct. 29, 1970; 8:50 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

The following amendments are made to various delegations of authority to reflect the assignment of functions by the Assistant Secretary for Housing Production and Mortgage Credit and Federal Housing Commissioner incidental to the establishment of HUD Area Offices:

1. In the Table of Contents under Subpart D, the heading of § 200.109 is revised and new §§ 200.110, 200.111, 200.112, 200.113, 200.114, 200.115, 200.116, 200.117, and 200.118 are added, as follows:

Sec.
200.109 Regional Administrators, Deputy Regional Administrators, and the Assistant Regional Administrator, Region VIII (Denver), Housing Production and Mortgage Credit.
200.110 Chief, Valuation Section, and Commitment Appraiser.
200.111 Chief, Mortgage Credit Section, and Commitment Mortgage Credit Examiner.
200.112 Chief, Finance and Mortgage Credit Section.
200.113 Assistant Director for Technical Services.
200.114 Assistant Director for Single Family Mortgage Insurance.
200.115 Program Manager and Multifamily Housing Representative.
200.116 Director, Production Division, and Deputy.
200.117 Director, Housing Services and Property Management Division, and Chief, Property Operations Branch.
200.118 Area Director and Deputy Area Director.

2. In § 200.109 the section heading is revised and a new paragraph (f) is added to read as follows:

§ 200.109 Regional Administrators, Deputy Regional Administrators, and the Assistant Regional Administrator, Region VIII (Denver), Housing Production and Mortgage Credit.

* * * * *

(f) The duties and functions as set forth in § 200.118.

3. A new § 200.110 is added to read as follows:

§ 200.110 Chief, Valuation Section, and Commitment Appraiser.

To the position of Chief, Valuation Section, in each HUD Area Office, and under his general supervision to the position of Commitment Appraiser, there is delegated the following basic authority and function: To approve conditional commitments to insure 1- to 4-family housing mortgages.

4. A new § 200.111 is added to read as follows:

§ 200.111 Chief, Mortgage Credit Section, and Commitment Mortgage Credit Examiner.

To the position of Chief, Mortgage Credit Section, in each HUD Area Office, and under his general supervision to the position of Commitment Mortgage Credit Examiner, there is delegated the following basic authority and functions:

(a) To approve firm commitments for, and to make interest assistance payment contracts in conjunction with, the insuring of 1- to 4-family housing mortgages.

(b) To grant prior credit approval under the provisions of title I of the National Housing Act and regulations thereunder.

5. A new § 200.112 is added to read as follows:

§ 200.112 Chief, Finance and Mortgage Credit Section.

To the position of Chief, Finance and Mortgage Credit Section, in the HUD Area Office, there is delegated the following basic authority and functions:

(a) To make interest assistance payment contracts.

(b) To make rent supplement contracts.

6. A new § 200.113 is added to read as follows:

§ 200.113 Assistant Director for Technical Services.

To the position of Assistant Director for Technical Services in each HUD Area Office, there is delegated the following basic authority and functions:

(a) To direct underwriting processing for the insurance of mortgages in programs other than 1- to 4-family housing and establish and administer related processing target dates and construction starting dates, to approve preliminary underwriting determinations and recommend their acceptance for the insurance of mortgages in programs other than 1- to 4-family housing, to approve related construction advances and change orders, and to perform the functions and exercise the authorities as set forth in § 200.112.

(b) To approve schematic documents, architect's fees, findings (statutory room cost), final plans and specifications, construction contract awards, memoranda of acceptance for occupancy, dates of full availability, part I of certificates of completion, preliminary loan requisitions, development loan requisitions, administrative loan requisitions, actual development cost certifications, and all preliminary technical determinations, all as related to the production of low-rent public housing.

(c) To approve preliminary determinations underlying acceptance of applications, construction contract awards, acceptance of final inspections, and acceptance of certificates in lieu of audit or audit reports, all as related to the production of college housing.

7. A new § 200.114 is added to read as follows:

§ 200.114 Assistant Director for Single Family Mortgage Insurance.

To the position of Assistant Director for Single Family Mortgage Insurance in each HUD Area Office there is delegated the following basic authority and functions:

(a) The duties and functions as set forth in §§ 200.110 and 200.111.

(b) To establish and administer 1- to 4-family housing mortgage insurance application processing target dates.

(c) To approve applications, subdivision reports, and construction changes related to the production of 1- to 4-family housing.

8. A new § 200.115 is added to read as follows:

§ 200.115 Program Manager and Multifamily Housing Representative.

To the position of Program Manager in the HUD Area Office and under his general supervision to the position of Multifamily Housing Representative there is delegated the following basic authority and functions:

(a) To direct the participation in and support by those activities in the Area Office necessary to achieve required interprogram coordination in dealing with applications for (1) mortgage insurance in programs other than 1- to 4-family housing, (2) low-rent public housing, and (3) other subsidized housing projects.

(b) To approve findings of acceptability of proposals with respect to their completeness, compatibility with program policy, and, as applicable, the satisfaction of eligibility criteria, which findings adequately support his recommendations to the Director, Production Division, regarding processing priorities.

9. A new § 200.116 is added to read as follows:

§ 200.116 Director, Production Division, and Deputy.

To the position of Director, Production Division, in the HUD Area Office and under his general supervision to the position of Deputy there is delegated the following basic authority and functions:

(a) To direct all activities essential to the insurance of mortgages, including the approval of determinations supporting feasibility letters, commitments and insurance endorsements related to mortgages in programs other than 1- to 4-family housing; to recommend issuance of feasibility letters and commitments for insurance and the insurance of mortgages other than those relating to 1- to 4-family housing; to establish and monitor adherence to related processing priorities and schedules, and to perform the functions and exercise the authorities set forth in §§ 200.113, 200.114, and 200.115.

(b) To approve preliminary loan contracts, site reports, development programs, Annual Contributions Contracts and amendments thereto, turnkey housing proposals, preliminary contracts of sale, contracts of sales, and agreements to lease, all as related to the production of low-rent public housing.

(c) To approve loan or grant agreements, financing plans (grants), loan disbursements, final inspections, and certificates in lieu of audit or audit reports, all as related to the production of college housing.

10. A new § 200.117 is added to read as follows:

§ 200.117 Director, Housing Services and Property Management Division, and Chief, Property Operations Branch.

To the position of Director, Housing Services and Property Management Division, in each HUD Area Office and under his general supervision to the position of Chief, Property Operations Branch, there is delegated the following basic authority and functions:

(a) To establish and administer surveillance of financial institutions regarding the servicing of 1- to 4-family housing mortgages essential to the prevention and cure of delinquencies as well as the avoidance of defaults, foreclosures, and acquisitions.

(b) To consent to the release of portions of mortgaged property from the lien of the mortgage.

(c) To approve mortgagee requests to obtain title by deed in lieu of foreclosure to property covered by an insured home mortgage.

(d) To assess late charges against delinquent mortgagors under Secretary-held home mortgages.

(e) To direct the affairs of mortgagor corporations when control has been assumed by the Secretary as preferred stockholder.

(f) To determine the need for and recommend initiation of action to acquire properties under defaulted Secretary-held home mortgages by foreclosure.

(g) To establish and administer the surveillance of financial institutions regarding the servicing of title I loans essential to the prevention and cure of delinquencies and the avoidance of defaults and litigation.

11. A new § 200.118 is added to read as follows:

§ 200.118 Area Director and Deputy Area Director.

To the position of Area Director in each HUD Area Office and under his general supervision to the position of Deputy there is delegated the following basic authority and functions:

(a) To administer the activities of the Area Office for insuring mortgages within the assigned insuring jurisdiction, to administer the low-rent and other housing production activities of the Area Office, and to perform the functions and exercise the authorities set forth in §§ 200.116 and 200.117.

(b) To approve applications, feasibility letters, conditional commitments, firm commitments, initial and final endorsements for insurance pursuant to such commitments, cost certifications, eligibility statements, regulatory agreements, nonprofit sponsors, housing consultants, project mortgage increases, insurance fee refunds and adjustments pursuant to outstanding fiscal instructions, requests from sponsors for section 106 seed money loans or grants, and Appalachian 207 loans.

(c) To approve applications for program reservations and preliminary loans, to approve ACC (Annual Contributions Contracts) Lists and amendments thereto, and to approve part II of certificates of completion or consolidated certificates, all as related to the production of low-rent public housing.

(d) To approve reservations of funds for college housing.

(e) To approve, cancel, or modify the reservations of contract authority required for subsidy payments, and the allocations of funds for Below Market Interest Rate Loans, all as related to the insuring of 1- to 4-family and multifamily housing mortgages.

12. Exercise of redelegated authority: Redelegations of authority in §§ 200.110 through 200.118 above shall not be construed to modify or otherwise affect the administrative and supervisory powers of the Regional Administrator, Area Director, and their deputies, to whom a delegate is responsible.

(Secretary's delegations of authority published at 35 F.R. 2749, et seq., Feb. 7, 1970; 35 F.R. 14515, Sept. 16, 1970)

Effective date. These amendments are effective as of September 1, 1970.

EUGENE A. GULLEDGE,
Assistant Secretary for Housing Production and Mortgage Credit-FHA Commissioner.

[F.R. Doc. 70-14606; Filed, Oct. 29, 1970; 8:48 a.m.]

SUBCHAPTER Q-1—MORTGAGE INSURANCE FOR NONPROFIT HOSPITALS

PART 242—NONPROFIT HOSPITALS

Subpart A—Eligibility Requirements

CONSTRUCTION CONTRACTS; WAIVER OF COMPETITIVE BIDDING

In § 242.69 a new paragraph (c), which provides that the Commissioner may waive competitive bidding for awarding construction contracts for nonprofit hospitals under stated conditions, is added to read as follows:

§ 242.69 Construction contracts.

* * * * *

(c) *Waiver of competitive bidding.* The Commissioner may waive the requirements for compliance with the competitive bidding procedure prescribed in paragraph (a) of this section upon a determination, by the State agency designated in accordance with Section 604(a)(1) of the Public Health Service Act for the State in which the project is or will be located and by the Secretary of Health, Education, and Welfare or his designee, that competitive bidding for the construction of the project is not required.

(Sec. 211, 52 Stat. 23; sec. 242, 82 Stat. 5999; 12 U.S.C. 1715b, 1715z-7)

Issued at Washington, D.C., October 27, 1970.

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[F.R. Doc. 70-14609; Filed, Oct. 29, 1970; 8:48 a.m.]

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	Industry	E 06 037 1692 01 through E 06 037 1692 04	Department of Water Resources, Post Office Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012, and 1407 Market St., San Francisco, Calif. 94103.	Office of the City Clerk, City of Industry, Post Office Box 3366, Industry, Calif. 91744.	Oct. 30, 1970.
Do	do	Sierra Madre	E 06 037 3620 01	do	City Hall, 55 West Sierra Madre Blvd., Sierra Madre, Calif. 91024.	Do.
Florida	Charlotte	Punta Gorda	I 12 015 2620 04 through I 12 015 2620 06	Department of Community Affairs, State of Florida, 309 Office Plaza, Tallahassee, Fla. 32301 State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, Fla. 32303	Office of the City Clerk, City Hall, 326 West Marion Ave., Punta Gorda, Fla. 33950.	Do.
Do	Lee	Unincorporated areas	E 12 071 0000 01 E 12 071 0000 02	do	Public Works Office, Lee County, Fort Myers, Fla. 33902.	Do.
Do	do	Fort Myers	E 12 071 1070 01 through E 12 071 1070 04	do	Building and Zoning Department, City Hall, Post Office Drawer 2217, Fort Myers, Fla. 33902.	Do.
Do	Palm Beach	Manalapan	I 12 099 1910 03 I 12 099 1910 04	do	Town of Manalapan Town Office, Manalapan Club, Lands End Rd., Manalapan, Palm Beach County, Fla. 33462.	Do.
Georgia	Muscogee	Columbus	I 13 215 1280 07 through I 13 215 1280 17	State Planning and Programming Bureau, 270 Washington St. SW., Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Office of the Building Official, City of Columbus, Post Office Box 1340, Columbus, Ga. 31902.	Do.
Louisiana	Jefferson	Grand Isle	I 22 051 0920 03 I 22 051 0920 04	State Department of Public Works, Post Office Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Office of the Town Clerk, Town Hall, Oleander Ave., Grand Isle, La. 70358.	Do.
Rhode Island	Bristol	Bristol	E 44 001 0030 01	Rhode Island Statewide Planning Program, Room 123-A, The State House, Providence, R.I. 02903. Rhode Island Insurance Department, Room 481, Westminster St., Providence, R.I. 02903.	Town Hall, 10 Court St., Bristol, R.I. 02809.	Do.
Do	Washington	Charlestown	E 44 009 0045 01	do	Town Clerk's Office, Town Hall, South County Trail, Charlestown, R.I. 02813.	Do.
South Carolina	Charleston	Charleston	E 45 019 0410 01	South Carolina Water Resources Planning and Coordinating Committee, 1411 Barnwell St., Columbia, S.C. 29201. South Carolina Insurance Department, Federal Land Bank Bldg., 1401 Hampton St., Columbia, S.C. 29201.	Office of the City Engineer, City Hall, Charleston, S.C. 29401.	Do.
Tennessee	Claiborne	Tazewell	E 47 025 2375 01 E 47 025 2375 02	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, Town of Tazewell, Tazewell, Tenn. 37879.	Do.
Do	Sevier	Gatlinburg	E 47 155 0020 01	do	City Hall, 175 Airport Road, Gatlinburg, Tenn. 37738.	Do.
Texas	Harris	Webster	E 48 201 7286 01 through E 48 201 7286 07	Texas Water Development Board, 301 West Second St., Austin, Tex. 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, Tex. 78701.	City Hall, 311 Pennsylvania Ave., Webster, Tex. 77598.	Do.
Do	Jefferson	Beaumont	I 48 245 0490 05 through I 48 245 0490 08	do	City Hall, 700 Pearl St., Beaumont, Tex. 77704.	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 29, 1970.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[F.R. Doc. 70-14582; Filed, Oct. 29, 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	Industry	T 06 037 1692 01 through T 06 037 1692 04	Department of Water Resources, Post Office Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012, and 1407 Market St., San Francisco, Calif. 94103.	Office of the City Clerk, City of Industry, Post Office Box 3366, Industry, Calif. 91744.	Oct. 30, 1970.
Do	do	Sierra Madre	T 06 037 3620 01	do	City Hall, 55 West Sierra Madre Blvd., Sierra Madre, Calif. 91024.	Do.
Florida	Charlotte	Punta Gorda	H 12 015 2620 04 through H 12 015 2620 06	Department of Community Affairs, State of Florida, 309 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, Fla. 32303.	Office of the City Clerk, City Hall, 326 West Marion Ave., Punta Gorda, Fla. 33950.	Aug. 27, 1970.
Do	Lee	Unincorporated areas.	T 12 071 0000 01 T 12 071 0000 02	do	Public Works Office, Lee County, Fort Myers, Fla. 33902.	Oct. 30, 1970.
Do	do	Fort Myers	T 12 071 1070 01 through T 12 071 1070 04	do	Building and Zoning Department, City Hall, Post Office Drawer 2217, Fort Myers, Fla. 33902.	Do.
Do	Palm Beach	Manalapan	H 12 099 1910 03 H 12 099 1910 04	do	Town of Manalapan Town Office, Manalapan Club, Lands End Rd., Manalapan, Palm Beach County, Fla. 33462.	June 16, 1970.
Georgia	Muscogee	Columbus	H 13 215 1280 07 through H 13 215 1280 17	State Planning and Programming Bureau, 270 Washington St. SW., Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Office of the Building Official, City of Columbus, Post Office Box 1340, Columbus, Ga. 31902.	Do.
Louisiana	Jefferson	Grand Isle	H 22 051 0920 03 H 22 051 0920 04	State Department of Public Works, Post Office Box 44155, Capitol Station, Baton Rouge, La., 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Office of the Town Clerk, Town Hall, Oleander Ave., Grand Isle, La. 70358.	Aug. 27, 1970.
Rhode Island	Bristol	Bristol	T 44 001 0030 01	Rhode Island Statewide Planning Program, Room 123-A, The State House, Providence, R.I. 02903. Rhode Island Insurance Department, Room 418, Westminster St., Providence, R.I. 02903.	Town Hall, 10 Court St., Bristol, R.I. 02809.	Oct. 30, 1970.
Do	Washington	Charlestown	T 44 009 0045 01	do	Town Clerk's Office, Town Hall, South County Trail, Charlestown, R.I. 02813.	Do.
South Carolina	Charleston	Charleston	T 45 019 0410 01	South Carolina Water Resources Planning and Coordinating Committee, 1411 Barnwell St., Columbia, S.C. 29201. South Carolina Insurance Department, Federal Land Bank Bldg., 1401 Hampton St., Columbia, S.C. 29201.	Office of the City Engineer, City Hall, Charleston, S.C. 29401.	Do.
Tennessee	Claiborne	Tazewell	E 47 025 2375 01 E 47 025 2375 02	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, Town of Tazewell, Tazewell, Tenn. 37879.	Do.
Do	Sevier	Gatlinburg	E 47 155 0920 01	do	City Hall, 175 Airport Rd., Gatlinburg, Tenn. 37738.	Do.
Texas	Harris	Webster	T 48 201 7286 01 through T 48 201 7286 07	Texas Water Development Board, 301 West Second St., Austin, Tex. 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, Tex. 78701.	City Hall, 311 Pennsylvania Ave., Webster, Tex. 77598.	Do.
Do	Jefferson	Beaumont	H 48 245 0490 05 through H 48 245 0490 08	do	City Hall, 700 Pearl St., Beaumont, Tex. 77704.	June 16, 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 29, 1970.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[F.R. Doc. 70-14583; Filed, Oct. 29, 1970; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter V—National Highway Safety Bureau, Department of Transportation

[Docket No. 2-6; Notice 3]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standard No. 214; Side Door Strength—Passenger Cars

The purpose of this amendment to § 571.21 of Title 49, Code of Federal Regulations, is to add a new motor vehicle safety standard that sets minimum strength requirements for side doors of passenger cars. The standard differs in only a few details from the notice of proposed rulemaking published on April 23, 1970 (35 F.R. 6512).

As noted in the proposal of April 23, the percentage of dangerous and fatal injuries in side collisions increases sharply as a maximum depth of penetration increases. With this in mind, the notice of proposed rulemaking stressed the need for a door that offers substantial resistance to intrusion as soon as an object strikes it. The proposal required a door to provide an average crush resistance of 2,500 pounds during the first 6 inches of crush. One comment stated that equivalent protection can be provided by structures further to the interior of the door and that the proper measure of protection is the force needed to deflect the inner door panel rather than that needed to deflect the outer panel. Although inboard mounted structures may be effective in preventing intrusion if the door has a large cross section, with a correspondingly large distance between the protective structure and the inner panel, the standard as issued reflects the determination that doors afford the greatest protection if the crush resisting elements are as close to the outer panel as possible. It follows from this determination that the surface whose crush is to be measured must be the outer panel rather than the inner one. The value specified for the initial crush resistance has, however, been reduced from 2,500 pounds to 2,250 pounds, a value that has been determined to be more appropriate, particularly for lighter vehicles.

Two comments suggested that the crush distance should be the distance traveled by the loading device after an initial outer panel distortion caused by a "pre-load." This suggestion is without merit, in that it would permit use of needlessly light outer panel materials and thereby diminish the distance between the protective elements of the door and the occupants.

The comments revealed a considerable difference of opinion concerning the value and validity of the concept of "equivalent crush resistance." The equivalent crush resistance was to be derived by adding ¼ (3000–W) to the average force required to crush the door 12 inches. It had been thought that the resulting bias against heavier vehicles was necessary in that their greater mass would cause them to move sideways less in a collision than lighter vehicles, with more of the impacting force being absorbed by the door. Recent studies, however, show that occupants of heavier vehicles involved in side collisions generally suffer a lower proportion of serious injuries and fatalities than persons in lighter vehicles. In light of these studies and other information, the standard retains the basic crush resistance requirement, but deletes the weight correction factor. Since it is no longer appropriate to use the term "equivalent crush resistance," in its place the standard employs the phrase "intermediate crush resistance." The slightly lower figure of 3,500 pounds has been substituted for the 3,750 pound force proposed in the notice. The effect of the change is to increase slightly the crush resistance required for vehicles having curb weight less than 1,800 pounds, and to decrease it slightly for vehicles weighing more than 1,800 pounds.

Similar reasoning lies behind a change in the requirement for peak crush resistance. The available information does not support a peak crush requirement that increases indefinitely with increasing vehicle curb weight. The standard therefore sets a ceiling of 7,000 pounds to the requirement that the door have a peak crush resistance of twice the vehicle's curb weight. In effect, the requirement is unchanged from the proposal for vehicles weighing less than 3,500 pounds, and is diminished for vehicles exceeding that weight.

Several comments suggested that the vehicle should be tested with all seats in place, since the seats may provide protection against intrusion in side impacts. It is recognized that proper seat design can contribute to occupant safety. The retention of the seat would, however, introduce a variable into the test procedure whose bearing on safety is not objectively measurable at this time. For this reason, the standard adopts the proposed requirement that the vehicle be tested with its seats removed.

It was suggested that the location of force application should be changed. The location has been designated to approximate the weakest section of that part of the door structure likely to be struck by another vehicle. The area designated has been found the most appropriate for the bulk of the automobile population.

Effective date: January 1, 1973.

The majority of comments stated that an effective date of September 1, 1971, as initially proposed, would not be feasible. After evaluation of the comments and other information, it has been determined that the structural changes required by the standard will be such that many manufacturers would be unable to meet the standard if the September 1, 1971, effective date were retained. It has been decided that there is good cause for establishing an effective date more than 1 year after issuance of the rule.

In consideration of the above, Standard No. 214 is adopted as set forth below.

(Sec. 103, 119, National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407; delegation of authority by Secretary of Transportation to Director of National Highway Safety Bureau, 49 CFR 1.51)

Issued on October 22, 1970.

DOUGLAS W. TOMS,
Director.

§ 571.21 Federal Motor Vehicle Safety Standards.

* * * * *

MOTOR VEHICLE SAFETY STANDARD NO. 214

SIDE DOOR STRENGTH—PASSENGER CARS

S1. *Purpose and scope.* This standard specifies strength requirements for side doors of a motor vehicle to minimize the safety hazard caused by intrusion into the passenger compartment in a side impact accident.

S2. *Application.* This standard applies to passenger cars.

S3. *Requirements.* Each vehicle shall be able to meet the following requirements when any of its side doors that can be used for occupant egress are tested according to S4.

S3.1 *Initial crush resistance.* The initial crush resistance shall be not less than 2,250 pounds.

S3.2 *Intermediate crush resistance.* The intermediate crush resistance shall not be less than 3,500 pounds.

S3.3 *Peak crush resistance.* The peak crush resistance shall be not less than two times the curb weight of the vehicle or 7,000 pounds, whichever is less.

S4. *Test procedures.* The following procedures apply to determining compliance with section S3:

(a) Remove from the vehicle any seats that may affect load upon, or deflection of, the side of the vehicle. Place side windows in their uppermost position and all doors in locked position. Place the sill of the side of the vehicle opposite to the side being tested against a rigid unyielding vertical surface. Fix the vehicle rigidly in position by means of tiedown attachments located at or forward of the front wheel centerline and at or rearward of the rear wheel centerline.

(b) Prepare a loading device consisting of a rigid steel cylinder or semicylinder 12 inches in diameter with an edge radius of one-half inch. The length of the loading device shall be such that the top surface of the loading device is at least one-half inch above the bottom edge of the door window opening but not of a length that will cause contact with any structure above the bottom edge of the door window opening during the test.

(c) Locate the loading device as shown in Figure I (side view) of this section so that:

(1) Its longitudinal axis is vertical;

(2) Its longitudinal axis is laterally opposite the midpoint of a horizontal line drawn across the outer surface of the door 5 inches above the lowest point of the door;

(3) Its bottom surface is in the same horizontal plane as the horizontal line described in subdivision (2) of this subparagraph; and

(4) The cylindrical face of the device is in contact with the outer surface of the door.

(d) Using the loading device, apply a load to the outer surface of the door in an inboard direction normal to a vertical plane along the vehicle's longitudinal centerline. Apply the load continuously such that the loading device travel rate does not exceed one-half inch per second until the loading device travels 18 inches. Guide the loading device to prevent it from being rotated or displaced from its direction of travel. The test must be completed within 120 seconds.

(e) Record applied load versus displacement of the loading device, either continuously or in increments of not more than 1 inch or 200 pounds for the entire crush distance of 18 inches.

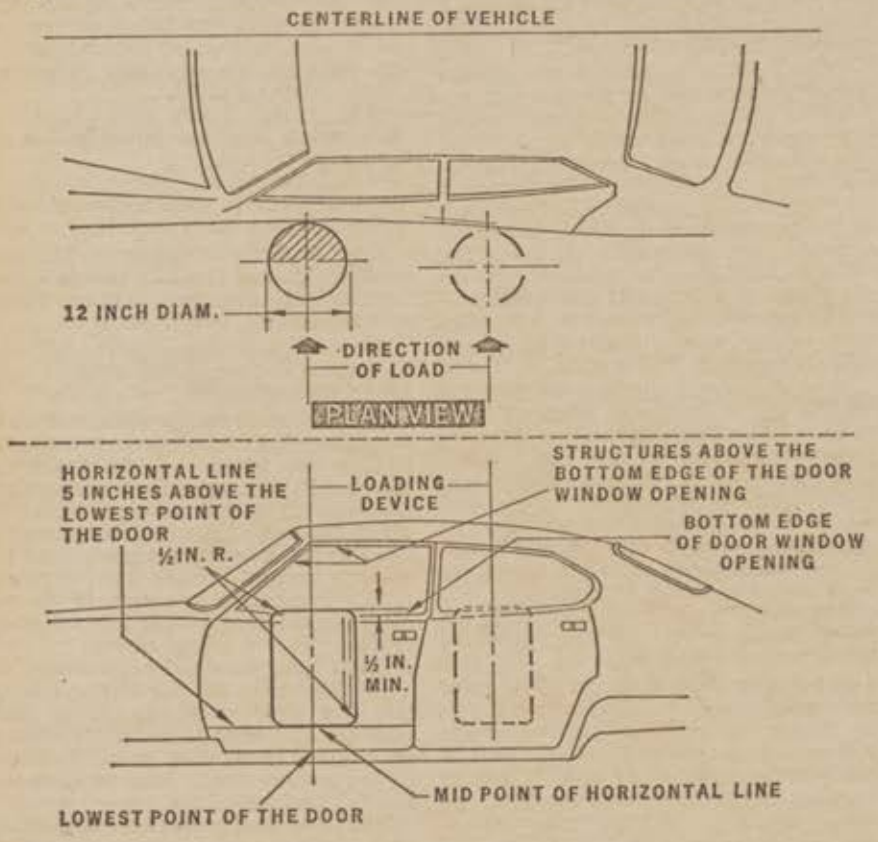
(f) Determine the initial crush resistance, intermediate crush resistance, and peak crush resistance as follows:

(1) From the results recorded in subparagraph (e) of this paragraph, plot a curve of load versus displacement and obtain the integral of the applied load with respect to the crush distances specified in subdivisions (2) and (3) of this paragraph. These quantities, expressed in inch-pounds and divided by the specified crush distances, represent the average forces in pounds required to deflect the door those distances.

(2) The initial crush resistance is the average force required to deform the door over the initial 6 inches of crush.

(3) The intermediate crush resistance is the average force required to deform the door over the initial 12 inches of crush.

(4) The peak crush resistance is the largest force recorded over the entire 18-inch crush distance.



LOADING DEVICE LOCATION AND APPLICATION TO THE DOOR

FIGURE 1

[F.R. Doc. 70-14535; Filed, Oct. 29, 1970; 8:45 a.m.]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1000—THE COMMISSION

Credentials

In the matter of credentials of persons appointed as special agents, accountants, and examiners of the Commission. Present: George M. Stafford, Chairman, to whom the matter which is the subject of this order has been delegated.

It appearing, that the matter of appointing and authorizing certain designated persons having credentials to enter upon, to inspect and examine any and all lands, buildings and equipment of carriers and other persons subject to the Interstate Commerce Act, as amended, and related Acts, and to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents of carriers, and other persons subject to the Act needs consideration:

And it further appearing, that the regulations to be affected by this order are a clarification of rules relating to agency personnel, and that public rule making procedures as required by Public Law 89-554, 80 Stat. 383, 5 U.S.C. 553, are unnecessary; and good cause appearing therefore:

It is ordered, That § 1000.5(c) *Definition of special agents, accountants, and examiners* be, and is hereby revised to read as follows:

§ 1000.5 Credentials required by special agents, accountants, and examiners.

* * * * *

(c) *Definition of special agents, accountants, and examiners.* The duties of the following described employees or positions, and such other employees of the Commission as the Chairman shall specify in writing, include those of special agent, accountant or examiner and they are hereby authorized to inspect and copy records and to inspect and examine lands, buildings and equipment in the same manner and to the same extent as special agents, accountants and examiners:

Commissioners.
Managing Director.
Assistant Managing Director.
Directors and Assistant Directors, Chiefs and Assistant Chiefs of Sections of the Bureau of:
  Accounts.
  Enforcement.
  Operations.
Assistant Regional Directors (Operations).
Railroad Service Agents.
Transportation Specialists (District Supervisors).
Transportation Cost Analysts.

Attorneys.
Auditors.
Field Assistants.
General Engineers.
Investigators.
Regional Managers.
Regional Directors (Operations).
Supervisory Railroad Service Agents.
Transportation Rate and Tariff Specialists.
Transportation Specialists.
Supervisory Transportation Specialists.
Transportation Rate Agents.

* * * * *

(Sec. 12(1), 24 Stat. 383, as amended; 49 U.S.C. 12, sec. 20(5), 24 Stat. 386, as amended; 49 U.S.C. 20, sec. 220(d), 49 Stat. 563, as amended; 49 U.S.C. 320, sec. 313(f), 54 Stat. 944, as amended; 49 U.S.C. 913, sec. 412(d), 56 Stat. 294, as amended; 49 U.S.C. 1012, sec. 25(d), 41 Stat. 498, as amended; 49 U.S.C. 26, sec. 6, 36 Stat. 915, as amended; 45 U.S.C. 29.)

It is ordered, That this order shall be effective forthwith.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

Dated at Washington, D.C., this 26th day of October A.D. 1970.

By the Commission, Chairman Stafford.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-14615; Filed, Oct. 29, 1970; 8:48 a.m.]

SUBCHAPTER C—ACCOUNTS, RECORDS, AND REPORTS

[No. 35029]

PART 1203—UNIFORM SYSTEM OF ACCOUNTS FOR EXPRESS COMPANIES

Revision of Uniform System of Accounts

At a Session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 14th day of October 1970.

Upon consideration of the record in the above-entitled proceeding, and to allow additional time for review of the system of accounts referred to herein with respect to its compatibility with other systems of accounts prescribed by the Commission.

It is ordered, That the order dated November 28, 1969, suspending the 1914 issue of the Uniform System of Accounts for Express Companies for 1 year effective January 1, 1970, and permitting the use, in lieu thereof, of the system of accounts submitted by REA in response to notice of proposed rulemaking in Docket No. 35029, published December 13, 1968, be and it is hereby modified as follows:

(1) That the Uniform System of Accounts for Express Companies, adopted May 28, 1914 (Title 49, Part 1203, Code of Federal Regulations), be waived and suspended for an additional year, effective January 1, 1971, or until further order of this Commission.

(2) That REA be permitted to continue to use the system of accounts it submitted in reply to the notice of proposed rule making under Docket No. 35029, published December 31, 1968, for year 1971. The use of this system for the year 1971 is not to be construed as its formal adoption by the Commission nor that provisions contained therein fully meet all requirements of the Commission's needs and those of other interested parties.

It is further ordered, That in all other respects the Commission's order dated November 28, 1969, as modified, remains in full force and effect.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, division 2.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-14616; Filed, Oct. 29, 1970; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Moosehorn National Wildlife Refuge, Maine

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

§ 28.7 Special regulations: Operation of vehicles.

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

Snowmobile use is limited to roads within the Baring Unit of the Moosehorn National Wildlife Refuge.

The operation of snowmobiles shall be subject to the following special conditions:

(1) Use restricted to the period December 1, through April 15.

(2) Operated only in such manner and at such a speed that no persons or property will be endangered.

(3) All persons must be in a snowmobile or in a trail vehicle that is fixed to the snowmobile by a rigid tongue.

(4) No firearms or archery equipment are to be carried on snowmobiles.

(5) No form of wildlife may be chased or harried by snowmobiles.

The Baring Unit, comprising 16,000 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1971.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 22, 1970.

[F.R. Doc. 70-14574; Filed, Oct. 29, 1970; 8:45 a.m.]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Moosehorn National Wildlife Refuge, Maine

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

§ 28.28 Special regulations: recreation; for the individual wildlife refuge areas.

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

Entry on foot or by motor vehicle on designated travel routes is permitted for the purpose of nature study, photography, hiking, and sightseeing during daylight hours. Pets are allowed if on a leash not over 10 feet in length. Fishing and public hunting may be permitted under special regulations. All persons shall comply with all local, State, and Federal laws, ordinances, and regulations.

The refuge area, comprising approximately 22,500 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1971.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 22, 1970.

[F.R. Doc. 70-14575; Filed, Oct. 29, 1970; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-SO-85]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Palm Beach, Fla., control zone and transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Miami Area Office, Air Traffic Branch, Post Office Box 2014 AMF Branch, Miami, Fla. 33159. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

The Palm Beach control zone described in § 71.171 (35 F.R. 2054) would be redesignated as:

Within a 5-mile radius of Palm Beach International Airport (lat. 26°41'05" N., long. 80°05'35" W.); within 3 miles each side of the Palm Beach VORTAC 275° radial, extending from the 5-mile radius zone to 8.5 miles west of the VORTAC; excluding that airspace within a 1.5-mile radius of Palm Beach County Park (Lantana) Airport (lat. 26°35'-35" N., long. 80°05'10" W.).

The Palm Beach transition area described in § 71.181 (35 F.R. 2134) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Palm Beach International Airport (lat. 26°41'05" N., long. 80°05'35" W.).

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to Palm Beach terminal complex requires the following actions:

1. Increase the control zone extension predicated on Palm Beach VORTAC 275° radial 1 mile in width and 0.5 mile in length.

2. Increase the transition area basic radius circle predicated on Palm Beach International Airport from 8 to 8.5 miles.

The proposed alterations are required to provide controlled airspace protection for IFR operations in the Palm Beach terminal complex.

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

Issued in East Point, Ga., on October 20, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-14603; Filed, Oct. 29, 1970; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-SO-82]

TRANSITION AREA

Proposed Designation

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

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

The Greeneville transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Greeneville Municipal Airport (lat. 36°11'30" N., long. 82°49'01" W.); within 9.5 miles southeast and 4.5 miles northwest of the 038° bearing from Greene County RBN (lat. 36°11'26" N., long. 82°48'50" W.), extending from the 9-mile radius area to 18.5 miles northeast of the RBN; excluding the portion within the Tri-City, Tenn., transition area.

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

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

Issued in East Point, Ga., on October 21, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-14604; Filed, Oct. 29, 1970; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-WE-85]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Akron, Colo., control zone and transition area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The VOR Runway 27 instrument approach, departure and holding procedures at Akron, Colo., have been reviewed in accordance with the U.S. Standard for Terminal Instrument Procedures (TERPS). As a result of the review it has been determined that the control zone and transition area require alteration. The control zone extension will provide controlled airspace protection for aircraft executing the approach procedure while operating less than 1,000 feet above the surface. The 700-foot portion of the transition area is modified to provide controlled airspace protection for departing aircraft during climb from 700 to 1,200 feet above the surface.

In consideration of the foregoing, the FAA proposes the following airspace actions.

In § 71.171 (35 F.R. 2054) the description of the Akron, Colo., control zone is amended to read as follows:

AKRON, COLO.

Within a 5-mile radius of Akron-Washington County Airport (latitude 40°10'30" N., longitude 103°12'45" W.) and within 4 miles each side of the Akron VORTAC 123° radial, extending from the 5-mile radius zone to 11 miles southeast of the VORTAC.

In § 71.181 (35 F.R. 2134) the description of the Akron, Colo., transition area is amended to read as follows:

AKRON, COLO.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Akron-Washington County Airport (latitude 40°10'30" N., longitude 103°12'45" W.), and that airspace extending upward from 1,200 feet above the surface within 10 miles northeast and 7 miles southwest of the Akron VORTAC 123° and 303° radials, extending from 20 miles southeast to 10 miles northwest of the VORTAC.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on October 22, 1970.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 70-14605; Filed, Oct. 29, 1970; 8:47 a.m.]

National Highway Safety Bureau

[49 CFR Part 571]

[Docket 70-3, Notice No. 1]

STEERING CONTROL REARWARD DISPLACEMENT

Motor Vehicle Safety Standard No. 204

Federal Motor Vehicle Safety Standard No. 204, "Steering Control Rearward Displacement", published February 3, 1967 (32 F.R. 2414), with an interpretation published June 21, 1967 (32 F.R. 8808), prescribes a requirement, for passenger cars, that the upper end of the steering column and shaft shall not be displaced horizontally rearward more than 5 inches in a 30-mile-per-hour barrier collision test. This notice proposes to extend the standard to multipurpose passenger vehicles, trucks, and buses of 10,000 pounds or less gross vehicle weight rating. Vehicles having a gross vehicle weight rating of more than 10,000 pounds would not be included as these vehicles do not generally experience the structural deformation in front-end impacts that are experienced by smaller vehicles. The notice also proposes a vehicle loading requirement for the barrier collision test and describes a point on the vehicle from which the rearward displacement of the steering control would be measured.

Standard No. 204 does not presently specify a loading requirement for the vehicle when it is subjected to the barrier collision test. Because of the various possible loading conditions, and the resultant difficulty for Bureau compliance testing, it is proposed that each vehicle meet the standard's requirements when loaded to its gross vehicle weight rating. A vehicle meeting the standard's requirements in this loading condition can be assumed to achieve at least that level of performance across the spectrum of loading conditions encountered in practice. The proposal also specifies that the load not shift relative to the vehicle during the impact, so as not to cause dissipation of energy that might otherwise contribute to the impact on the front end of the vehicle.

The standard presently requires that the steering control displacement not exceed 5 inches "relative to an undisturbed point on the vehicle." Some vehicles, however, may undergo distortion during the barrier collision that makes it difficult to select the proper reference point. Accordingly, the notice proposes that a specified point on the exterior surface of the vehicle be used for all vehicles. The point, which on most passenger cars is near the left rear roof supporting member, is in an area of the vehicle surface that has been found to be relatively undisturbed in tests conducted to date, and can be easily located from outside the vehicle.

The interpretation of Standard No. 204, published June 21, 1967 (32 F.R. 8808): *Provided*, That a dummy could be used during the barrier collision without measuring the impact force developed on the dummy's chest, and also provided a formula by which an impact speed of more than 30 miles per hour, but less than 33 miles per hour, could be corrected to 30 miles per hour. The proposed amendment would obviate the necessity for the interpretation. While it may be useful for various testing purposes to place manikins in the driver's and other seating positions during the barrier crash, it would be contrary to the purposes of the standard to allow the displacement figures to be reduced by the force of the dummy's chest on the steering control system. Furthermore, a shift in the position of the dummy during impact can be an energy absorption factor that detracts from the precision and validity of the results obtained. Reference to allowing manikins to be used is accordingly omitted from the proposed revision. Manufacturers would be free in any test, however, to include elements, such as manikins or other test devices, that are unspecified in the standard as long as the manufacturer can ascertain by whatever adjustments are necessary that the vehicle will meet the performance requirements of the standard.

The correction formula for collision speeds of more than 30 miles per hour has also been omitted, as unnecessary, from the proposed revision. Manufacturers are responsible under the standard for ensuring that their vehicles will meet the requirement at 30 miles per hour. An efficient way to do this would be to conduct a crash test at slightly more than 30 miles per hour, while still achieving displacement figures within the 5-inch maximum. To the extent that manufacturers conclude that vehicles comply with the standard based on tests run at less than 30 miles per hour, or based on tests providing displacement results greater than the 5-inch maximum, they must take responsibility for any errors or inaccuracies in their computations.

Finally, the proposed revision would eliminate the exception of forward control vehicles from the displacement requirement. Forward control vehicles exhibit steering column displacement characteristics that differ from those of vehicles whose columns are closer to the horizontal, and the engineering solution of the displacement problem may correspondingly differ. Drivers of these vehicles need protection from steering control displacement that occurs from crushing of the front of the vehicle as well as from displacement of the steering gear box. The need for protection is evidently as great as with conventional vehicles, and the exception is therefore deleted in the proposed amendment.

In consideration of the foregoing, it is proposed that Motor Vehicle Safety Standard No. 204 be amended to read as set forth below. Interested persons are invited to submit written data, views or arguments concerning the proposed amendment. Comments should identify the docket number and be submitted to: Docket Section, National Highway Safety Bureau, Room 4223, 400 Seventh Street SW., Washington, D.C. 20591. It is requested, but not required, that 10 copies be submitted. All comments received before the close of business on January 27, 1971, will be considered by the Director. Comments filed after the above date will also be considered. The rulemaking action may, however, proceed at any time after that date, and comments received too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Bureau will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended

that interested persons continue to examine the docket for new materials.

Proposed effective dates. The proposed effective date for passenger cars is January 1, 1972. The proposed effective date for other vehicles is January 1, 1973.

This notice of proposed rulemaking is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegations of authority at 49 CFR 1.51 (35 F.R. 4955) and 49 CFR 501.8 (35 F.R. 11126).

Issued on October 23, 1970.

RODOLFO A. DIAZ,
Acting Associate Director,
Motor Vehicle Programs.

§ 571.21 **Federal Motor Vehicle Safety Standards.**

* * * * *

MOTOR VEHICLE SAFETY STANDARD No. 204

STEERING CONTROL REARWARD DISPLACEMENT; PASSENGER CARS, AND MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, AND BUSES, OF 10,000 POUNDS OR LESS GROSS VEHICLE WEIGHT RATING

S1. *Purpose and scope.* This standard specifies requirements for limiting the rearward displacement of the steering control system into the passenger compartment to reduce the likelihood of chest, neck, or head injury.

S2. *Application.* This standard applies to passenger cars, and to multipurpose passenger vehicles, trucks, and buses with a gross vehicle weight rating of 10,000 pounds or less.

S3. *Definitions.* "Gross axle weight rating" (GAWR) means the value specified by the vehicle manufacturer as the maximum loaded weight on a single axle measured at the tire-ground interfaces.

"Gross vehicle weight rating" (GVWR) means the value specified by the manufacturer as the loaded weight of a single vehicle.

"Steering column" means a structural housing that surrounds a steering shaft.

"Steering shaft" means a component that transmits steering torque from the steering wheel to the steering gear.

"Permanent exterior vehicle surface" means a surface on the outside of the vehicle, other than a glazing surface, that is not designed to be readily removable by hand or with simple tools; it does not include the surface of components such as campers or truck bodies that are designed to be mounted on the vehicle by persons other than the chassis manufacturer.

S4. *Requirements.*

S4.1 *Rearward displacement.* When the vehicle, loaded as specified in S5, collides perpendicularly with a fixed collision barrier at a forward longitudinal velocity of 30 miles per hour, the rearward displacement of the upper end of the steering column or steering shaft shall not exceed 5 inches relative to the reference point specified in S4.2, when measured dynamically in a direction parallel to the longitudinal axis of the vehicle.

S4.2 *Reference point.*

S4.2.1 Except as provided in S4.2.2, the reference point for measuring rearward displacement of the upper end of the steering column or steering shaft in S4.1 is the intersection, on the left exterior side of the vehicle, of a vertical transverse plane through the center of the left rearmost wheel and a horizontal plane 1 inch below the lowest point of the rearmost side window opening.

S4.2.2 If the point described in S4.2.1 is not on the permanent exterior vehicle surface or cannot be determined due to a lack of a side window opening, the reference point shall be on the left side of the vehicle, 1 inch above the farthest outboard point on the intersection of the permanent exterior vehicle surface with the vertical transverse plane described in S4.2.1. If more than one such point exists, the lowest of those points shall be the reference point.

S5. *Loading conditions.* Each vehicle shall meet the requirements of S4 when loaded to its gross vehicle weight rating, with the load distributed in proportion to the vehicle's gross axle weight ratings and secured so that it does not move relative to the vehicle during the barrier collision.

[F.R. Doc. 70-14608; Filed, Oct. 29, 1970; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 31, 48]

DEPOSIT OF CERTAIN TAXES AND FILING OF CERTAIN RETURNS FOR PERIODS BEGINNING AFTER DECEMBER 31, 1970

Notice of Hearing on Proposed Regulations

Proposed regulations under section 6071(a) of the Internal Revenue Code of 1954, relating to the time for filing returns and other documents, and section 6302(c) of such Code, relating to the use of Government depositaries to receive taxes, appear in the FEDERAL REGISTER for September 26, 1970.

A public hearing on the provisions of these proposed regulations will be held on Wednesday, November 18, 1970, at 9:30 a.m. e.s.t., in Room 3313, Internal Revenue Service Building, 12th and Constitution Avenue NW., Washington, D.C.

The rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601; 35 F.R. 16593) shall apply with respect to such public hearing.

Under the above-cited rules, persons who desire to present oral comments (in addition to having submitted written comments or suggestions within the time prescribed in the notice of proposed rule making) should by November 12, 1970, submit an outline of the topics and the time they wish to devote to each topic. Such outline should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Persons who plan to attend the hearing and persons who desire a copy of such written comments or suggestions or outlines should notify the Commissioner at the above address or telephone (Washington, D.C.) 202-964-3935 by November 12, 1970.

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

[F.R. Doc. 70-14723; Filed, Oct. 29, 1970; 11:00 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 21]

[Docket No. 19061; FCC 70-1127]

UNATTENDED STATIONS IN POINT-TO-POINT MICROWAVE RADIO SERVICE

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making looking toward the formulation of appropriate policies and rules in the above-entitled matter.

2. In a recent order amending Part 21 of the rules, the Commission suggested that the question of whether alarm devices be required in the operation of remote unattended facilities in the Point-to-Point Microwave Radio service be considered in a separate rule making proceeding.[1]

3. The Commission in the report and order in Docket No. 10821 released June 20, 1956 (FCC 56-553), promulgated rules under Part 21 which for the first time consolidated the various provisions relating to the domestic use of radio by communications common carriers. There was provided therein, upon the suggestion of the Federal Telephone Radio Co., a new § 21.118(g) pertaining to automatic alarm facilities. The provisions of § 21.118(g) therein read as follows:

§ 21.118 **Transmitter construction and installation.**

* * * * *

(g) Each station operating on frequencies about 500 Mc., which is authorized to operate during the normal rendition of service without a licensed radio operator or permit holder on duty and in charge of its operation (see also § 21.205(1)), shall be provided with automatic alarm facilities that announce and identify the following conditions to a specified attended alarm center responsible for immediately dispatching qualified service personnel to the station for correction of any unsatisfactory conditions.

(1) Transmitter frequency deviation outside of the station's prescribed limits.

(2) Outage of the station.

(3) Automatic transfer of communications to standby facilities where such facilities are provided.

(4) Failure of any antenna obstruction marking light.

[1] Report and order released June 23, 1970 (FCC 70-630).

4. By order dated November 14, 1956, the Commission stayed the effective date of § 21.118(g) until July 1, 1957, to allow the radio industry time to determine the practicable means of achieving the intended objectives of this section and to make relevant recommendations. By further order of the Commission on June 21, 1957 (FCC 57-665), § 21.118(g) was deleted (including the reference to § 21.205(l)).

5. However, the growth and improvement of the point-to-point microwave radio service during the past 13 years is well known and documented. The primary role of this service in the various segments of communication makes it a vital and essential link in the nations communications network. Moreover, the dependence upon Common Carrier microwave facilities is certain to increase substantially in the near future because of the rapidly expanding demand for data and specialized communications services.[2] Also, the advent of a domestic satellite system will increase dependence upon the same frequency allocations and likely require substantial terrestrial microwave links.

6. Evidence of the availability of sophisticated and comprehensive alarm mechanisms may be found in the literature of various manufacturers as well as the voluntary use of alarm systems by a great number of licensees in this service. Included in the foregoing, are the same parties who in 1954 to 1957 opposed the addition of § 21.118(g) to the rules on the grounds of insufficient development of the art and economic factors detrimental to the small operators.

7. A preliminary exploration of available alarm mechanisms seems to indicate that useful and practical devices for installation at remote unattended stations in the point-to-point microwave radio service may now be obtained at reasonable or economic prices.

8. In light of the foregoing it seems fitting to reexamine the question of feasibility and need for requiring the installation of monitoring or alarm devices at remote unattended point-to-point radio microwave stations. Beyond the question of whether alarm devices should be required, comments are requested on the type and extent of functions that should be monitored. Coming to mind preliminarily are: Security of the unattended facility, transmission outages, transmitter frequency deviations (beyond assigned limits), failure of any antenna obstruction marking light, loss of commercial power, switching to standby or diversity facilities, signal quality, critical changes in thermal conditions or of pressure in transmission wave guides, temperature extremes in equipment buildings, and such other relevant matters that operational efficiency and reliability might dictate.

9. The action taken herein is pursuant to the authority contained in sections 4(i), 303, 318, and 403 of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before December 29, 1970, and reply comments on or before January 28, 1971. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in the proceeding. In reaching its decision in the proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

11. In accordance with the provisions of § 1.419 of the rules an original and 14 copies of all comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: October 21, 1970.

Released: October 23, 1970.

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

[F.R. Doc. 70-14630; Filed, Oct. 29, 1970; 8:50 a.m.]

[2] See notice in Docket No. 18920 released July 17, 1970 (24 FCC 2d 318).

Notices

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 333; Delegation of Authority No. 121]

DEPUTY UNDER SECRETARY FOR ECONOMIC AFFAIRS AND ASSISTANT SECRETARY FOR ECONOMIC AFFAIRS

Delegation of Authority To Concur in Issuance of Regulations Limiting Imports of Certain Meats

By virtue of the authority vested in me by section 4 of the Act of May 26, 1949 (63 Stat. 111; 22 U.S.C. 2658), as amended, and by section 4 of Executive Order No. 11539 of June 30, 1970 (35 F.R. 10733) entitled "Delegations of Authority to Negotiate Agreements and Issue Regulations Limiting Imports of Certain Meats," I hereby delegate severally to the Deputy Under Secretary for Economic Affairs and the Assistant Secretary for Economic Affairs the authority to perform the functions conferred upon the Secretary of State by sections 2 and 3 of the aforesaid Executive Order No. 11539 relating to concurrence in regulations issued and actions requested by the Secretary of Agriculture.

[SEAL] JOHN N. IRWIN II,
Acting Secretary of State.

OCTOBER 21, 1970.

[F.R. Doc. 70-14584; Filed, Oct. 29, 1970; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 70-232]

REIMBURSABLE SERVICES

Excess Cost of Preclearance Operations

OCTOBER 21, 1970.

Notice is hereby given that pursuant to § 24.18(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning November 1, 1970.

Installation	*Biweekly excess cost*
Montreal, Canada	$2,811
Toronto, Canada	4,947
Kindley Field, Bermuda	1,098
Nassau, Bahama Islands	5,898
Vancouver, Canada	2,354
Winnipeg, Canada	280

[SEAL] ROBERT V. MCINTYRE,
Acting Commissioner of Customs.

[F.R. Doc. 70-14596; Filed, Oct. 29, 1970; 8:47 a.m.]

Internal Revenue Service

[Order No. 31 (Rev. 2)]

ASSISTANT COMMISSIONER FOR COMPLIANCE AND DIRECTOR, ALCOHOL, TOBACCO AND FIREARMS DIVISION

Administration and Enforcement of Laws Relating to Distilled Spirits, Wines, Beer, Tobacco, Firearms and Explosives

1. (a) Pursuant to the authority vested in the Commissioner of Internal Revenue by the regulations in Title 26 of the Code of Federal Regulations implementing chapters 51, 52, and 53 of the Internal Revenue Code and by Treasury Department Order No. 150-37, dated March 17, 1955, there is hereby delegated to the Assistant Commissioner (Compliance) and the Director, Alcohol, Tobacco and Firearms Division, the authority to administer and enforce chapters 51, 52, and 53 of the Internal Revenue Code relating, respectively, to distilled spirits, wines, and beer, tobacco, and firearms, including the authority to supervise and regulate the liquor and tobacco industries, and the determination of appeals in administrative proceedings involving the denial of applications for industrial alcohol and tobacco permits and the annulment, revocation, and suspension of such permits .

(b) Pursuant to the authority vested in the Commissioner by Treasury Department Order No. 30, dated June 12, 1940, and No. 150-2, dated May 15, 1952, there is hereby delegated to the Assistant Commissioner (Compliance) and the Director, Alcohol, Tobacco and Firearms Division, the authority to administer and enforce the Federal Alcohol Administration Act (27 U.S.C. chapter 8), including the authority to accept or reject offers in compromise submitted pursuant to such Act, and the determination of appeals in administrative proceedings involving the denial of applications for beverage permits and the annulment, revocation, and suspension of such permits.

(c) Pursuant to the authority vested in the Commissioner by 26 CFR Part 177 there is hereby delegated to the Assistant Commissioner (Compliance) and the Director, Alcohol, Tobacco and Firearms Division, the authority to administer and enforce the Federal Firearms Act (15 U.S.C. chapter 18); and pursuant to the authority so vested by 26 CFR Part 178, authority is hereby delegated to the Assistant Commissioner (Compliance) and the Director, Alcohol, Tobacco and Firearms Division, the authority to administer and enforce 18 U.S.C. chapter 44, relating to firearms and including the determination of appeals in administrative proceedings involving the denial of applications for firearms licenses and the revocation of such licenses; and title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (18 U.S.C. Appendix), as amended, relating to unlawful possession or receipt of firearms.

(d) Pursuant to the authority vested in the Commissioner by Treasury Decision 4662, dated July 3, 1936, and Treasury Department Order No. 150-2, dated May 15, 1952, there is hereby delegated to the Assistant Commissioner (Compliance) and the Director, Alcohol, Tobacco and Firearms Division, the authority to administer and enforce 18 U.S.C. 1262-1265, 3615, relating to the liquor traffic.

(e) Pursuant to the authority vested in the Commissioner by Treasury Department Order No. 149, dated March 5, 1952, and No. 150-2, dated May 15, 1952, there is hereby delegated to the Assistant Commissioner (Compliance) and the Director, Alcohol, Tobacco and Firearms Division, the authority to remit or mitigate forfeitures of—

(i) Personal property seized as subject to administrative forfeiture under internal revenue laws, and

(ii) Vessels, vehicles, or aircraft seized as subject to administrative forfeiture under the customs laws for transporting or concealment therein in violation of the Act of August 9, 1939 (49 U.S.C. chapter 11), of firearms in respect of which there have been violations of chapter 53 of the Internal Revenue Code.

(f) Pursuant to the authority vested in the Commissioner by Treasury Department Order No. 150-45 (Rev. No. 2), dated October 15, 1970, there is hereby delegated to the Assistant Commissioner (Compliance) and the Director, Alcohol, Tobacco, and Firearms Division, the authority to administer and enforce 18 U.S.C. chapter 40, relating to explosives and including the determination of appeals in administrative proceedings involving the denial of applications for explosive licenses and permits and the revocation of such licenses and permits.

2. The authorities delegated under paragraph 1 hereof may be redelegated but not below the position of Branch Chief, except that specified routine actions required in processing documents involving firearms actions may be further redelegated to the Chief, Operations Coordination Section of the Enforcement Branch and to coordinators in that section.

3. This order supersedes Delegation Order No. 31 (Rev. 1), issued December 30, 1968.

Date of issue: October 19, 1970.

Effective date: October 19, 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner.

[F.R. Doc. 70-14593; Filed, Oct. 29, 1970; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 5657; Docket No. FDC-D-226; NDA 5-657 etc.]

CERTAIN DRUGS USED AS ADJUNCTS TO ANESTHESIA TO INDUCE SKELETAL MUSCLE RELAXATION

Drugs for Human Use; Drug Efficacy Study Implementation; Correction

The Food and Drug Administration published an announcement in the FEDERAL REGISTER of August 26, 1970 (35 F.R. 13592), regarding the efficacy of certain drugs used as adjuncts to anesthesia to induce skeletal muscle relaxation. Based upon an inadvertently omitted indication for the drugs tubocurarine chloride, dimethyl tubocurarine iodide, dimethyl tubocurarine chloride, and gallamine triethiodide, the Commissioner of Food and Drugs finds it appropriate to amend the announcement by adding the following effective indication to the "Indications" sections for those drugs: "It may also be employed to facilitate the management of patients undergoing mechanical ventilation."

Accordingly, the "Indications" sections for tubocurarine chloride, dimethyl tubocurarine iodide, and dimethyl tubocurarine chloride, set forth in the August 26, 1970, announcement are amended to read as follows:

INDICATIONS

(Name of drug) is indicated as an adjunct to anesthesia to induce skeletal muscle relaxation. It may be employed to reduce the intensity of muscle contractions of pharmacologically or electrically induced convulsions. It may be used as a diagnostic agent for myasthenia gravis where the results of tests with neostigmine or edrophonium are inconclusive. It may also be employed to facilitate the management of patients undergoing mechanical ventilation.

The "Indications" section for gallamine triethiodide is amended to read as follows:

INDICATIONS

Gallamine triethiodide is indicated as an adjunct to anesthesia to induce skeletal muscle relaxation. It may also be employed to facilitate the management of patients undergoing mechanical ventilation.

The date of publication of this notice in the FEDERAL REGISTER amending the previous notice shall be used to compute all time periods allowed, thus superseding the time periods previously announced in the FEDERAL REGISTER of August 26, 1970.

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

Dated: October 14, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-14572; Filed, Oct. 29, 1970; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22577]

AIR HAITI, S.A.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on November 12, 1970, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., October 23, 1970.

[SEAL] WILLIAM H. DAPPER,
Hearing Examiner.

[F.R. Doc. 70-14569; Filed, Oct. 29, 1970; 8:45 a.m.]

[Dockets Nos. 22379, 22380; Order 70-10-118]

HUGHES AIR CORP.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of October 1970.

Application of Hughes Air Corp., to amend its certificate of public convenience and necessity for route 76, Docket 22379; application of Hughes Air Corp., for temporary suspension of service at Marysville-Yuba City, Calif., Docket 22380.

On July 21, 1970, Hughes Air Corp. (Air West), filed an application Docket 22379 to amend its certificate of public convenience and necessity for route 76, so as to delete therefrom the intermediate point Marysville-Yuba City, Calif.

Concurrent with the filing of this application, Air West filed an application, Docket 22380, to temporarily suspend service at Marysville-Yuba City.[1]

The Air Line Pilots Association, International (ALPA), filed an answer opposing the termination of service to Marysville. ALPA contends that the application is incomplete in that the carrier has failed to make a factual showing of its efforts to stimulate traffic at Marysville. ALPA further contends Air West's request cannot be granted without holding a hearing on the issue of labor protective provisions.

Upon consideration of the foregoing, we have decided to issue an order to show cause, proposing to amend Air West's certificate as requested. We tentatively find and conclude that the public convenience and necessity require the deletion of Marysville-Yuba City from Hughes' certificate.

In support of our proposed ultimate finding, we tentatively conclude as follows: that in 1967 Sacramento's airport was relocated to a site convenient to Marysville and the existence of a superior and more frequent service pattern at Sacramento appears to adequately serve Marysville's passengers; [2] that the traffic at Marysville-Yuba City is no longer sufficient to support certificated air service; [3] that Air West's need for subsidy will be reduced by the proposed deletion; that ALPA's contentions are substantially similar to those made by ALPA in connection with various certificated carrier-air taxi operator agreements previously filed with the Board, and have been dealt with in previous orders which we believe are dispositive of ALPA's contentions in the instant proceeding.[4]

Interested persons will be given 20 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein

[1] If the action proposed herein becomes final, the suspension request will become moot and can be dismissed.

[2] We note that the municipal parties do not object to the deletion of Air West's service. The Sacramento Airport is 28 miles and 40 minutes' driving time from Marysville.

[3] Air West's Marysville service has generated an average of less than two passengers per performed departure from 1968 to the present.

[4] See Orders 69-4-137, 69-6-51, 69-6-56, 69-6-57, and 69-6-59, dated respectively Apr. 30, 1969, June 11, 1969, and the latter three orders dated June 12, 1969. Further, ALPA has not made any showing that Hughes' pilots or employees will be adversely affected by termination of service at Marysville with respect to seniority rights, displacement, or any other matters involved in standard labor protective conditions. As pointed out in Order 69-4-137, the Board generally imposes labor protective provisions in situations involving mergers or route transfers where there is general and system-wide impact on employees. ALPA has not demonstrated that the present situation falls within the Board's policy.

and amending Hughes Air Corp.'s certificate of public convenience and necessity for route 76 so as to delete Marysville-Yuba City;

2. Any interested person having objection to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; [6]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order shall be served upon Hughes Air Corp., United Air Lines, Inc., Western Air Lines, Inc., mayor of city of Marysville, mayor of city of Yuba City, airport manager of Marysville Airport, California Aeronautics Commission, Postmaster General, and the Air Line Pilots Association, International, who are hereby made parties 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. 70-14570; Filed, Oct. 29, 1970; 8:45 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

COMMONWEALTH OF PUERTO RICO

Amendment to Notice of Major Disaster

Notice of Major Disaster for the Commonwealth of Puerto Rico, dated October 19, 1970, and published October 23, 1970 (35 F.R. 16556) is hereby amended to include the following municipalities among those municipalities determined 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:

Barranquitas.	Guanica.
Ceiba.	Vega Baja.

[6] All motions and/or petitions for reconsideration shall be filed within the period for filing of objections, and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

Dated: October 26, 1970.

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

[F.R. Doc. 70-14577; Filed, Oct. 29, 1970; 8:46 a.m.]

OKLAHOMA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Oklahoma, dated October 19, 1970, and published October 23, 1970 (35 F.R. 16556) is hereby amended to include the following counties among those counties determined 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:

Adair.	Latimer.
Atoka.	McClain.
Carter.	Murray.
Coal.	Pittsburg.
Garvin.	Pontotoc.
Jefferson.	Seminole.

Dated: October 26, 1970.

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

[F.R. Doc. 70-14576; Filed, Oct. 29, 1970; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19043; FCC 70-1093]

WESTERN CONNECTICUT BROADCASTING CO.

Order To Show Cause and Notice of Apparent Liability

1. The Commission has before it for consideration (1) the outstanding licenses issued to Western Connecticut Broadcasting Co. to operate Standard Broadcast Station WSTC and Frequency Modulation Broadcast Station WSTC-FM, Stamford, Conn., and (2) the Commission's inquiry with respect to Western Connecticut Broadcasting Co.

2. Information has come to the attention of the Commission which raises the following questions:

(a) Whether the licensee censored material intended for broadcast over Station WSTC or WSTC-FM by legally qualified candidates for public office in willful or repeated violation of section 315(a) of the Communications Act of 1934, as amended, and of § 73.120(b) or § 73.290(b) of the Commission's rules;

(b) Whether the licensee willfully or repeatedly failed to afford equal opportunities to all legally qualified candidates for the same public office in the use of its broadcasting stations, in violation of section 315(a) of the Communications Act and §§ 73.120(b) and 73.290(b) of the Commission's rules;

(c) Whether licensee willfully or repeatedly failed to maintain its station program logs, in accord with §§ 73.112 and 73.282 of the Commission's rules.

(d) Whether licensee willfully or repeatedly failed to maintain for public inspection a list of chief executives, officers, or members of the executive committees or boards of directors of various committees that purchased time for political programs as required by §§ 73.119(f) and 73.289(f) of the Commission's rules;

(e) Whether during the Commission's inquiry into this matter the licensee misrepresented facts or was lacking in candor in responding to inquiries of the Commission.

(f) Whether the licensee possesses the requisite qualifications to remain a licensee of the Commission.

3. Information relative to the above questions has come to the attention of the Commission since the last renewal of licenses for Stations WSTC and WSTC-FM. This information would, if substantiated, warrant a refusal to grant a license or permit on an original application and raises serious questions, best resolved in a hearing, as to whether Western Connecticut Broadcasting Co. has the qualifications to be a broadcast licensee.

4. *Accordingly, it is ordered,* That pursuant to section 312(a) (2) and (4) of the Communications Act of 1934, as amended, Western Connecticut Broadcasting Co. is directed to show cause why an order revoking the licenses for Stations WSTC and WSTC-FM, Stamford, Conn., should not be issued and to appear and give evidence with respect to the matters raised in paragraph 2 at a hearing [1] to be held at a time and location to be specified in a subsequent order; said time in no event to be less than thirty (30) days from the receipt of this order.

5. *It is further ordered,* That the Chief, Broadcast Bureau, is directed to serve upon Western Connecticut Broadcasting Co., a bill of particulars regarding the matters referred to in paragraph

[1] Section 1.91(c) of the Commission's rules provides that a licensee, in order to avail itself of the opportunity to be heard, shall, in person or by its attorney, file with the Commission within 30 days of the receipt of the order to show cause a written appearance stating that he will appear at the hearing and present evidence on the matters specified in the order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. See § 1.92(a) of the Commission's rules. Where a hearing is waived, a written statement in mitigation or justification may be submitted within 30 days of the receipt of the order to show cause. See § 1.92(b) of the Commission's rules. In the event the right to a hearing is waived, the presiding officer (or the Chief Hearing Examiner if no presiding officer has been designated) will terminate the hearing proceeding and certify the case to the Commission. Thereupon the matter will be determined by the Commission in the regular course of business and an appropriate order will be entered. See §1.92 (c) and (d) of the Commission's rules.

2, within thirty (30) days from the release of this order.

6. *It is further ordered*, That this document also constitutes a notice of apparent liability for forfeiture to the licensee of Stations WSTC and WSTC–FM pursuant to section 503(b)(2) of the Communications Act for violations of the Communications Act and the aforementioned sections of the Commission's rules. If it is determined that the hearing record does not warrant issuance of an order of revocation, it shall then be determined whether the applicant has willfully or repeatedly violated section 315(a) of the Communications Act or §§ 73.120(b), 73.290(b), 73.112, 73.282, 73.119(f), or 73.289(f) of the Commission's rules [2] and if so whether an order of forfeiture pursuant to section 503(b) of the Communications Act, as amended, in the amount of $10,000 or some lesser amount should be issued. The Commission has determined that, in every case designated for hearing involving revocation or denial of renewal of license for alleged violations which also come within the purview of section 503(b) of the Act, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibility of action. Since the procedure is thus a routine or standard one, we stress that inclusion of this notice is not to be taken as in any way indicating what the initial or final disposition of the case should be; that judgment is, of course, to be made on the facts of each case.

7. *It is further ordered*, That the Secretary of the Commission send copies of this order by Certified Airmail—Return Receipt Requested to Western Connecticut Broadcasting Co.

Adopted: October 7, 1970.

Released: October 8, 1970.

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

[F.R. Doc. 70-14631; Filed, Oct. 29, 1970; 8:50 a.m.]

[Report No. 515]

COMMON CARRIER SERVICES INFORMATION [3]

Domestic Public Radio Services Applications Accepted for Filing [4]

OCTOBER 26, 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.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

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

2137–C2–P–71—Tel-Page Corp. (New), C.P. for a new 2-way station to be located at Orchard Road, Jamestown, N.Y., to operate on frequency 152.030 MHz.

2138–C2–MP–71—Mobilfone Communications (KLB500), Modification of C.P. to relocate facilities at the proposed new site location No. 4 to: 200 West Capitol, Little Rock, Ark., to operate on frequency 152.03 MHz.

2139–C2–MP–71—Radio Engineering & Sales Co. (KQZ753), Modification of C.P. to change the antenna system at 12.5 miles northwest of Bowling Green, Ky., operating on 152.18 MHz.

2140–C2–P–71—Tel-Page Corp. (New), C.P. for a new 1-way station to be located at Orchard Road, Jamestown, N.Y., to operate on frequency 152.24 MHz.

2144–C2–MP–71—Mountain States Telephone & Telegraph Co. (KRS626), Modification of C.P. to change the antenna system at location No. 1: Tucson Main Central Office, 120 East Pennington Street, Tucson, Ariz., to operate on frequency 152.84 MHz.

2145–C2–P–(8)–71—Illinois Bell Telephone Co. (KSA810), C.P. to change the antenna system and relocate facilities operating on frequencies 454.400, 454.425, 454.450, 454.475, 454.500, 454.550, 454.600, and 454.650 MHz at location No. 2 to: 10 South Canal Street, Chicago, Ill.

2146–C2–P–(6)–71—Hawaiian Telephone Co. (KLP527), C.P. for additional facilities on frequency 35.22 MHz at the following new sites: location No. 8: Puu Papaa, 2.2 miles northwest of Kailua, Hawaii; location No. 9: 2.3 miles northwest of Kahuku, Hawaii; location No. 10: Waialua, 66–489A Waialua Beach Road, Haleiwa, Hawaii; location No. 11: 252 Koa Street, Wahiawa, Hawaii; location No. 12: 89–210 Farrington Highway, Nanakuli, Hawaii; location No. 13: 84–965 Farrington Highway, Makaha, Hawaii.

2147–C2–P–71—Radio Paging & Telephone Answering Service of Charlotte (KIM905), C.P. to add standby facilities to base facilities operating on 35.22 MHz, at the Baugh Building, 112 South Tryon Street, Charlotte, N.C.

2148–C2–P–71—Lorain Electronics Corp. (New), C.P. for a new 2-way station to be located at 4601 Meister Road, Lorain, Ohio, to operate on frequency 454.025 MHz.

Correction

1879–C2–P–(3)–71—New Jersey Bell Telephone Co. (New), Correct entry to include test facilities to operate on frequencies 459.400, 459.500, and 459.600 MHz, to be located at 37 Maple Avenue, Morristown, N.J. All other particulars same as reported on Public Notice dated Oct. 12, 1970, Report No. 513.

Informative

The Alaska Communication System: 550 Federal Office Building, Seattle, Wash.; has submitted a request for the following frequencies to provide service at the following locations:

152.51, 152.57 Granite Mountain, Alaska (65°25'43" N.–161°13'50" W.) to 16F3, 65 watts.
Buckland, Alaska (65°59'35" N.–161°10'42" W.).
Deering, Alaska (66°04'32" N.–162°43'32" W.).
Elim, Alaska (64°36'38" N.–162°15'25" W.).
Golovin, Alaska (64°32'42" N.–163°01'45" W.).
Koyuk, Alaska (64°55'57" N.–161°07'13" W.).
Selawik, Alaska (66°36'07" N.–160°00'10" W.).
Shaktolik, Alaska (64°20'02" N.–161°09'35" W.).
White Mountain, Alaska (64°40'48" N.–163°23'58" W.).

157.77, 157.83 All above locations to Granite Mountain, Alaska, 16F3, 20 watts.

152.54, 152.60 Tin City, Alaska (65°35'02" N.–167°56'26" W.) to 16F3, 65 watts.
Shishmaref, Alaska (66°13'55" N.–166°09'00" W.).
Wales, Alaska (65°35'58" N.–168°05'00" W.).

157.80, 157.86 Above locations to Tin City, Alaska, 16F3, 20 watts.

152.69, 152.75 North River, Alaska (63°53'20" N.–160°31'03" W.) to 16F3, 65 watts.
Kaltag, Alaska (64°19'37" N.–158°43'32" W.).
St. Michael, Alaska (63°28'45" N.–162°01'55" W.).
Stebbins, Alaska (63°31'42" N.–162°17'40" W.).

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[2] See bill of particulars for specific dates of each violation.

[3] 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.

[4] The above alternative cut-off 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).

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

157.95, 158.01 Above locations to North River, Alaska, 16F3, 20 watts.

The above proposals have been received in the Frequency Registration and Notification Branch of the Frequency Allocation and Treaty Division.

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

2105-C1-P-71—Southern Bell Telephone & Telegraph Co. (KIB25), C.P. to add frequency 11,155 MHz toward Stone Mountain, Ga. Location: 51 Ivy Street NE., Atlanta, Ga.

2106-C1-P-71—The Mountain States Telephone & Telegraph Co. (KZA51), C.P. to add frequency 6390.0 and 11,365 MHz toward Peyton, Colo., a new point of communication and to change frequencies 10,845 and 10,995 MHz to 10,795 and 11,245 MHz toward Colorado Springs, Colo. Location: Northfield, 12 miles north-northwest of Colorado Springs, Colo.

2107-C1-P-71—Southwestern Bell Telephone Co. (KKB37), C.P. to add frequency 3950.0 and 4030.0 MHz toward Roanoke, Tex., and 6115.7 MHz toward Joshua, Tex. Location: 1116 Houston Street, Fort Worth, Tex.

2108-C1-P-71—Southwestern Bell Telephone Co. (KKB41), C.P. to add frequencies 6367.7 MHz toward Fort Worth, Tex., and 6382.6 MHz toward Covington, Tex. Location: 2 miles northwest of Joshua, Tex.

2109-C1-P-71—Southwestern Bell Telephone Co. (KKB45), C.P. to add frequency 6130.5 MHz toward Joshua, Tex., and 6115.7 MHz toward Hillsboro, Tex. Location: 1.2 miles northeast of Covington, Tex.

2110-C1-P-71—Southwestern Bell Telephone Co. (KKB46), C.P. to add frequency 6367.7 MHz toward Covington, Tex., and 6382.6 MHz toward West, Tex. Location: 215 East Franklin Street, Hillsboro, Tex.

2112-C1-P-71—Illinois Bell Telephone Co. (KSO76), C.P. to add frequency 2128.0 MHz toward Pekin, Ill. Location: 320 Fulton Street, Peoria, Ill.

1926-C1-R-71—Michigan Bell Telephone Co. (KKU73), Renewal of developmental license expiring Nov. 13, 1970. Term: Nov. 13, 1970 to Nov. 13, 1971.

1027-C1-R-71—Bell Telephone Co. of Nevada (KPF80), Renewal of developmental license expiring Dec. 10, 1970. Term: Dec. 10, 1970 to Dec. 10, 1971.

2133-C1-P-71—New York Telephone Co. (New), C.P. for a new station to be located at Lockwood Library State University of New York, Buffalo, N.Y. Frequency: 6034.2 MHz toward Buffalo, N.Y.

2134-C1-P-71—New York Telephone Co. (New), C.P. for a new station to be located at 64 Henry Street, Binghamton, N.Y. Frequency: 6300.0 MHz toward Binghamton, N.Y.

2135-C1-P-71—New York Telephone Co. (KYN63), C.P. to add frequency 6004.5 MHz toward Griffiss Air Force Base, Rome, N.Y. Station location: 4.8 miles east-northeast of Deerfield, N.Y.

2149-C1-P-71—MCI Pacific-Mountain States, Inc. (New), Site 1: C.P. for a new fixed station at First National Bank of Denver, Walton and 17th Street, Denver, Colo. at latitude 39°44'46" N., longitude 104°59'22" W. Frequencies 11,505 MHz and 11,265 MHz on azimuth 310°53'.

2150-C1-P-71—MCI Pacific-Mountain States, Inc. (New), Site 2: C.P. for a new fixed station 4 miles south of Marshall, Colo., at latitude 39°54'39" N., longitude 105°14'13" W. Frequencies 5974.8 MHz and 6093.5 MHz on azimuth 29°30', and frequencies 10,775 MHz and 11,015 MHz on azimuth 130°43'.

2151-C1-P-71—MCI Pacific-Mountain States, Inc. (New), Site 3: C.P. for a new fixed station 4.2 miles east of Kelim, Colo., at latitude 40°24'22" N., longitude 104°52'12" W. Frequencies 6226.9 MHz and 6345.5 MHz on azimuth 342°18', and frequencies 6226.9 MHz and 6345.5 MHz on azimuth 209°44', and frequencies 10,775 MHz and 11,175 MHz on azimuth 318°26', and frequencies 10,975 MHz and 10,735 MHz on azimuth 82°44'.

2152-C1-P-71—MCI Pacific-Mountain States, Inc. (New), Site 4: C.P. for a new fixed station at 205 West Oak Street, Fort Collins, Colo., at latitude 40°35'07" N., longitude 105°04'43" W. Frequencies 11,245 MHz and 11,485 MHz on azimuth 138°18'.

2153-C1-P-71—MCI Pacific-Mountain States, Inc. (New), Site 5: C.P. for a new fixed station at 310 8th Street, Greeley, Colo., at latitude 40°25'28" N., longitude 104°40'49" W. Frequencies 11,625 MHz and 11,035 MHz on azimuth 262°52'.

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

2154-C1-P-71—MCI Pacific-Mountain States, Inc. (New), Site 6: C.P. for a new fixed station 1.6 miles south of Granite Canyon, Wyo., at latitude 41°04'32" N., longitude 105°09'09" W. Frequencies 6034.2 MHz and 6152.8 MHz on azimuth 326°35', and frequencies 5974.8 MHz and 6093.5 MHz on azimuth 162°07', and 11,665 MHz and 11,425 MHz on azimuth 76°52'.

2155-C1-P-71—MCI Pacific-Mountain States, Inc. (New), Site 7: C.P. for a new fixed station at 18th and Carey Streets, Cheyenne, Wyo., at latitude 41°08'09" N., longitude 104°49'04" W. Frequencies 11,175 MHz and 10,935 MHz on azimuth 257°05'.

2156-C1-P-71—MCI Pacific-Mountain States, Inc. (New), Site 8: C.P. for a new fixed station 9.7 miles southwest of Wyoming, Wyo. at latitude 41°25'32" N., longitude 105°27'35" W. Frequencies 6256.5 MHz and 6375.2 MHz on azimuth 286°20', and frequencies 6197.2 MHz and 6315.9 MHz on azimuth 146°22', and frequencies 11,665 MHz and 11,425 MHz on azimuth 288°36'.

2157-C1-P-71—MCI Pacific-Mountain States, Inc. (New), Site 9: C.P. for a new fixed station 0.6 mile west of Laramie, Wyo., at latitude 41°19'26" N., longitude 105°36'45" W. Frequencies 10,775 MHz and 11,015 MHz on azimuth 48°30'.

2158-C1-P-71—MCI Pacific-Mountain States, Inc. (New), Site 10: C.P. for a new fixed station 6.1 miles southwest of Elk Mountain, Wyo., at latitude 41°39'19" N., longitude 106°31'40" W. Frequencies 6004.5 MHz and 6123.1 MHz on azimuth 307°49', and frequencies 5945.2 MHz and 6063.8 MHz on azimuth 105°37'.

2159-C1-P-71—MCI Pacific-Mountain States, Inc. (New), Site 11: C.P. for a new fixed station 11 miles northwest of Bairoil, Wyo., at latitude 42°20'29" N., longitude 107°43'49" W. Frequencies 6226.9 and 6345.5 MHz on azimuth 229°12', and frequencies 6286.2 MHz and 6404.8 MHz on azimuth 127°00'.

2160-C1-P-71—MCI Pacific-Mountain States, Inc. (New), Site 12: C.P. for a new fixed station 9 miles southeast of Quealy, Wyo., at latitude 41°25'42" N., longitude 109°07'21" W. Frequencies 5945.2 MHz and 6063.8 MHz on azimuth 304°17', and frequencies 5974.8 MHz and 6093.5 MHz on azimuth 46°16'.

2161-C1-P-71—MCI Pacific-Mountain States, Inc. (New), Site 13: C.P. for a new fixed station 18.5 miles east-northeast of Opal, Wyo., at latitude 41°51'56" N., longitude 109°59'-13" W. Frequencies 6197.2 MHz and 6315.9 MHz on azimuth 270°43', and frequencies 6241.7 MHz and 6360.3 MHz on azimuth 123°42'.

2162-C1-P-71—MCI Pacific-Mountain States, Inc. (New), Site 14: C.P. for a new fixed station 8 miles northeast of Sage, Wyo., at latitude 41°52'13" N., longitude 110°49'23" W. Frequencies 5945.2 MHz and 6063.8 MHz on azimuth 257°03', and frequencies 6034.2 MHz and 6152.8 MHz on azimuth 90°09'.

2163-C1-P-71—MCI Pacific-Mountain States, Inc. (New), Site 15: C.P. for a new fixed station 4.6 miles east of Providence, Utah, at latitude 41°42'45" N., longitude 111°43'06" W. Frequencies 6286.2 MHz and 6404.8 MHz on azimuth 76°27', and frequencies 6226.9 MHz and 6345.5 MHz on azimuth 199°15', and frequencies 10,775 MHz and 11,015 MHz on azimuth 282°05'.

2164-C1-P-71—MCI Pacific-Mountain States, Inc. (New), Site 16: C.P. for a new fixed station at corner of Center and Main Street, Logan, Utah, at latitude 41°43'52" N., longitude 111°50'05" W. Frequencies 11,345 MHz and 11,505 MHz on azimuth 102°00'.

2165-C1-P-71—MCI Pacific-Mountain States, Inc. (New), Site 17: C.P. for a new fixed station 4.5 miles south of Magna, Utah, at latitude 40°39'34" N., longitude 112°12'03" W. Frequencies 6034.2 MHz and 6152.8 MHz on azimuth 18°56', and frequencies 5945.2 MHz and 6063.8 MHz on azimuth 17°14' and frequencies 10,775 MHz and 11,015 MHz on azimuth 66°50', and frequencies 5974.8 MHz and 6093.5 MHz on azimuth 135°35'.

2166-C1-P-71—MCI Pacific-Mountain States, Inc. (New), Site 18: C.P. for a new fixed station at 385 24th Street, Ogden, Utah, at latitude 41°13'22" N., longitude 111°58'10" W. Frequencies 6197.2 MHz and 6315.9 MHz on azimuth 197°23'.

2167-C1-P-71—MCI Pacific-Mountain States, Inc. (New), Site 19: C.P. for a new fixed station at 307 South 1600 West, Provo, Utah, at latitude 40°13'45" N., longitude 111°39'09" W. Frequencies 6226.9 MHz and 6404.8 MHz on azimuth 315°56'.

2168-C1-P-71—MCI Pacific-Mountain States, Inc. (New), Site 20: C.P. for a new fixed station at 4000 Main Street, Salt Lake City, Utah, at latitude 40°45'37" N., longitude 111°53'23" W. Frequencies 11,225 MHz and 11,465 MHz on azimuth 247°02'.

Correction

1956-C1-P-71—Data Transmission Co. (New), Correct entry to read: C.P. for a new developmental station to be located at Bull Run Mountain, 4.6 miles south-southwest of Aldie, Va. All other terms in exact accordance with Report No. 514 dated Oct. 19, 1970.

1957-C1-P-71—Data Transmission Co. (New), Correct entry to read: C.P. for a new developmental station to be located at Tysons Corner, 1920 Aline Avenue, Vienna, Va. All other terms in exact accordance with Report No. 514 dated Oct. 19, 1970.

Major Amendment

850-C1-P-71—Western Tele-Communications Inc. (New), Change frequencies to 5974.8 and 6093.5 MHz on azimuth 239°38', and to 5974.8 and 6093.5 MHz on azimuth 10°43'. Location: Slide Mountain, 3.5 miles west of Washoe City, Nev.

852-C1-P-71—Western Tele-Communications Inc. (New), Change frequencies to 6286.2 and 6404.8 MHz on azimuths 190°48', and 67°40'. Location: Warm Springs Mountain, 17 miles north of Reno, Nev. All other particulars same as reported in Public Notice dated Aug. 17, 1970.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

1418-C1-MP-71—Wyoming Microwave Corp. (WAY73), Modification of C.P. to change location of station to Summit, 8 miles southeast of Laramie, Wyo., at latitude 41°13'58" N., longitude 105°26'40" W. Frequency 6241.7 MHz on azimuth 317°58'. Receiving site is being relocated to Bear Park, Wyo., at latitude 42°09'52" N., longitude 106°35'03" W.

2169-C1-P-71—New York-Penn Microwave Corp. (WDD74), C.P. to add new point of communications in Scranton, Pa., using frequency 10,895 MHz on azimuth 34°30'. Location: Penobscot Mountain, 0.8 mile north of Mountain Top, Pa., at latitude 41°10'57" N., longitude 75°52'20" W.

(Informative: Applicant proposes to provide network television service to the WVIA-TV studio in Scranton, Pa.)

2170-C1-P-71—American Television Relay, Inc. (New), C.P. for a new station at 1103 North Central Avenue, Phoenix, Ariz., at latitude 33°27'37" N., longitude 112°04'22" W. Frequency 6360.3 MHz on azimuth 99°17'.

2171-C1-P-71—American Television Relay, Inc. (KPZ82), C.P. to add new point of communication at Mount Lemmon using frequency 6108.3 MHz on azimuth 177°49'. Location: Pinal Peak, 8.5 miles south-southwest of Globe, Ariz., at latitude 33°16'56" N., longitude 110°49'13.5" W.

2172-C1-P-71—American Television Relay, Inc. (New), C.P. for a new station at Mount Lemmon, 14 miles northeast of Tucson, Ariz., at latitude 32°26'29" N., longitude 110°-46'57" W. Frequency: 6390.0 MHz on azimuth 219°23'.

(Informative: Applicant proposes to provide one channel of microwave service from television station KTAR-TV, Phoenix, Ariz., to TV station KVOA-TV in Tucson, Ariz., at the request of the National Broadcasting Co.)

663-C1-R-71—Tower Communications Systems Corp. (KQO40), Renewal of station license expiring July 1, 1970. Term: July 1, 1970 to Feb. 1, 1971.

664-C1-R-71—Tower Communications Systems Corp. (KQO41), Renewal of station license expiring July 1, 1970. Term: July 1, 1970 to Feb. 1, 1971.

665-C1-R-71—Tower Communications Systems Corp. (KQO42), Renewal of station license expiring July 1, 1970. Term: July 1, 1970 to Feb. 1, 1971.

Major Amendment

701-C1-P-71—American Microwave & Communications, Inc. (New), Application amended to change frequency from 6130.5 MHz to 6115.7 MHz toward Flint, Mich. Other particulars are as same as reported on Public Notice dated Aug. 10, 1970.

[F.R. Doc. 70-14632; Filed, Oct. 29, 1970; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2817]

DUDLEY F. CATES

Notice of Application for Exemption

OCTOBER 20, 1970.

Notice is hereby given that Mr. Dudley F. Cates (Applicant), 42 Wall Street, New York, N.Y. 10005, has filed an application pursuant to section 9(b) of the Investment Company Act of 1940 (Act) for an order of the Commission exempting Applicant from the provisions of section 9(a)(2) of the Act. All interested persons are referred to the application on file with the Commission for a complete statement of the representations contained therein which are summarized below.

On November 14, 1968, in an action entitled Securities and Exchange Commission v. Lynbar Mining Corporation, Ltd., et al. (United States District Court for the Southern District of New York, Civil Action No. 68-4493), a final judgment was entered upon consent against, among others, Loeb, Rhoades & Co. (Loeb Rhoades), a registered broker-dealer, which consent provides in pertinent part:

> Ordered, Adjudged and Decreed that Defendants, * * * Loeb, Rhoades & Co. and their partners, agents, servants and employees, and any other person acting in active concert or participation with them, are hereby restrained and enjoined from, directly or indirectly, by use of the means or instrumentalities of interstate commerce or the mails from offering to sell, selling or delivering after sale the securities of Lynbar Mining Corp., Ltd., in violaton of section 5 of the Securities Act of 1933 * * *.

On the same date, the Securities and Exchange Commission issued an order accepting an offer of settlement from Loeb Rhoades for the purpose of disposing of issues raised under section 15(b) of the Securities Exchange Act of 1934 arising out of the offer, sale and delivery after sale of securities of Lynbar Mining Corp., Ltd., and directing Loeb Rhoades to discontinue any and all trading in Canadian over-the-counter securities for a period of 60 calendar days commencing with the opening of business on November 15, 1968. The Commission determined that it was in the public interest to accept the offer of settlement in view of Loeb Rhoades' consent to the injunction, certain mitigating factors presented and upon the assumption that appropriate and effective procedures would be placed in effect prior to resumption by Loeb Rhoades of trading in Canadian over-the-counter securities.

Section 9(a)(2) of the Act makes it unlawful for any person who, by reason of any misconduct, is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any securities, to serve or act in the capacity of officer, director, member of an advisory board, investment adviser, or depositor of any registered investment company, or principal underwriter for any registered open-end company.

On January 27, 1970, the Commission, upon application, granted relief from the applicable provisions of section 9 to the defendants in the above named civil action but only to the extent that the section precluded a wholly owned subsidiary of Loeb Rhoades from acting as investment adviser to and principal underwriter for Chelsea Fund, Inc. and prevented affiliated persons of Loeb Rhoades from acting as officers and directors of Chelsea Fund, Inc. (Memorandum Opinion and Order, Investment Company Act Release No. 5962). Because applicant, who is a general partner of Loeb Rhoades, was not included in the Commission's order, a further exemption from the bar of section 9 is required.

Applicant is a director of American General Bond Fund, Inc., a newly organized closed-end investment company which has registered under the Act but has not yet made a public offering of its securities. Applicant requests exemption from any restriction contained in section 9(a) of the Act which might otherwise apply as a result of the existence of the above-discussed injunction.

Section 9(b) of the Act provides that any person who is ineligible by reason of subsection (a) to serve or act in the capacities enumerated therein may file with the Commission an application for an exemption from the provisions of that subsection and further provides that the Commission shall by order grant such application, either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of subsection (a), as applied to such person, are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

Applicant represents that he had no connection whatever with, or during the relevant period, knowledge of, the activities which were the subject of the consent injunction.

Applicant asserts that the prohibitions of section 9(a) of the Act if applicable by reason of the above-mentioned final judgment, would be unduly and disproportionately severe if applied to Applicant. Applicant further asserts his conduct has been such as to make it not against the public interest or protection of investors to grant the requested application.

Notice is further given that any interested person may, not later than November 13, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

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

[F.R. Doc. 70-14578; Filed, Oct. 29, 1970; 8:46 a.m.]

[70-4934]

NEW ENGLAND POWER CO.

Notice of Proposed Issue and Sale of Bonds and Preferred Stock at Competitive Bidding and Common Stock to Holding Company

OCTOBER 23, 1970.

Notice is hereby given that New England Power Co. (NEPCO), 20 Turnpike Road, Westboro, Mass. 01581, an electric utility subsidiary company of New England Electric System (NEES), a registered holding company, has filed an application-declaration, and an amendment thereto, with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 6(b), 7, 9(a), 10, and 12 of the Act and Rules 42(b)(2) and 50 as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

NEPCO proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $20 million principal amount of first mortgage bonds, Series Q, _____ percent due _____. The interest rate of the bonds (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to NEPCO (which will be not less than the principal amount nor more than 102¾ percent thereof) will be determined by the competitive bidding. The bonds will bear interest from December 1, 1970, and will be issued under an indenture of trust and first mortgage dated as of November 15, 1936, between NEPCO and New England Merchants National Bank, as trustee, and indentures supplemental thereto including a 16th supplemental indenture to be dated as of December 1, 1970.

NEPCO also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 150,000 shares of its cumulative preferred stock, _____ percent series, par value $100 per share. The dividend rate of the preferred stock (which will be a multiple of $0.04) and the price, exclusive of accrued dividends, to be paid to NEPCO (which will be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding.

NEPCO will designate to prospective bidders on the second full business day prior to the time designated for the submission of bids: (1) The date on which the bonds shall mature, which date shall be a date not less than five nor more than 30 years from the date of issuance, (2) whether or not the bonds shall be redeemable during the first 5 years of their term in connection with a refunding at a lesser effective interest cost to the company, and (3) whether or not the new preferred stock shall be redeemable during the first 5 years or a lesser period after issuance in connection with a refunding by the issuance of debt securities at a lesser effective interest cost or other preferred stocks at a lesser effective dividend cost to NEPCO.

NEPCO further proposed to increase its capital stock by the authorization and issue of 142,857 shares of its common stock, par value $20 per share. NEES, the sole common stockholder, proposes to acquire such shares for a cash consideration of $35 per share, or an aggregate of $4,999,995. Upon such issue and sale NEPCO will have outstanding 3,949,896 shares of common stock with an aggregate par value of $78,997,920.

The proceeds (estimated at $39,999,995) from the issue and sale of the bonds, preferred stock, and common stock will be applied together with treasury funds to the payment of NEPCO's short-term notes (estimated at $40 million) evidencing borrowings made for capitalizable expenditures or to reimburse the treasury therefor.

The application-declaration states that the fees and expenses to be incurred by NEPCO in connection with the bonds are estimated at $85,000, including charges of $35,100 for services of the system service company, at cost, and accountants' fees of $1,750. The fees and expense in connection with the preferred stock are estimated at $41,000, including charges of $20,900 for services of the system service company, at cost, and accountants' fees of $1,750. The fees of counsel for the underwriters are to be paid by the successful bidders, and the amounts are to be supplied by amendment. The fees and expenses to be paid in connection with the issue and sale of the common stock are estimated at $2,900 for NEPCO and $200 for NEES.

It is stated that the Massachusetts Department of Public Utilities, the New Hampshire Public Utilities Commission, and the Vermont Public Service Board have jurisdiction over the proposed issuance and sale of the bonds, the preferred stock, and the common stock, and the use of the proceeds therefrom, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 17, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[F.R. Doc. 70-14580; Filed, Oct. 29, 1970; 8:46 a.m.]

[File No. 500-1]

PICTURE ISLAND COMPUTER CORP.

Order Suspending Trading

OCTOBER 22, 1970.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Picture Island Computer Corp. (a New York corporation), and all other securities of Picture Island Computer 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 23, 1970, through November 1, 1970, both dates inclusive.

By the Commission.

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

[F.R. Doc. 70-14581; Filed, Oct. 29, 1970; 8:46 a.m.]

[Files Nos. 7-3460, 7-3461]

R. J. REYNOLDS INDUSTRIES, INC., AND FLYING TIGER CORP.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 26, 1970.

In the matter of applications of the Detroit Stock Exchange for unlisted trading privileges in certain securities, Securities Exchange Act of 1934.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
R. J. Reynolds Industries, Inc. (Delaware)	7-3460
The Flying Tiger Corp	7-3461

Upon receipt of a request, on or before November 10, 1970, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 70-14621; Filed, Oct. 29, 1970; 8:49 a.m.]

[File No. 7-3472]

R. J. REYNOLDS INDUSTRIES, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 26, 1970.

In the matter of application of the Pacific Coast Stock Exchange for unlisted trading privileges in a certain security, Securities Exchange Act of 1934.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

R. J. Reynolds Industries, Inc. (Delaware), File No. 7-3472.

Upon receipt of a request, on or before November 10, 1970, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 70-14622; Filed, Oct. 29, 1970; 8:49 a.m.]

[File No. 7-3470]

UNITED BRANDS CO.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 26, 1970.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security, Securities Exchange Act of 1934.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following company, which security is listed and registered on one or more of other national securities exchanges:

United Brands Co., Warrants (Expiring February 1, 1979), File No. 7-3470.

Upon receipt of a request, on or before November 10, 1970, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C. not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 70-14623; Filed, Oct. 29, 1970; 8:49 a.m.]

[File Nos. 7-3466, 7-3469]

TALLEY INDUSTRIES, INC., AND UNITED BRANDS CO.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 26, 1970.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities, Securities Exchange Act of 1934.

The above named national securities exchange has filed applications with Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the preferred stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File Nos.
Talley Industries, Inc., $1 Cumulative Convertible Preferred Stock, Series B, $1 Par Value	7-3466
United Brands Co., $1.20 Cumulative Convertible Preference Stock, Series A, No Par Value	7-3469

Upon receipt of a request, on or before November 10, 1970, from any interested

person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C. not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 70-14624; Filed, Oct. 29, 1970; 8:49 a.m.]

[File No. 7-3462, etc.]

CAREER ACADEMY, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 26, 1970.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities, Securities Exchange Act of 1934.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	Files Nos.
Career Academy, Inc.	7-3462
The Flying Tiger Corp.	7-3463
R. J. Reynolds Industries, Inc. (Delaware)	7-3464
Masonite Corp.	7-3465
Transcontinental Investing Corp.	7-3467
United Brands Co.	7-3468
United States Fidelity and Guaranty Co	7-3471

Upon receipt of a request, on or before November 10, 1970 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 70-14625; Filed, Oct. 29, 1970; 8:49 a.m.]

[File No. 7-3459]

FLYING TIGER CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 26, 1970.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security, Securities Exchange Act of 1934.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

The Flying Tiger Corp., File No. 7-3459.

Upon receipt of a request, on or before November 10, 1970, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 70-14626; Filed, Oct. 29, 1970; 8:49 a.m.]

[812-2821]

WALTHAM INDUSTRIES CORP. AND LEE BUNTING

Notice of Filing of Application for Order Exempting Proposed Transaction

OCTOBER 26, 1970.

Notice is hereby given that Waltham Industries Corp. (Industries), 345 Park Avenue, New York, N.Y. 10022, a Delaware corporation, and Lee Bunting (Bunting), 34 Bermuda Road Westport, Conn. 06880, hereinafter referred to collectively as "applicants," have filed an application pursuant to section 17(b) of the Investment Company Act of 1940 (Act) for an order exempting from the provisions of section 17(a) of the Act the proposed acquisition by Bunting from Industries of all of the outstanding capital stock of Bunting SteriSystems, Inc. (SteriSystems), a Connecticut corporation. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

SteriSystems produces a line of two-way audio/video communications, monitoring and control systems designed primarily, but not exclusively, for hospitals. All of SteriSystems' capital stock, consisting of 100 shares, is owned by Industries.

Industries is a manufacturing corporation whose common stock is traded on the American Stock Exchange and which on December 27, 1969, had outstanding 2,338,520 shares of common stock. Bunting owns 129,688 shares or approximately 5.5 percent of the common stock of Industries shares outstanding at that date.

Waltham Resources Corp. (Resources) is a Delaware corporation substantially all of whose assets consist of 700,000 shares or approximately 30 percent of the common stock of Industries outstanding at such date. It therefore appears that Resources is an investment company under section 3(a)(3) of the Act. However, in another proceeding Resources has filed an application pursuant to section 3(b)(2) of the Act for an order declaring that it is not an investment company on the ground that it is primarily engaged through Industries in a business other than that of investing, reinvesting, owning, holding, or trading in securities. Such section 3(b)(2) proceeding is still pending.

On February 19, 1970, the Commission issued an order (Investment Company Act Release No. 5982), upon application by Resources, temporarily exempting Resources from certain provisions of the Act pending final determination of Resources' application for a section 3(b)(2) order declaring that it is not an investment company. The order issued by the Commission provided, as agreed to by Resources in its application, that during the temporary exemption period Resources and other persons in their relations and transactions with it shall,

among other things, be subject to sections 17(a) and 17(b) of the Act as though Resources were a registered investment company.

As a result of Resources' and Bunting's holdings of Industries capital stock described above, Industries is an affiliated person of, and is presumed to be controlled by, Resources under sections 2(a)(3) and 2(a)(9) of the Act, and Bunting is an affiliated person within the meaning of section 2(a)(3) of an affiliated person (Industries) of Resources, deemed for this purpose to be a registered investment company.

Section 17(a) of the Act, as here pertinent, makes it unlawful for an affiliated person (Bunting) of an affiliated person (Industries) of a registered investment company (Resources) to purchase from such registered company or from any person controlled by such registered company (Industries) any security or other property unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of such investment company and with the general purposes of the Act.

The application sets forth the background of the instant proposal as follows: On May 7, 1969, pursuant to certain written agreements (Acquisition Agreement), Bunting acquired his holdings of 129,688 shares of Industries common stock in exchange for the transfer by Bunting to Industries of all of the outstanding capital stock of SteriSystems (then known as Bell Hospital Systems, Inc.). The acquisition agreement provided, among other things, that Industries upon request by Bunting at any time after January 1, 1970, would file and use its best efforts to have made effective not earlier than 13 months after May 1969, a registration statement under the Securities Act of 1933 with respect to the shares of Industries acquired by Bunting (but not less than 32,422 shares). Industries also agreed to issue to Bunting that number of additional shares of Industries common stock which, together with 31,250 shares of Industries common stock already received by Bunting, would during the period immediately prior to the expected effective date of the registration statement, have an aggregate market value of $1 million.

In July 1969, following his acquisition of the 129,688 shares of Industries common stock, Bunting was elected a director of Industries and towards the latter part of November 1969, when Industries obtained a new president and chief executive officer, Bunting became chairman of Industries and the chief executive officer of SteriSystems.

In addition to its investment in all of the common stock of SteriSystems, Industries has made loans to SteriSystems which amounted to $600,000 at the date of the application. Industries has also guaranteed the obligation of SteriSystems to pay Bunting at the rate of $65,000 a year under an employment agreement.

In November 1969, Bunting informed the management of Industries that he intended to exercise his right to have Industries prepare and file a registration statement, and on January 26, 1970, Bunting exercised such right by giving formal notice to Industries. For various reasons Industries desired to avoid effecting the registration under the Securities Act of 1933 of Industries shares owned by Bunting, particularly since it appeared that as a result of a decline in the market price of Industries stock, registration of Bunting's shares would have operated to require Industries to issue additional shares of its stock to Bunting. Moreover, Bunting and Industries were in disagreement with respect to various matters, including the operation of SteriSystems.

Under the foregoing circumstances, following the expression of Bunting's intention to request registration of his shares of Industries in November 1969, Industries and Bunting negotiated to achieve a mutually acceptable solution. These negotiations culminated in a plan which is reflected in various written agreements between Industries and Bunting dated July 17, 1970, and amendments thereto (Plan). Such Plan is designed, among other things, to restore to Bunting the ownership of all the capital stock of SteriSystems; to restore to Industries the ownership of its shares previously issued to Bunting; and to terminate Bunting's right to obtain additional shares of Industries common stock. The application states that on the basis of the market price of Industries common stock (6⅜) on July 17, 1970, Bunting would have been entitled to receive approximately 126,000 additional Industries shares.

Under the terms of the Plan, Industries has agreed to issue to Bunting 129,000 shares of Industries common stock in exchange for Bunting's release of Industries' obligations under the Acquisition Agreement with respect to registration and issuance of additional shares of Industries; Bunting has agreed to deliver to Industries all of his present holdings of 129,688 shares of Industries common stock and the 129,000 shares of Industries stock to be received by him as noted above in this paragraph (or, in effect, to waive his right to receive the 129,000 shares); and Industries has agreed to deliver to Bunting all of the outstanding capital stock of SteriSystems. The Plan also provides that Industries will guarantee or endorse a $500,000 promissory note of SteriSystems payable to a bank, if required in connection with the extension or renewal of a note of SteriSystems in that amount which matured October 1, 1970. In the event of any such guaranty or endorsement SteriSystems will obligate itself to reimburse Industries and Industries will receive as security a nonrecourse 1 year promissory note of Bunting secured by all of SteriSystems' capital stock. The maturity of the $500,000 note of SteriSystems has been extended, but up to October 22, 1970, the Bank has not requested Industries' guaranty.

The terms of the Plan also provide that Industries is to release SteriSystems from the latter's obligation to pay the $600,000 borrowed from Industries; and that Bunting is to release Industries from its guaranty of SteriSystems' obligation to pay Bunting at the annual rate of $65,000 under the employment agreement. Up to this time SteriSystems itself has met its obligations to compensate Bunting under the employment agreement.

The application notes that if Industries were required to file a registration statement as requested by Bunting pursuant to the terms of the acquisition agreement, Industries would incur estimated expenses of about $125,000; and that if the 126,688 Industries shares to be acquired by Industries from Bunting and the additional 126,000 Industries shares issuable to Bunting (but for the agreements reflected in the Plan) are taken at 6⅜ (the market price of Industries stock on July 17, 1970, the date of the Plan) such stock interests would have an aggregate value of $1,630,011. On this basis, Industries would receive consideration of $1,755,011. ($125,000 estimated expenses saved plus $1,630,011 with respect to stock). Such amount compares with the $1,129,000 book value at June 27, 1970, of the interest in SteriSystems to be acquired by Bunting from Industries after adjustment to give effect to the proposed release of SteriSystems from its indebtedness of $600,000 to Industries.

The application shows that the net income of SteriSystems amounted to $122,770 for the 9 months ended January 31, 1969; $40,000 for the 11 months February 1, 1969–December 27, 1969; and $61,000 for the 6 months ended June 27, 1970.

The application shows that certain relationships between Industries and Bunting terminated prior to the culmination of the negotiations in the execution of the Plan dated July 17, 1970. Bunting's resignation as chairman of Industries was accepted by the company's board of directors on February 19, 1970, and Bunting did not stand for reelection as a director of Industries at the annual meeting of shareholders held on May 20, 1970. Bunting still owns over 5 percent of the common stock of Industries and has continued to be the president and the chief executive officer of SteriSystems.

The application states that Industries has brought the proposed transaction to the attention of representatives of Norris Grain Co., which owns about 12 percent of Industries outstanding stock, and to the officers and directors of Resources, which as noted above, owns about 30 percent of Industries' stock; that Industries has not received any indication that Norris Grain Co. is not in favor of the proposal; and that the officers and directors of Resources have informed Industries that Resources is not opposed to the proposal.

The applicants represent that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and is consistent with the provisions, policies and purposes of the Act.

Notice is further given that any interested person may, not later than November 10, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the addresses stated above. Proof of such service (by affidavit or, in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[F.R. Doc. 70–14627; Filed, Oct. 29, 1970; 8:49 a.m.]

[70–4931]

WEST PENN POWER CO. AND ALLEGHENY PITTSBURGH COAL CO.

Notice of Proposed Acquisition of Certain Coal-Bearing Lands, Issue and Sale of Note to Bank by Subsidiary Company and Open Account Advances to Subsidiary Company

OCTOBER 26, 1970.

Notice is hereby given that West Penn Power Co. (West Penn), Cabin Hill, Greensburg, Pa. 15601, an exempt holding company and an electric utility subsidiary company of Allegheny Power System, Inc., a registered holding company, and Allegheny Pittsburgh Coal Co. (Allegheny Pittsburgh), a presently inactive wholly owned subsidiary company of West Penn have filed a joint declaration, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 7, and 12 of the Act and Rules 44 and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Allegheny Pittsburgh proposes to acquire certain coal-bearing lands in Washington County, Pa.; namely, approximately 22,300 acres at $123 per acre from Amherst Coal Co. (Amherst), a nonaffiliated company and not more than 6,503 acres at $125 per acre from Consolidated Coal Co. (Consolidated), also a nonaffiliated company. The purpose of such purchase is to provide a source of coal for a generating station to be owned as tenants-in-common by West Penn and certain other associate companies. The coal, when mined, will be sold by Allegheny Pittsburgh, at cost, to the operator of the station. The coal will also provide a reserve for other generating stations owned by West Penn and associate companies. The Amherst land is estimated to contain 89,450,000 tons of Pittsburgh seam recoverable coal and the Consolidated land 24 million tons of such coal. It is estimated that the coal lands will bear, taken together, between 1,610,000 and 5,160,000 tons of coal annually over a period of 25 years.

At present, West Penn has coal reserves of 4,800,000 tons and Allegheny Pittsburgh has none. In 1969 West Penn purchased from 21 suppliers at approximately 30 mine locations about 3,375,000 tons of coal. It is represented that the coal areas from which West Penn is supplied are located in Pennsylvania, Ohio, West Virginia, and Virginia and that in 1969 these areas produced about 420,734,000 tons of coal. The coal reserves of these approximate areas is estimated to be in excess of 300 billion tons.

To finance the purchase, Allegheny Pittsburgh proposes to borrow not more than $3,700,000 from the First National City Bank (First National). The loan will be evidenced by a promissory note to be dated the date of issuance, will mature on November 12, 1973, will bear interest on the unpaid principal amount of the note at an annual rate of one-half of 1 percent above the prime rate in effect from time to time at First National, and will be prepayable at any time, in whole or in part, without premium. West Penn proposes to guaranty the note and, if necessary, to make from time to time, open account advances to Allegheny Pittsburgh to enable it to pay the interest on the note. Such open account advances will bear interest at the same rate as the note.

It is stated that registration by the Pennsylvania Public Utility Commission of a securities certificate with respect to West Penn's guaranty is required, and that such a securities certificate is being filed with that commission and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is further stated that no fees and expenses are expected to be incurred in connection with the bank note or the open-account advances. The legal fees to be incurred in connection with the proposed transactions will be filed by amendment.

Notice is further given that any interested person may, not later than November 10, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[F.R. Doc. 70–14628; Filed, Oct. 29, 1970; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–12907, etc.]

MANA RESOURCES, INC., ET AL.

Order Amending Orders Issuing Certificates of Public Convenience and Necessity, Redesignating Proceedings, Substituting Respondent, and Redesignating FPC Gas Rate Schedules

OCTOBER 22, 1970.

On May 20, 1970, Mana Resources, Inc. (petitioner), filed in Docket No. G–12907

et al., a petition to amend the orders issuing certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said dockets by substituting Petitioner in lieu of Horizon Oil & Gas Co. of Texas (Horizon) as certificate holder, all as more fully set forth in the petition to amend.

Petitioner acquired by merger the properties of Horizon as of January 1, 1970, and proposes to continue the sales of natural gas in interstate commerce theretofore authorized to be made by Horizon. Some of the sales proposed to be continued are being made at rates which are effective subject to refund and proposed increased rates under some rate schedules are suspended.

The Commission's staff has reviewed the petition to amend 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 petition to intervene, notice of intervention, or protest to the granting of the petition to amend has been filed.

The Commission finds: 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 to Horizon should be amended, that the related FPC gas rate schedules should be redesignated, that petitioner should be substituted in lieu of Horizon as respondent in Horizon's rate proceedings, and that said proceedings should be redesignated accordingly.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity to Horizon in the dockets set forth in the appendix hereto are amended by substituting petitioner in lieu of Horizon as certificate holder, and in all other respects said orders shall remain in full force and effect.

(B) The FPC gas rate schedules of Horizon are redesignated as those of Petitioner as set forth in the appendix hereto.

(C) Petitioner is substituted in lieu of Horizon as respondent in Horizon's rate proceedings set forth in the appendix hereto and said proceedings are redesignated accordingly. Petitioner shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

APPENDIX

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[1] (Operator) et al.

[F.R. Doc. 70-14513; Filed, Oct. 29, 1970; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S.O. 1002; Car Distribution Direction No. 91; Amdt. 2]

BALTIMORE AND OHIO RAILROAD CO. AND PITTSBURG AND SHAWMUT RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 91, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 91 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., November 8, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., October 25, 1970, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 23, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE, *Agent.*

[F.R. Doc. 70-14617; Filed, Oct. 29, 1970; 8:49 a.m.]

[Section 5a Application No. 94; Amdt. 2]

AUTOMOBILE TRANSPORTERS TARIFF BUREAU, INC.

Changes in By-Laws and Rules of Procedure

OCTOBER 21, 1970.

The Commission is in receipt of a petition in the above-entitled proceeding for approval of an amendment to the agreement therein approved.

Filed October 16, 1970 by: Mr. Eugene C. Ewald, Attorney for Applicant, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226.

The amendment involves: Changes in Bylaws and Rules of Procedure so as to: (1) Designate the Board of Directors to act as a Board of Review on appeals to reconsidered action of the General Rate Committee, in lieu of an appointed Board of Review; (2) change the manner of election and the composition of the General Rate Committee membership to one member for every three members of the Bureau subject to a minimum of 15 members and four alternates, and a quorum requirement thereto of a majority of those members; (3) provide for notice of initiation and disposition of proposals to all interested persons; (4) authorize written representations to proposals in lieu of a hearing and for mail vote by the General Rate Committee in lieu of a committee meeting; (5) reduce from 10 days to 7 days the time for filing objections to proposals and of the taking of appeals to General Rate Committee activities; (6) revise the emergency docket procedures; (7) modify the conditions governing publication of independent action proposals; and (8) make other incidental changes made necessary by the foregoing changes.

The petition is docketed and may be inspected at the Office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of publication of this notice in the FEDERAL

REGISTER. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interests, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion may proceed to investigate and determine the matters without public hearing.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-14618; Filed, Oct. 29, 1970; 8:49 a.m.]

[Notice 181]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 27, 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 87467 (Sub-No. 6 TA), filed October 21, 1970. Applicant: CARL SCHAEFER JR., TRUCK LINE, INC., 2600 Willowburn Avenue, Dayton, Ohio 45427. Applicant's representative: W. L. Jordan, 2609 Fenwood Avenue, Terre Haute, Ind. 47803. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fresh meat and packinghouse products*, from Dayton, Ohio, to points in Ohio, and Indiana; and (2) *fresh meats, meat products, meat packinghouse products, and articles distributed by meat packinghouses*, as set forth in sections A and C *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between the terminal of Carl Schaefer Jr., Truck Line, Inc., 2600 Willowburn Avenue, Dayton, Ohio, and points in Ohio, Indiana, and Kentucky, within 100 miles of Dayton, Ohio, for 150 days. Supporting shipper: Geo. A. Hormel & Co., Post Office Box 800, Austin, Minn. 55912. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 98964 (Sub-No. 9 TA), filed October 15, 1970. Applicant: PALMER BROTHERS, INCORPORATED, 1434 South Third West Street, Salt Lake City, Utah 84115. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities*, except used household goods, as defined by the Commission, commodities requiring special equipment and commodities in bulk, between Fredonia, Ariz., and Kanab, Utah, and between the points presently served in Utah under its registered authorities and certificates, for 180 days. Supported by: There are approximately eight statements of support attached to the application which may be examined here at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Also registered authorities may be examined. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 107295 (Sub-No. 462 TA), filed October 21, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale I. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, roof decks, steel joists, steel sheets, steel beams, steel trusses, steel channels, steel plates, steel bars, steel braces, and accessories and parts used in the erection and completion of these products*, from the plantsite and warehouse facilities of Macomber, Inc., at Canton and Fairhope, Ohio, to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Tennessee, and Wisconsin, for 180 days. Supporting shipper: Macomber, Inc., Canton, Ohio 44701. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 108207 (Sub-No. 309 TA), filed October 21, 1970. Applicant: FROZEN FOOD EXPRESS, a corporation, Post Office Box 5888, 318 Cadiz Street, 75207, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane foam chemicals*, in mechanically refrigerated equipment, from Whiting, Ind., to Dallas, Tex., for 180 days. NOTE: Applicant does not intend to tack authority sought. Supporting shipper: Quik Foam Insulation, 9449 South Central Expressway, Dallas, Tex. 75216. 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 111302 (Sub-No. 61 TA), filed October 22, 1970. Applicant: HIGHWAY TRANSPORT, INC., Post Office Box 10188, Greenville, S.C. 29603, Brickyard Road, Powell, Tenn. 37849. Applicant's representative: George W. Clapp (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium aluminate*, in bulk, from Sevierville, Tenn., to Chicago, Ill., for 150 days. Supporting shipper: Nalco Chemical Co., 6216 West 66th Place, Chicago, Ill. 60839. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 808—1808 West End Building, Nashville, Tenn. 37203.

No. MC 116459 (Sub-No. 41 TA), filed October 22, 1970. Applicant: RUSS TRANSPORT, INC., Post Office Box 4022, Pineville Road, Chattanooga, Tenn. 37404. Applicant's representative: Sam Speer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, for highway ice control, from points in Davidson County, Tenn., to points in Tennessee, restricted to salt having a prior movement by rail or water, for 180 days. Supporting shipper: International Salt Co., Southern Traffic Office, 228 St. Charles Street, New Orleans, La. 70130. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803—1808 West End Building, Nashville, Tenn. 37203.

No. MC 118159 (Sub-No. 105 TA), filed October 22, 1970. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, Post Office Box 10216, New Orleans, La. 70121. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. 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*, as described in section A and C of appendix to the Report and Description in M.C.C. 61-209 and 766 (except hides and commodities in bulk) from plantsite and/or storage facilities utilized by Armour and Co., at or near Pampa, Tex., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Mississippi, and Louisiana, for 180 days. Supporting shipper: Armour and Co., 111 East Wacker Drive, Chicago, Ill. (Box 9222). Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 118989 (Sub-No. 56 TA), filed October 22, 1970. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, Wis. 53221. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated boxes and corrugated pulpboard*, from the plantsites of Olinkraft, Inc., at or near Joliet, Ill., and

Wheeling, Ill., to Caledonia, Delavan, Jefferson, Kenosha, Portage, Racine, Somers, Waukesha, West Allis, and Wisconsin Dells, Wis., for 150 days. Supporting shipper: Olinkraft, Inc., Post Office Box 488, Monroe, La. 71291. (H. T. Nichols, Manager, Transportation Rates and Research). Send protests to: District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 119777 (Sub-No. 193 TA), filed October 22, 1970. Applicant: LIGON SPECIALIZED HAULERS, INC., Post Office Box L, Madisonville, Ky. 42431. Applicant's representative: William G. Thomas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New crated furniture*, from Hillsdale, Mich., to points in the United States, with the exception of North Carolina and Virginia, 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 123091 (Sub-No. 10 TA), filed October 22, 1970. Applicant: NICK STRIMBU, INC., 3500 Parkway Road, Brookfield, Ohio 44403. Applicant's representative: Nick Strimbu (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel pipe, tubing, conduit and fittings, and accessories* therefor, which are unloaded by carrier's trailer-mounted mechanical devices, from Sharon and Wheatland, Pa., to Birmingham, Ala., and points within 65 miles thereof, that part of Tennessee east of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 31W to Nashville, Tenn., and thence along U.S. Highway 31 to the Tennessee-Alabama State line, and to points in Connecticut, District of Columbia, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, North Carolina, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shippers: Sawhill Tubular Division, Box 11, Sharon, Pa. 16146 and Wheatland Tube Co., Independence Square, Public Ledger Building, Philadelphia, Pa. 19106. Send protests to: District Supervisor G. J. Baccei, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 127580 (Sub-No. 3 TA), filed October 20, 1970. Applicant: H. P. HALE, Post Office Box 177, Roswell, N. Mex. 88201. Applicant's representative: Edwin E. Piper, Jr., Suite 715, Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds* (except liquid feeds in bulk), (1) from points in Chaves County, N. Mex., and points in that part of Texas on, west, and north of a line beginning at the Texas-Oklahoma State line and extending south along U.S. Highway 75 to Dallas, Tex., thence southward along U.S. Highway 77 to junction U.S. Highway 81 at or near Hillsboro, Tex., thence southward along U.S. Highway 81 (and Interstate Highway 35) to San Antonio, Tex., thence westward along U.S. Highway 90 to Van Horn, Tex., thence westnorthwestward along U.S. Highway 80 to the Texas-New Mexico State line, at El Paso, Tex., including El Paso, Tex., to points in Arizona, New Mexico, and Colorado, and (2) from points in Arizona to points in New Mexico and Colorado, with the operations authorized to be performed under continuing contracts with Claude Barry & Co. of El Paso, Tex., and Billstone Feed and Grain Service of El Paso, Tex., for 180 days. Supporting shippers: Claude Barry & Co., Post Office Box 21, El Paso, Tex. 79912 and Billstone Feed and Grain Service, Inc., Post Office Box 12335, El Paso, Tex. 79912. Send protests to: Wm. R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10515 Federal Building and U.S. Courthouse, Albuquerque, N. Mex. 87101.

No. MC 134926 (Sub-No. 1 TA), filed October 22, 1970. Applicant: STUART F. JAQUAY, INC., Post Office Box 21313, East Seventh Street, Los Angeles, Calif. 90021. Applicant's representative: Ernest D. Salm, 3846 Evens Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Frozen fruits and frozen vegetables*, from port of entry on the international boundary line between the United States and Canada near Houlton, Maine, to points in the United States, except points in Alaska, Connecticut, Hawaii, Idaho, Maine, Massachusetts, Montana, New Hampshire, New York, Oregon, Rhode Island, Vermont, Washington, and Wyoming, for 180 days. Supporting shippers: Christy Crops, Inc., Civilian Air Terminal, Hanscom Airport, Bedford, Mass. 01730, and Oxford Frozen Foods Ltd., Main Street, Post Office Box 220, Oxford, Nova Scotia. Send protests to: John E. Nance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708, Federal Building, Los Angeles, Calif. 90012.

No. MC 135008 TA, filed October 22, 1970. Applicant: FRED ROGERS TRUCKING, LTD., 19283 98A Avenue, Surrey, British Columbia, Canada. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in Cowlitz, Pierce, King, Snohomish, Skagit, and Whatcom Counties, Wash., on the one hand, and, ports of entry on the United States-Canada boundary, on the other hand, for 180 days. Supporting shippers: Alexander Lumber Co., 820 Securities Building, Seattle, Wash. 98101; American Lumber Manufacturing, Inc., 3376 Lincoln Avenue, Post Office Box 1111, Tacoma, Wash. 98401; Custom Wood Manufacturing, Route 2, Box 902A, Marysville, Wash. 98270; Evans Products Co., 846 Lind Avenue SW., Post Office Box 386, Renton, Wash. 98055; Imperial Lumber Ltd., Post Office Box 429, New Westminster, British Columbia, Canada; McKerlich Sawmills Ltd., 19031 98A Avenue, Surrey, British Columbia, Canada; Simpson Building Supply Co., 3326 Paine Avenue, Everett, Wash. 98201. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-14619; Filed, Oct. 29, 1970; 8:49 a.m.]

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