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Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4933]

[Wyoming 19307]

WYOMING

Partial Revocation of Reclamation Withdrawal

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

The departmental order of December 23, 1919, withdrawing lands for reclamation purposes in connection with the Seedskadee Project, is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 18 N., R. 106 W.,
Secs. 2 and 12.

The areas described aggregate 1,279.92 acres in Sweetwater County.

The land remains withdrawn by Executive Order 5327 of April 15, 1930, and Public Land Order 4522 of September 13, 1968, for oil shale.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 30, 1970.

[F.R. Doc. 70-15003; Filed, Nov. 5, 1970; 8:50 a.m.]

Title 7—AGRICULTURE

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

[Navel Orange Reg. 211]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.511 Navel Orange Regulation 211.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 3, 1970.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period November 6, 1970, through November 12, 1970, are hereby fixed as follows:

(i) District 1: 442,865 cartons;

(ii) District 2: Unlimited;

(iii) District 3: 111,202 cartons.

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

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

Dated: November 4, 1970.

ARTHUR E. BROWNE,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-15060; Filed, Nov. 5, 1970; 8:51 a.m.]

[Lime Reg. 4; Reg. 3 Terminated]

PART 944—FRUIT; IMPORT REGULATIONS

Limes

§ 944.203 Lime Regulation 4.

(a) On and after the effective date of this section, the importation into the United States of any limes is prohibited unless such limes are inspected and meet the following requirements:

(1) Such limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(2) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) grade at least U.S. Combination, Mixed Color, with not less than 75 percent, by count, of limes in any container thereof grading at least U.S. No. 1, Mixed Color: *Provided*, That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet requirements set forth in the U.S. Standards for Persian (Tahiti) Limes, shall apply;

(3) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) are of a size not smaller than 1⅞ inches in diameter; and

(4) Notwithstanding the provisions of subparagraph (3) of this paragraph, not to exceed 10 percent, by count, of limes in any lot of containers may fail to meet the applicable size requirement: *Provided*, That no individual container of limes having a net weight of more than 4 pounds may have more than 15 percent, by count, of limes which fail to meet such applicable size requirement;

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of limes that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of limes,

is required on all imports of limes. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of limes should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the limes will be imported:

Ports	Office	Advance notice
All Texas points.	L. M. Denbo, 506 South Nebraska St., San Juan, Tex. 78589 (Phone—512-787-4091) or	1 day.
	A. D. Mitchell, Room 516 U.S. Courthouse, El Paso, Tex. 79901 (Phone—915-533-9351, Ex. 5340).	Do.
All New York points.	Edward J. Beller, Room 28A Hunts Point Market, Bronx, N.Y. 10474 (Phone—212-991-7668 and 7669) or	Do.
	Charles D. Renick, 176 Niagara Frontier Food Terminal, Room 8, Buffalo, N.Y. 14206 (Phone—716-824-1585).	Do.
All Arizona points.	B. O. Morgan, 225 Terrace Ave., Nogales, Ariz. 85621 (Phone—602-287-2902).	Do.
All Florida points.	Lloyd W. Boney, 1350 Northwest 12th Ave., Room 538, Miami, Fla. 33136 (Phone—305-371-2571) or	Do.
	Hubert S. Flynt, 775 Warner Lane, Orlando, Fla. 32812 (Phone—305-841-2141) or	Do.
	Kenneth C. McCourt, Unit 46, 335 Bright Ave., Jacksonville, Fla. 32205 (Phone—904-354-5983).	Do.
All California points.	Daniel P. Thompson, 784 South Central Ave., Room 294, Los Angeles, Calif. 90012 (Phone—213-622-8756).	3 days.
All Louisiana points.	Pascal J. Lamarca, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70013 (Phone—504-527-6741 and 6742).	1 day.
All other points.	D. S. Matheson, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (Phone—202-388-5870).	3 days.

(c) Inspection certificates shall cover only the quantity of limes that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any limes to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipment; and

(7) The following statement if the facts warrant: "Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended."

(f) Notwithstanding any other provision of this section, any importation of limes which, in the aggregate does not exceed 250 pounds, net weight, may be imported without regard to the restrictions specified herein.

(g) No provisions of this section shall supersede the restrictions or prohibitions on limes under the Plant Quarantine Act of 1912.

(h) Nothing contained in this section shall be deemed to preclude any importer from reconditioning prior to importation any shipment of limes for the purpose of making it eligible for importation.

(i) The terms used herein relating to grade and diameter, shall have the same meaning as when used in the U.S. Standards for Persian (Tahiti) Limes (§§ 51.1000–51.1016 of this title). Importation means release from custody of the U.S. Bureau of Customs.

(j) Lime Regulation 3 (§ 944.202; 35 F.R. 10740, 14538) is hereby terminated at the effective time hereof.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this regulation beyond that herein specified (5 U.S.C. 553) in that (1) the up-to-date listing of the names and addresses of the persons and offices to be contacted by importers of limes to make arrangements for inspection, contained therein should be made available at the earliest possible date for the guidance of such importers, (2) the terms of regulation are unchanged from those currently effective under Lime Regulation 3, as amended, and (3) no useful purpose would be served by delaying the effective date beyond that hereinafter specified.

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

Dated, October 30, 1970, to become effective upon publication in the FEDERAL REGISTER.

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

[F.R. Doc. 70-15001; Filed, Nov. 5, 1970; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 70-291]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, in paragraph (e) (15) relating to the State of Texas, new subdivisions (xii) relating to Erath County, and (xiii) relating to Tarrant County are added to read:

(15) *Texas.* * * *

(xii) That portion of Erath County bounded by a line beginning at the junction of State Highway 108 and Farm-to-Market Road 219; thence, following State Highway 108 in a southeasterly direction to Farm-to-Market Road 3025; thence, following Farm-to-Market Road 3025 in a northeasterly direction to Bethel Road; thence, following Bethel Road in a generally easterly direction to U.S. Highway 281; thence, following U.S. Highway 281 in a northeasterly direction to Farm-to-Market Road 1189; thence, following Farm-to-Market Road 1189 in a northeasterly direction to Farm-to-Market Road 1188; thence, following Farm-to-Market Road 1188 in a southeasterly direction to U.S. Highway 377; thence, following U.S. Highway 377 in a southeasterly direction to Farm-to-Market Road 3106; thence, following Farm-to-Market Road 3106 in a southwesterly direction to Farm-to-Market Road 2157; thence, following Farm-to-Market Road 2157 in a southwesterly direction to the Cedar Point Cut Off Road; thence, following the Cedar Point Cut Off Road in a southeasterly and then southwesterly direction to U.S. Highway 67; thence, following U.S. Highway 67 in a southeasterly direction to Farm-to-Market Road 913; thence, following Farm-to-Market Road 913 in a southwesterly direction to U.S. Highway 281; thence, following U.S. Highway 281 in a southeasterly direction to State Highway 6; thence, following State Highway 6 in a northwesterly direction to Farm-to-Market 219; thence, following Farm-to-Market Road 219 in

a generally northeasterly direction to its junction with State Highway 108.

(xiii) That portion of Tarrant County bounded by a line beginning at the junction of State Highway 183 and the Tarrant-Dallas County line; thence, following State Highway 183 in a generally southwesterly direction to Interstate Highway 820; thence, following Interstate Highway 820 in a southerly direction to Fort Worth-Dallas Toll Road; thence, following the Fort Worth-Dallas Toll Road in an easterly direction to the Tarrant-Dallas County line; thence, following the Tarrant-Dallas County line in a northerly direction to its junction with State Highway 183.

2. In § 76.2, the reference to the State of Maryland in the introductory portion of paragraph (e) and paragraph (e)(7) relating to the State of Maryland are deleted; and paragraph (f) is amended by adding thereto the name of the State of Maryland.

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

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

The amendments quarantine portions of Erath and Tarrant Counties in Texas because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portions of such counties.

The amendments also exclude a portion of Wicomico County, Md., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the area excluded from quarantine. The amendments release Maryland from the list of States quarantined because of hog cholera.

The foregoing amendments also add the State of Maryland to the list of hog cholera eradication States as set forth in § 76.2(f).

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

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

Done at Washington, D.C., this 3d day of November 1970.

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

[F.R. Doc. 70-14970; Filed, Nov. 5, 1970; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10665; Amdt. No. 728]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

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

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

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

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

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

1. Section 97.11 is amended by establishing, revising, or canceling the following L/MF–ADF(NDB)–VOR SIAPs, effective December 3, 1970.

Valparaiso, Ind.—Porter County Municipal Airport; NDB (ADF) Runway 27, Amdt. 1; Canceled.

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

Mount Pleasant, Mich.—Mount Pleasant Municipal Airport; VOR Runway 27, Amdt. 1; Revised.
New Orleans, La.—Lakefront Airport; VOR–A, Amdt. 11; Revised.
New Orleans, La.—Lakefront Airport; VOR–B, Amdt. 2; Revised.
New Orleans, La.—Lakefront Airport; VOR–C, Amdt. 1; Revised.
North Myrtle Beach, S.C.—Myrtle Beach Airport; VOR Runway 23, Amdt. 5; Revised.

3. Section 97.25 is amended by establishing, revising, or canceling the following LOC–LDA SIAPs, effective December 3, 1970.

Birmingham, Ala.—Birmingham Municipal Airport; LOC (BC) Runway 23, Amdt. 4; Revised.
New Orleans, La.—Lakefront Airport; LOC Runway 17, Original; Established.
Valparaiso, Ind.—Porter County Airport; LOC Runway 27, Original; Established.
Vancouver, Wash.—Pearson Airpark; LDA (BC) Runway 8, Original; Established.

4. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective December 3, 1970.

Coatsville, Pa.—Chester County Area Airport; NDB Runway 11, Amdt. 2; Revised.
Valparaiso, Ind.—Porter County Airport NDB Runway 27, Original; Established.

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

Issued in Washington, D.C., on October 28, 1970.

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

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

[F.R. Doc. 70-14885; Filed, Nov. 5, 1970; 8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Dockets Nos. R–371, RI66–211; Order No. 411–A]

PART 154—RATE SCHEDULES AND TARIFFS

Order Amending Order Establishing Just and Reasonable Rates

OCTOBER 30, 1970.

Area rates for the Appalachian and Illinois Basin Areas, Docket No. R–371;

Ashland Oil & Refining Co., et al., Docket No. RI66-211 etc.

On October 2, 1970, the Commission issued Order No. 411, adding new §§ 154.107 and 154.108, and new paragraphs (e) and (f) to § 157.40, to its regulations under the Natural Gas Act. These new provisions of the regulations set forth maximum and minimum just and reasonable rates for the Appalachian and Illinois Basin Areas, and issue Small Producer Certificates to small producers presently operating or who will operate in these areas with respect to their small producer sales in such areas, providing that such sales may be made at prices no higher than those provided in the new §§ 154.107 and 154.108 except as provided therein.

It was the Commission's intention in issuing this Order to relieve small producers in these areas from the requirements of filing certificate applications and amendments thereto, rate schedules and changes in rate schedules. The nonapplicability of the rate filing requirements to such producers is contained in existing § 154.110 of the regulations, which provides that §§ 154.92 through 154.103 shall not apply to small producer sales made under small producer certificates issued pursuant to § 157.40.

However, it has come to the Commission's attention that certain language in the new §§ 154.107 (c), (d), and (e), and 154.108 (c), (d), and (e) is inconsistent with this intended result. It is appropriate to revise these sections in order to remove any possible ambiguity and to conform the language to the Commission's intent in promulgating the new provisions of the regulations.

Additionally, it appears appropriate to reduce the interest rate specified in paragraph (D) of Order No. 411 from 8 to 7½ percent per annum. We note that the prime rate of interest charged by a majority of New York banks was so reduced as of September 21, 1970.

The Commission finds:

(1) The amendments hereinbelow set forth are necessary and appropriate for carrying out the provisions of the Natural Gas Act.

(2) Since the amendments prescribed herein are designed to clarify the original order and do not prescribe an added duty or restriction, compliance with the effective date requirements of 5 U.S.C. 553(d) is unnecessary.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 4, 5, 7, and 16 thereof (52 Stat. 822, 823, 824, 825, and 830; 56 Stat. 83 and 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, and 717o) orders:

(A) New §§ 154.107(c) and 154.108(c) are hereby amended to delete therefrom the words "under a rate schedule filed pursuant to this Part".

(B) New §§ 154.107(d) and 154.108(d) are hereby amended to delete therefrom the words "increases to such minimum rate filed after this order becomes final will be granted notwithstanding" and, further, to delete therefrom the word "which".

(C) New §§ 154.107(e) and 154.108(e) are hereby amended to change the last sentence thereof to read: "Unless and until the Commission grants the petition the seller may not charge rates in exaess of the area rates herein prescribed."

(D) In ordering paragraph (D) of Order No. 411, the interest rate specified is hereby changed from 8 to 7½ percent per annum.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.[1]

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

[F.R. Doc. 70-14964; Filed, Nov. 5, 1970; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Cottage Cheese; Revision of Order Amending Identity Standard To Permit Alternate Direct Acidification Process; Change in Effective Date

In the matter of amending the standard of identity for cottage cheese (§ 19.525) to provide for the optional use of food grade acid as a means of setting the curd:

Acting on a proposal published June 25, 1969 (34 F.R. 9809), an order in the above-identified matter was published in the FEDERAL REGISTER of June 16, 1970 (35 F.R. 9854), to become effective in 60 days unless stayed by objections and request for hearing.

The proposal contained no provision for label declaration; however, the order required the label declaration "curd set by direct acidification" on cottage cheese and also on creamed cottage cheese (§ 19.530) when the curd was set by the use of food grade acids.

Two associations representing producers of cottage cheese and creamed cottage cheese and two firms engaged in such production filed written statements regarding said order. The submission of one of the firms included written objections to the order and a request for hearing. Subsequently, both the objections and the request for hearing were withdrawn.

The substance of the submitted statements is that the alternate procedure results in a product chemically identical to that made by the culture method, that no need is apparent to disclose in the labeling the specific manufacturing process used, and that use of the phrase "direct acidification" or any form of the word "acid" in a prominent label statement would be confusing and misleading to consumers and would have an adverse effect on the promotion and sale of products so made. Further, if some distinguishing statement is to be required to advise consumers whether the products are made by the conventional culture process or by the new method, the words "directly set" would adequately serve this purpose.

The petitioner states that a provision "coagulated mass may be cut" was inadvertently omitted from the submitted petition and should be incorporated in § 19.525(b)(1)(ii).

The Commissioner of Food and Drugs concludes that the requested changes are reasonable and that the regulations should be reissued to incorporate these changes and to add an inadvertently omitted provision for use of safe and suitable milk-clotting enzymes.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That the subject amendments to Part 19 published June 16, 1970 (35 F.R. 9854), be revised and reissued as follows:

1. Section 19.525 is amended by revising paragraph (b)(1) and by adding a new paragraph (c), as follows:

§ 19.525 Cottage cheese; identity.

* * * * *

(b) (1) One or more of the dairy ingredients specified in subparagraph (2) of this paragraph is pasteurized; calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the mix; thereafter one of the following methods is employed:

(i) Harmless lactic-acid-producing bacteria, with or without rennet and/or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, are added and it is held until it becomes coagulated. The coagulated mass may be cut; it may be warmed; it may be stirred; it is then drained. The curd may be washed with water and further drained; it may be pressed, chilled, worked, seasoned with salt; or

(ii) Food grade phosphoric acid, lactic acid, citric acid, or hydrochloric acid, with or without rennet and/or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, is added in such amount as to reach a pH of between 4.5 and 4.7; coagulation to a firm curd is achieved while heating to a maximum of 120° F. without agitation during a continuous process. The coagulated mass may be cut; it may be warmed; it may be stirred; it is then drained. The curd is washed with water, stirred, and further drained. It may be pressed, chilled, worked, seasoned with salt.

* * * * *

(c) When the optional process described in paragraph (b)(1)(ii) of this section is used to make cottage cheese,

[1] Commissioner Carver not participating.

the label shall bear the statement "Directly set" or "Curd set by direct acidification." Wherever the name "cottage cheese" appears on the label so conspicuously as to be seen under customary conditions of purchase, the statement specified in this paragraph, showing the optional process used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter.

2. Section 19.530(d) is amended by revising subparagraph (3) and redesignating it as subparagraph (4) and by adding a new subparagraph (3), as follows:

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

* * * * *

(d) * * *

(3) When the optional process described in § 19.525(b)(1)(ii) is used to make the cottage cheese used in creamed cottage cheese, the label shall bear the statement "Directly set" or "Curd set by direct acidification."

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

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

Effective date. This order shall become effective 60 days after its date of publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: October 28, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-14950; Filed, Nov. 5, 1970; 8:46 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2-Chloro-*N*-Isopropylacetanilide

A petition (PP 0F0854) was filed with the Food and Drug Administration by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing establishment of tolerances for residues of the herbicide 2-chloro-*N*-isopropylacetanilide and its metabolites (calculated as 2 chloro-*N*-isopropylacetanilide) in or on the raw agricultural commodities pea forage at 1.5 parts per million and green shelled peas at 0.2 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which these tolerances are being established.

Based on consideration given data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.211 is amended by revising the paragraphs "1.5 parts per million * * *" and "0.2 part per million * * *" to read as follows:

§ 120.211 2-Chloro-*N*-isopropylacetanilide; tolerances for residues.

* * * * *

1.5 parts per million in or on corn forage and pea forage.

* * * * *

0.2 part per million in or on peas with pods (determined on peas after removing any pod present when marketed) and sugar beet roots.

* * * * *

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

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

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: October 28, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-14951; Filed, Nov. 5, 1970; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18866; FCC 70-1151]

PART 67—JURISDICTIONAL SEPARATIONS

Intrastate and Interstate Operation of Telephone Companies

In the matter of prescription of procedures for separating and allocating plant investment, operating expenses, taxes and reserves between the intrastate and interstate operations of telephone companies.

Report and order. 1. The Commission has under consideration the Recommended Report and Order of the FCC–NARUC Joint Board on Jurisdictional Separations which is attached hereto.[1]

2. *It is ordered,* That the recommended report and order is adopted as the Commission's report and order herein.

3. *It is further ordered,* That, pursuant to the provisions of sections 4(i), 221(c), and 221(d) of the Communications Act of 1934, as amended, effective January 1, 1971, the 1971 Addendum to the Separations Manual as contained in Appendix A hereto[1] is adopted as an amendment to the NARUC–FCC Separations Manual, which is incorporated by reference into Part 67 of the Commission's rules.

4. *It is further ordered,* That this proceeding shall continue in an open docket until further order of the Commission.

(Secs. 4, 221, 48 Stat., as amended, 1066, 1080; 47 U.S.C. 154, 221)

Adopted: October 27, 1970.

Released: October 28, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-14985; Filed, Nov. 5, 1970; 8:51 a.m.]

[1] Filed as part of the original document.

[2] Commissioner Bartley absent; Commissioner Johnson dissenting and issuing a statement which is filed as part of the original document; Commissioner Wells concurring in the result.

Title 24—HOUSING AND HOUSING CREDIT

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

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

§ 1914.4 List of designated areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Los Angeles	Glendora	E 06 037 1440 01 E 06 037 1440 02	Department of Water Resources, Post Office Box 388, Sacramento, Calif. 95802. California Insurance Department, 1407 Market St., San Francisco 94103, and 107 South Broadway, Los Angeles, Calif. 90012.	Office of the City Clerk, Glendora City Hall, 116 East Foothill Blvd., Glendora, Calif. 91740.	Nov. 6, 1970.
Delaware	New Castle	Except Elsmere, Newark, and New Castle.	E 10 003 0000 01 through E 10 003 0000 03	Delaware Soil and Water Conservation Commission, Georgetown, Del. 19947. Delaware Insurance Department, 21 The Green, Dover, Del. 19901.	Drainage Division, Department of Public Works, New Castle County Engineering Bldg., Post Office Box 165, Wilmington, Del. 19899.	Do.
Florida	Okaloosa	Okaloosa Island Beaches—Holiday Isle.	I 12 091 0000 04	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. 32304.	Clerk of the Circuit Court, Okaloosa County Courthouse, Crestview, Fla. 32536. Okaloosa Island Authority, 105 Santa Rosa Blvd., Okaloosa Island Beaches, Fort Walton Beach, Fla. 32548.	Do.
Georgia	Chatham	Savannah Beach	E 13 051 4920 01 E 13 051 4920 02	State Planning and Programming Bureau, 270 Washington St. SW., Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Office of the City Clerk, Post Office Box 128, Savannah Beach, Ga. 31328.	Do.
Minnesota	Nicollet	North Mankato	E 27 103 5280 01	Division of Waters, Soils, and Minerals, Minnesota Conservation Department, 345 Centennial Bldg., St. Paul, Minn. 55101. Minnesota Insurance Department, R-210 State Office Bldg., St. Paul, Minn. 55101.	City of North Mankato Municipal Bldg., 1001 Belgrade Ave., North Mankato, Minn. 56001.	Do.
Nebraska	Douglas	Omaha	E 31 055 3620 01 E 31 055 3620 02	Nebraska Soil and Water Conservation Commission, State Capitol Bldg., Lincoln, Nebr. 68509. Nebraska Insurance Department, 1324 State Capitol Bldg., Lincoln, Nebr. 68509.	Planning Department, City of Omaha, 603 City Hall, 108 South 18th St., Omaha, Nebr. 68102.	Do.
New Jersey	Somerset	North Plainfield	E 34 035 2250 01 E 34 035 2250 02	New Jersey Department of Environmental Protection, Division of Water Policy and Supply, Box 1390, Trenton, N.J. 08625. Department of Banking and Insurance, State House Annex, Trenton, N.J. 08625.	Office of the Borough Engineer, 263 Somerset St., North Plainfield, N.J. 07060.	Do.
Do	Ocean	Bay Head	E 34 029 0180 01	do	Office of the Borough Clerk, Borough Hall, 67 Bridge Ave., Bay Head, N.J. 08742.	Do.
North Carolina	New Hanover	Wrightsville Beach.	I 37 129 5180 03 through I 37 129 5180 06	North Carolina Department of Water and Air Resources, Post Office Box 9392, Raleigh, N.C. 27603. North Carolina Insurance Department, Post Office Box 351, Raleigh, N.C. 27602.	Town Hall, 400 Waynick Blvd., Post Office Box 626, Wrightsville Beach, N.C. 28480.	Do.
Oklahoma	Rogers	Unincorporated areas.	E 40 131 0000 01	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Office Bldg., Oklahoma City, Okla. 73105.	Metropolitan Area Planning Commission, City of Claremore, Rogers County, Rogers County Courthouse, Post Office Box 904, Claremore, Okla. 74017.	Do.
Do	do	Claremore	E 40 131 0090 01 E 40 131 0090 02	do	do	Do.
Rhode Island	Providence	Central Falls	E 44 007 0040 01 E 44 007 0040 02	Rhode Island Statewide Planning Program, Room 123-A, The State House, Providence, R.I. 02903. Rhode Island Insurance Department, Room 418, 49 Westminster St., Providence, R.I. 02903.	Office of the Director of Public Works, Municipal Garage, 77 Hunt St., Central Falls, R.I. 02863.	Do.
Tennessee	Roane	Rockwood	I 47 145 2070 02 I 47 145 2070 03	Office of Federal and Urban Affairs, 321 7th 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, 306 West Rockwood St., Rockwood, Tenn. 37854.	Do.
Texas	Cameron	Harlingen	E 48 061 3030 01 E 48 061 3030 02	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, 118 East Tyler, Harlingen, Tex. 78550.	Do.
Do	Orange	Unincorporated areas.	E 48 361 0000 01	do	Office of the County Engineer, Room 107, Courthouse, Orange, Tex. 77630.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Texas	Starr	Unincorporated areas.	E 48 427 0000 01 E 48 427 0000 02	Texas State Board of Insurance, 1110 San Jacinto St., Austin, Tex. 78701.	Multipurpose Center, 108 North Garza St., Rio Grande City, Tex. 78582. Improvement Committee, 103 North Clay St., Rio Grande City, Tex. 78582. Roma City Hall, Roma, Tex. 78584.	Nov. 6, 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; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: November 5, 1970.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 70-14840; Filed, Nov. 5, 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	Glendora	T 06 037 1440 01 T 06 037 1440 02	Department of Water Resources, Post Office Box 388, Sacramento, Calif. 95802. California Insurance Department, 1407 Market St., San Francisco 94103, and 107 South Broadway, Los Angeles, Calif. 90012.	Office of the City Clerk, Glendora City Hall, 116 East Foothill Blvd., Glendora, Calif. 91740.	Nov. 6, 1970.
Delaware	New Castle	Except Elsmere, Newark, and New Castle.	T 10 003 0000 01 through T 10 003 0000 03	Delaware Soil and Water Conservation Commission, Georgetown, Del. 19947. Delaware Insurance Department, 21 The Green, Dover, Del. 19901.	Drainage Division, Department of Public Works, New Castle County Engineering Bldg., Post Office Box 165, Wilmington, Del. 19899.	Do.
Florida	Okaloosa	Okaloosa Island Beaches—Holiday Isle.	H 12 091 0000 04	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. 32304.	Clerk of the Circuit Court, Okaloosa County Courthouse, Crestview, Fla. 32536. Okaloosa Island Authority, 105 Santa Rosa Blvd., Okaloosa Island Beaches, Fort Walton Beach, Fla. 32548.	Aug. 6, 1970.
Georgia	Chatham	Savannah Beach	T 13 051 4920 01 T 13 051 4920 02	State Planning and Programming Bureau, 270 Washington St. SW., Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Office of the City Clerk, Post Office Box 128, Savannah Beach, Ga. 31328.	Nov. 6, 1970.
Minnesota	Nicollet	North Mankato	T 27 103 5280 01	Division of Waters, Soils, and Minerals, Minnesota Conservation Department, 345 Centennial Bldg., St. Paul, Minn. 55101. Minnesota Insurance Department, R-210 State Office Bldg., St. Paul, Minn. 55101.	City of North Mankato Municipal Bldg., 1001 Belgrade Ave., North Mankato, Minn. 56001.	Do.
Nebraska	Douglas	Omaha	T 31 055 3620 01 T 31 055 3620 02	Nebraska Soil and Water Conservation Commission, State Capitol Bldg., Lincoln, Nebr. 68509. Nebraska Insurance Department, 1324 State Capitol Bldg., Lincoln, Nebr. 68509.	Planning Department, City of Omaha, 603 City Hall, 108 South 18th St., Omaha, Nebr. 68102.	Do.
New Jersey	Somerset	North Plainfield	T 34 035 2250 01 T 34 035 2250 02	New Jersey Department of Environmental Protection, Division of Water Policy and Supply, Box 1390, Trenton, N.J. 08625. Department of Banking and Insurance, State House Annex, Trenton, N.J. 08625.	Office of the Borough Engineer, 263 Somerset St., North Plainfield, N.J. 07060.	Do.
Do.	Ocean	Bay Head	T 34 029 0180 01	do	Office of the Borough Clerk, Borough Hall, 67 Bridge Ave., Bay Head, N.J. 08742.	Do.
North Carolina	New Hanover	Wrightsville Beach.	H 37 129 5180 03 through H 37 129 5180 06	North Carolina Department of Water and Air Resources, Post Office Box 9392, Raleigh, N.C. 27603. North Carolina Insurance Department, Post Office Box 351, Raleigh, N.C. 27602.	Town Hall, 400 Waynick Blvd., Post Office Box 626, Wrightsville Beach, N.C. 28480.	June 19, 1970.
Oklahoma	Rogers	Unincorporated areas.	T 40 131 0000 01	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Office Bldg., Oklahoma City, Okla. 73105.	Metropolitan Area Planning Commission, City of Claremore—Rogers County, Rogers County Courthouse, Post Office Box 904, Claremore, Okla. 74017.	Nov. 6, 1970.
Do.	do	Claremore	T 40 131 0000 01 T 40 131 0000 02	do	do	Do.
Rhode Island	Providence	Central Falls	T 44 007 0040 01 T 44 007 0040 02	Rhode Island Statewide Planning Program, Room 123-A, The State House, Providence, R.I. 02903. Rhode Island Insurance Department, Room 418, 49 Westminster St., Providence, R.I. 02903.	Office of the Director of Public Works, Municipal Garage, 77 Hunt St., Central Falls, R.I. 02863.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Tennessee	Roane	Rockwood	H 47 145 2070 02 H 47 145 2070 03	Office of Federal and Urban Affairs, 321 7th Ave. North, Nashville, Tenn. 37219. Tennessee State Planning Commission, Room C2-208, Central Service 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, 306 West Rockwood St., Rockwood, Tenn. 37854.	May 15, 1970.
Texas	Cameron	Harlingen	T 48 061 3030 01 T 48 061 3030 02	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, 118 East Tyler, Harlingen, Tex. 78550.	Nov. 6, 1970.
Do	Orange	Unincorporated areas.	T 48 361 0000 01	do	Office of the County Engineer, Room 107, Courthouse, Orange, Tex. 77630.	Do.
Do	Starr	Unincorporated areas.	T 48 427 0000 01 T 48 427 0000 02	do	Multipurpose Center, 108 North Garza St., Rio Grande City, Tex. 78582. Improvement Committee, 103 North Clay St., Rio Grande City, Tex. 78582. Roma City Hall, Roma, Tex. 78584.	Do.

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

Issued: November 5, 1970.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 70-14841; Filed, Nov. 5, 1970; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER F—TELECOMMUNICATIONS AND PUBLIC UTILITIES

PART 101-35—TELECOMMUNICATIONS

Minimize Guidelines

Part 101-35 is amended by the addition of a new Subpart 101-35.7. This subpart provides procedures for the administrative control of input traffic to the Advanced Record System during emergency conditions and conforms with the National Communications System Memorandum No. 1-69, dated September 24, 1969, which prescribed Minimize guidelines.

The table of contents for Part 101-35 is amended to provide for the following new entries:

Subpart 101-35.7—Minimize Guidelines

Sec.
101-35.701 General.
101-35.702 Definitions.
101-35.703 Policy.
101-35.704 Procedure.
101-35.705 Agency responsibility.

Subparts 101-35.8—101-35.49 [Reserved]

AUTHORITY: The provisions of this Subpart 101-35.7 issued under the authority of section 205(c) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 390; 40 U.S.C. 486(c)).

Part 101-35 is amended by the addition of new Subpart 101-35.7, as follows:

Subpart 101-35.7—Minimize Guidelines

§ 101-35.701 General.

This subpart establishes procedures for administrative control of input traffic to the Advanced Record System (ARS) during emergency conditions. It implements the Minimize guidelines prescribed by the National Communications System (NCS) Memorandum No. 1-69, dated September 24, 1969.

§ 101-35.702 Definitions.

The following terms have the meanings set forth below:

(a) The term Minimize as used herein is an administrative control procedure which restricts traffic on the ARS during an emergency to ensure the expeditious handling of essential traffic.

(b) Essential traffic is defined as messages of any precedence which must be transmitted electrically to avoid a serious detrimental impact on agency mission or safety of life and property.

§ 101-35.703 Policy.

GSA will determine when to impose Minimize on the ARS to ensure that essential messages are expeditiously handled. Contingent upon operational conditions encountered, Minimize control may apply to only portions of the system.

§ 101-35.704 Procedure.

GSA will inform headquarters offices of ARS subscriber agencies by ARS message when Minimize is imposed. The Minimize notice will identify the area affected by the action and the type of traffic excluded. The notice will contain Minimize as the first word in the text. GSA also will inform agencies when the Minimize condition is canceled.

§ 101-35.705 Agency responsibility.

Headquarters offices of subscriber agencies shall notify their field stations when a Minimize is imposed by GSA. Writers, originators, clearance officers, signatory officials, or other designated agency representatives shall evaluate each message to determine whether electrical transmission is essential and shall annotate those which must be sent immediately with the phrase "Minimize Considered."

Subparts 101-35.8—101-35.49 [Reserved]

Effective date. This regulation is effective November 1, 1970.

Dated: October 29, 1970.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 70-15004; Filed, Nov. 5, 1970; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order 1054]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service

Board, held in Washington, D.C., on the 2d day of November 1970.

It appearing, That an acute shortage of certain plain boxcars exists on the railroad named in section (a) paragraph (1) herein; that shippers located on the lines of this carrier are being deprived of such cars required for loading, resulting in a severe emergency and thus creating economic loss; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of boxcars owned by this railroad are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That

§ 1033.1054 Service Order No. 1054.

(a) *Distribution of boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owner empty, except as otherwise authorized in subparagraphs (2) and (4) of this paragraph, all plain boxcars which are listed in the registration of the specific railroad named herein in the Official Railway Equipment Register, ICC R.E.R. 376, issued by E. J. McFarland, or successive issues thereof, as having mechanical designation XM, with inside length 44 feet 6 inches or less and equipped with doors less than 9 feet wide and bearing the identification marks shown:

The Buffalo Creek Railroad Co. identification marks—BCK.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, boxcars described in subparagraph (1) of this paragraph may be loaded to stations on the lines of the owning railroad, or to any other station which is closer to the owner than the station at which loaded. After unloading at a junction with the car owner, such cars shall be delivered to the car owner at that junction, either loaded or empty.

(3) Boxcars described in subparagraph (1) of this paragraph shall not be back-hauled empty from a junction with the car owner.

(4) Boxcars described in subparagraph (1) of this paragraph located at a point other than a junction with the car owner shall not be back-hauled empty, except for the purpose of loading to a junction with the car owner or to a station on the lines of the car owner.

(5) The return to the owner of a boxcar described in subparagraph (1) of this paragraph shall be accomplished when it is delivered to the car owner, either empty, or loaded as authorized by subparagraphs (2) or (4) of this paragraph, at a junction with the car owner.

(6) Junction points with the car owner shall be those listed by the car owner in its specific registration in the Official Railway Equipment Register, ICC R.E.R. No. 376, issued by E. J. McFarland, or successive issues thereof, under the heading "Freight Connections and Junction Points."

(7) In determining distances to the car owner from the points of loading or unloading, tariff distances applicable via the lines of the carriers obligated under Car Service Rules 1 and 2 to move the car shall be used.

(8) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of paragraphs (2) or (4) of this section.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 12:01 a.m., November 4, 1970.

(d) *Expiration date.* This order shall expire at 11:59 p.m., November 30, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

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

By the Commission, Railroad Service Board.

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

[F.R. Doc. 70-14989; Filed, Nov. 5, 1970; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 541]

EXECUTIVE, ADMINISTRATIVE, PROFESSIONAL AND OUTSIDE SALESMAN EXEMPTIONS

Postponement of Hearing

The public hearing originally scheduled in this matter for December 1, 1970, as announced in the September 10, 1970, edition of the FEDERAL REGISTER (35 F.R. 14268), is hereby postponed until February 2, 1971, at the request of interested persons. Those who have already filed a notice of intention to appear need not file a second notice. Any additional interested persons desiring to appear shall file a notice of intention in accordance with the procedures outlined in 35 F.R. 14268.

Signed at Washington, D.C., this 3d day of November 1970.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, Department of Labor.

[F.R. Doc. 70-15008; Filed, Nov. 5, 1970; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

USE OF IMPACT-RESISTANT LENSES IN EYEGLASSES AND SUNGLASSES

Statement of General Policy or Interpretation

The notice published in the FEDERAL REGISTER of October 2, 1970 (35 F.R. 15402), proposing a statement of general policy regarding use of impact-resistant lenses in eyeglasses and sunglasses, provided for the filing of comments within 30 days after said date. The time for filing of comments was extended to January 30, 1971, by a document published in the FEDERAL REGISTER of November 3, 1970 (35 F.R. 16937).

The proposal gave notice of FDA's intent to amend 21 CFR Part 3 to require that the majority of lenses in eyeglasses and sunglasses be of impact-resistant material.

In response to the proposal, the Food and Drug Administration has received numerous comments about technical difficulties of large magnitude which make it impossible to shift to impact-resistant lenses until new processes are developed and the necessary hardened glass and plastic materials become generally available. The Department of Defense comments that its program for introduction of protective lenses in eyewear is initially limited by the production limitations of industry and the state of the art. Its program for complete transition to plastic lenses is scheduled over a 5-year period.

Reexamination of the problem convinces the Commissioner of Food and Drugs that, while the transition should start now and should be completed as promptly as possible, the development of an adequate supply of protective lenses will require an effective date of December 31, 1971, after which the manufacturer of lenses that are not made of impact-resistant material will be discontinued, except where necessary to meet demands when the physician or optometrist finds that impact-resistant lenses will not fulfill the visual requirements of a particular patient. This provides adequate notice to the industry and professions in order that they can take immediate steps to meet technical difficulties they will encounter in full compliance. Glasses and lenses manufactured before that date can be phased out in an orderly fashion. Between now and December 31, 1971, first priority should be given to the need for impact-resistant glasses and lenses for school children and for persons who have a special need for protective eyewear.

The Food and Drug Administration will move forward as rapidly as possible in finalizing the proposal to facilitate the technical changeover.

Dated: November 3, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-15030; Filed, Nov. 5, 1970; 8:51 a.m.]

DEPARTMENT OF TRANSPORTATION

National Highway Safety Bureau

[49 CFR Part 571]

[Docket No. 1-5; Notice 4]

BRAKE HOSES AND BRAKE HOSE ASSEMBLIES

Proposed Motor Vehicle Safety Standard

The notice of proposed amendment to Federal Motor Vehicle Safety Standard No. 106 (Brake Hoses and Brake Hose Assemblies) published in the FEDERAL REGISTER (35 F.R. 13738-49) on August 28, 1970, among other things, covered air brake hoses and hose assemblies. The requirements for air brake hoses and hose assemblies in S4.2.1 of the proposal are derived from similar requirements in SAE Standard J1402 (Air brake Hoses). In July 1969 the SAE standard was revised to incorporate a second class of Type D hose construction designed specifically for air brake systems, with no dimensional changes to the inside or outside diameters of this type hose. The Bureau's proposal inadvertently omitted the second class of hose, which should have been included.

In consideration of the foregoing, "Type D" of S4.2.1 on page 13740 and S4.2.2(i) on page 13741 of the proposal are amended to read as follows:

S4.2.1 *Manufacture.* * * *

"Type D"—There shall be two classes of Type D hose, Class I and Class II. Hose shall be mandrel built having a tube of oil resisting rubber, reinforced by two cotton or synthetic braids separated by a wire braid. All braids shall be impregnated with an oil and age resisting compound. The wire braid shall be of high tensile carbon steel (Class I) or of series 300 stainless steel (Class II). Hose may also have an optional thin cover of oil resisting compound utilizing polymerized chloroprene as the basic material. Assemble with reusable or permanent type metal end fittings.

* * * * *

S4.2.2(i) *Strength* (S6.2.9). Types A aid B airbrake hose shall not rupture when tested with hydrostatic pressure at 900 p.s.i. and Type F hose shall not rupture when tested with hydrostatic pressure at 1,000 p.s.i. Type C and Type D Class I airbrake hose shall not rupture when tested with hydrostatic pressure at the following specified pressure for the specified inside diameters:

	P.s.i.
3/16 and 1/4 inch	10,000
5/16 inch	9,000
3/8 and 13/32 inch	8,000
1/2 inch	7,000
5/8 inch	6,000

Type D Class II airbrake hose shall not rupture when tested with hydrostatic pressure at the following specified pressure for the specified inside diameters:

	P.s.i.
3/16 through 13/32 inch	2,000
1/2 through 5/8 inch	1,800

Type E airbrake hoses shall not rupture when tested with hydrostatic pressure at the following specified pressure for the specified inside diameters:

	P.s.i.
3/16 and 1/4 inch	6,000
5/16 and 13/32 inch	4,000
1/2 inch	3,500
5/8 inch	3,000

* * * * *

In addition, the Bureau proposes the following minor revisions in its proposal of August 28, 1970, on the pages indicated.

Page 13739: The word "nonmetallic" is deleted from the definitions S3.1, S3.3, and S3.5. The numeral "1.77" in Table I is "1.10" (this affects maximum expansion of 1/4-inch hydraulic brake hose at

1,500 p.s.i.). The second line of S4.1.2(f) is changed to read "hose conditioned at −54 to −57° C./".

Page 13740: The sentence "These types of hose are not to be used from the air compressor to air reservoir if air temperature is in excess of 250° F." is added to the last paragraph in the first column.

Page 13741: The last line in S4.2.2(g) is changed to read "less than 8 pounds. This test shall be performed only on original, unaged specimens. (S6.2.7)".

Page 13744: The fifth line of S6.1.8 is changed to read "air in a cold box (−54 to −57° C./−65 to".

Page 13747: S6.3.12(a)(vii) and S6.3.12 (viii) are deleted.

Page 13748: S6.3.12(c)(ii) and S6.3.12 (c)(iii) are deleted. Figure 5 is deleted.

The reference to "see Fig. 1" in Table X on page 13745 is changed to read "see Fig. 3" and the following figure is added:

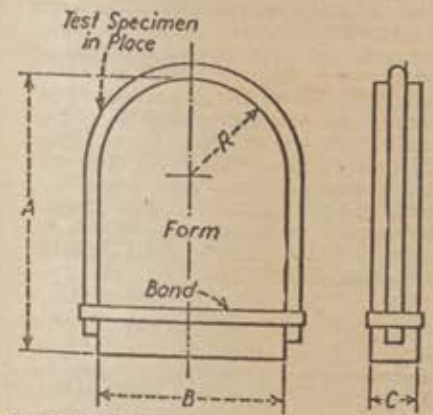

FIGURE 3—Test Specimen on Form for Aging Test.

The addition of new Figure 3 necessitates further changes (p. 13740). The reference in S6.3.8 to "Figure 3" is changed to read "Figure 4" and "Figure 3" is renumbered "Figure 4". The reference in S6.3.9(b) to "Figure 4" is changed to read "Figure 5" and "Figure 4" is renumbered "Figure 5".

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

Issued on October 29, 1970.

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

[F.R. Doc. 70-14882; Filed, Nov. 5, 1970; 8:45 a.m.]

[49 CFR Part 571]

[Docket No. 70-26; Notice No. 1]

MOTORCYCLE CONTROLS AND DISPLAYS

Proposed Motor Vehicle Safety Standard

The purpose of this notice is to propose a new Federal motor vehicle safety standard which would apply to motorcycles equipped with handlebars, and which would specify requirements for the location, operation and identification of certain motorcycle controls and displays. It would also specify safety requirements for such items of motorcycle equipment as stands and footrests. The proposal utilizes, in part, suggestions made in response to Docket No. 2-17, "Rider Protection—Motorcycles" (32 F.R. 14282).

Motorcycle registrations in the United States increased more than 300 percent during the 1960's, reaching 2,300,000 during 1969. Sales of new motorcycles during the first 6 months of 1970 surpassed sales for all of 1969. A continued substantial growth in motorcycle sales is anticipated for at least the next several years with an average estimated increase of about 10 percent per year.

These substantial increases in motorcycle usage will have a significant effect upon highway safety since serious and fatal motorcycle crashes have historically increased at almost the same rate as the increase in motorcycle registrations. It is probable that more than 250,000 motorcycle accidents will occur this year, and that between 80-90 percent of these crashes will result in personal injury or death, compared to about 10 percent of all motor vehicle crashes. Most of those killed or injured in motorcycle crashes are under 25 years of age.

Controls and displays link the operator and the machine, and if there is confusion as to their location, interpretation, or operation, a dangerous situation may result. A cyclist, especially the novice and the cyclist who has changed from one make of machine to another, must not hesitate when confronted with an emergency.

Therefore, the Bureau believes that motorcycle controls must be standardized in the interests of highway safety. The Motorcycle Industry Council (formerly the Motorcycle, Scooter and Allied Trades Association) and the Society of Automotive Engineers have already developed certain standards in this area, and these have been considered by the Bureau in preparing the present notice.

Under this proposal published today, if the control for any of 14 certain specified equipment items are provided on a motorcycle, the location and method of operation of the control would be standardized. Handlebar-mounted controls in particular should be operable without significant movement of the hand on the handgrip under all foreseeable conditions such as the wearing of gloves. The displays for such items as speedometer and gear indicator would also be standardized in design and location. The proposal would also require standardized identification for each of 14 controls and displays if the associated item is provided on a motorcycle, and in some instances, labeling of specific control positions. Requirements for such equipment as stands and footrests are also proposed. Finally, operating instructions would have to be supplied with each vehicle with special attention paid to safety information.

Proposed effective date: January 1, 1972.

In consideration of the above, it is proposed that a motor vehicle safety standard on Motorcycle Control Location, Operation, and Identification be issued, to read as set forth below. Comments submitted in response to this proposal should refer 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. Comments are particularly invited on the relative merits of alternatives "A" and "B" to the gear change operational and position indication requirements proposed in Tables 1 and 2, respectively. Only one of these proposals will be adopted in the final standard. All comments received on or before the close of business on January 5, 1971, will be considered and will be available in the docket at the above address for examination both before and after the closing date. To the extent possible, comments filed after the above date will also be considered by the Bureau. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and 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.

This notice of proposed rulemaking is issued under the authority of sections 103, 112, and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1401, and 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 29, 1970.

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

§ 571.21 **Federal motor vehicle safety standards.**

* * * * *

MOTORCYCLE CONTROL AND DISPLAYS

S1. *Purpose and scope.* This standard specifies requirements for the location, operation, and identification of certain motorcycle controls and displays to standardize their location and to facilitate their selection and safe operation. This standard also specifies requirements for motorcycle stands, footrests, and operating instructions.

S2. *Application.* This standard applies to motorcycles equipped with handlebars.

S3. *Definitions.* "Detent-type control" means a switch that has a positive stop in each designated position and that moves without the application of force to the nearest designated stop if placed in any position between stops.

"Clockwise" and "Counterclockwise" refer to opposing directions of rotation around a motorcycle handlebar when

viewed from the end of the handlebar unless otherwise specified.

S4. *Requirements.* Each motorcycle equipped with handlebars shall meet the following requirements.

S4.1 *Control location and operation.* If any item of equipment listed in Table 1, Column 1, is provided, the control for such item shall be accessible to a person operating the motorcycle, shall be located as specified in Column 2, and shall operate in the manner specified in Column 3. Each handlebar-mounted control for any such item shall be operable throughout its full range without removing the palm of the hand from the normal driving position on the handgrip.

S4.2 *Display location and operation.* If an item of equipment listed in Table 2, Column 1, is provided, the display for such item shall be located as specified in Column 2, shall operate as indicated in Column 3, and shall be visible to a seated operator under daylight and nighttime conditions. In addition, each motorcycle shall have a means for adjusting illumination intensity of the speedometer and gear change display that begins with zero intensity.

S4.3 *Control and display identification.* If an item of equipment listed in Table 3, Column 1, is provided, the control for such item shall be identified by the word or words shown in Column 2 and any corresponding word or symbol in Column 3, placed on or adjacent to the control. If specified in Column 3, each position of the control shall be identified to signify the function performed at that setting. If the word "None" appears in Column 3, a symbol shall not be provided. Identification shall never appear to the operator in other than an upright position.

S4.4 *Stands.* A stand shall fully retract if it contacts the ground or other mass when the motorcycle is moving forward.

S4.5 *Footrests and foot-operated controls.* Footrests shall be provided for each designated seating position. No foot control shall require any part of the operator's foot to project downward more than 2 inches below a horizontal plane that is tangent to the top of the footrest. Each passenger footrest shall be retractable in an upward and rearward direction.

S4.5 *Operating instructions.* Each motorcycle shall be provided with instructions for safely starting and stopping the vehicle, including instructions for braking and shutting off the engine in emergencies. The instructions shall also include an explanation of the operation of controls and displays and pictures or diagrams that show their location.

TABLE 1—MOTORCYCLE CONTROL LOCATION AND OPERATION REQUIREMENTS

Control	Location	Operation
Column 1	Column 2	Column 3
1. Clutch	Left handlebar	Squeeze to disengage.
2. Gear change	Left foot pedal (If reverse gear is provided, the reverse control may be located for either hand operation or foot operation).	An upward motion of the operator's toe shall shift transmission toward lower numerical gear ratios (commonly referred to as "higher gears"), and a downward motion toward higher numerical gear ratios (commonly referred to as "lower gears"). It shall not be possible to shift from the highest gear directly to the lowest gear, or vice versa.[1] A means to prevent inadvertent engagement of reverse gear shall be provided. Proposal A: Neutral shall be considered lowest in the gear sequence. Proposal B: A rearward motion of the operator's heel on a "neutral gear finder" shall shift transmission into the neutral position.
3. Headlamp,[2] and parking lamp.	Left handlebar	A detent-type control with the following positions: 1. Counterclockwise (High beam). 2. Center (Low beam). 3. Clockwise (Parking lights). 4. Away from end of left handlebar (Off).
4. Horn	Left handlebar	Push button to activate.
5. Turn signal [3]	Left handlebar	A detent-type control with the following positions: 1. Toward end of left handlebar (Left turn). 2. Center (Off). 3. Away from end of left handlebar (Right turn).
6. Intensity control for instrument, lights and indicators.	Left of vehicle longitudinal centerline.	A clockwise motion as viewed by the operator shall increase intensity.
7. Ignition and electrical system interlock.	Right of vehicle longitudinal centerline and below level of seating surface.	Key-operated control with the following positions: 1. Full counterclockwise position of key locking system (Accessory). 2. Center (Off). 3. Full clockwise position of key locking system. (Accessory and ignition).
8. Fuel-tank shutoff valve	Left of vehicle longitudinal centerline and forward of operator's seat.	A detent-type control with the following positions of the valve handle: 1. Rearward (Off). 2. Downward (On). 3. Forward (Reserve).
9. Accelerator (throttle)	Right hand grip	Acceleration shall be in counter-clockwise direction. Accelerator shall be self-closing in clockwise direction after release of hand. Stop shall be provided at full rotation in both directions.
10. Emergency engine stop	Right handlebar	A detent-type control with the following positions: 1. Counterclockwise (Off). 2. Center (Run). 3. Clockwise (Off).
11. Electric starter	Right handlebar	Push button to activate.
12. Front wheel brake	Right handlebar	Squeeze to engage.
13. Rear wheel brake	Right foot pedal	Depress with downward motion of the toe to engage.
14. Kick starter	Right of vehicle longitudinal centerline, aft of right foot pedal.	Push down to start. Pedal shall be retractable.

[1] If three or more gears are provided.
[2] A headlamp is required by Federal Motor Vehicle Safety Standard No. 108.
[3] Turn signal lamps are required by Standard No. 108 for motorcycles manufactured on or after January 1, 1973.

TABLE 2—MOTORCYCLE DISPLAY LOCATION AND OPERATION REQUIREMENTS

Display	Location	Operation
Column 1	Column 2	Column 3
1. Speedometer	Forward of operator's seat, center of speedometer face from 0 to 6 inches to right of vehicle longitudinal centerline.	Speedometer shall be circular clock-type with center of speed range at 12 o'clock. The graduations shall be in m.p.h., increasing clockwise when viewed from operator's eye position, with major and minor graduations appearing at 10 and 5 m.p.h. intervals respectively.
2. Gear change indicator	Adjacent to the left side of and on the same plane as the speedometer face.	Each of the followin gear positions shall be provided with a display lamp of the color indicated, which illuminates the given symbol whenever the gear selector is in that position: Proposal A: 1st "1" White. Neutral "N" Green. Reverse "R" Red. (If provided). Proposal B: Neutral "N" Green. Reverse "R" Red. (If provided).
3. Turn signal indicator	Integral with front turn signals.	
4. Vehicular hazard signal indicator.	Same indicator as for the front turn signal.	
5. High beam indicator	Integral with the speedometer face, and in the lower right quadrant. No part of the speedometer needle shall, when in operation, obscure any part of the indicator lamp.	

TABLE 3—MOTORCYCLE CONTROL AND DISPLAY IDENTIFICATION REQUIREMENTS

Equipment	Control or display identification	Label at appropriate position of control or display
Column 1	Column 2	Column 3
1. Ignition	IGNITION	ACC, OFF, ON.
2. Emergency engine stop	ENGINE STOP	OFF, RUN, OFF.
3. Manual choke	CHOKE	None.
4. Electric starter	START	None.
5. Headlamp high beam, and parking lamp control.	LIGHTS	H, L, PARK, OFF.
6. Horn button	HORN	None.
7. Turn signal		←——OFF——→
8. Vehicular hazard warning signal	HAZARD	
9. Speedometer	SPEED (M.P.H.)	See table 2, item 1, column 3.
10. Gear indicator	GEAR	R, N, 1.
11. High beam indicator	HIGH BEAM	None.
12. Tachometer	R.P.M.	
13. Fuel tank shutoff valve	FUEL	OFF, ON, RES.
14. Panel lighting intensity control	PANEL LIGHTS	Increase ↷

[F.R. Doc. 70-14879; Filed, Nov. 5, 1970; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 9]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business Concern

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend the definition of a small business concern for the purpose of receiving SBA loans.

Under the currently effective method of determining the size status of concern for SBA loans, § 121.3-10 of SBA rules and regulations provides that a concern engaged in a variety of activities shall be classified, without reference to its affiliates, according to its primary activity. The exclusion of the affiliates of a loan applicant in determining its proper industry classification can lead to inconsistent and inequitable results. Whether a business complex would be eligible for an SBA loan would depend upon which of its affiliates is the applicant.

In order to eliminate this inconsistency in the present regulation, it is proposed to amend the regulation to permit a concern to compute its size status for loan purposes on a proportionate basis. Under this proposal, a diversified business operation would compute the percentage that each of its business activities bears to the applicable size standard. To be eligible for SBA loan assistance under this provision, the total of such percentages must be 100 percent or less. For the purpose of this rule, in the event an applicant's operations include ineligible activities, or other activities not classified in the regulations, a size standard can be obtained for such activities by submission to SBA of Form 355, "Application for Small Business Size Determination."

Accordingly, it is proposed to amend the regulation as follows:

Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by:

(1) Deleting the fourth, fifth and sixth sentences of the textual material of § 121.3-10, and

(2) Adding two new sentences in lieu thereof, so that the section, as amended, shall read as follows:

§ 121.3-10 Definition of small business for SBA loans.

A small business concern for the purpose of receiving an SBA loan is a concern, including its affiliates, which is independently owned and operated, is not dominant in its field of operation, and can further qualify under the criteria set forth below. A concern which is a small business under § 121.3-8 which has applied for or received a Certificate of Competency is a small business eligible for an SBA loan to finance the contract covered by the Certificate of Competency. If no standard for an industry, field of operation, or activity has been set forth in this section, a concern seeking a size determination shall submit SBA Form 355 to the Associate Administrator for Procurement and Management Assistance, Washington, D.C. 20416. If an applicant for an SBA loan is engaged in the production of a number of products or the providing of a variety of services or other activities which are classified into different industries, the applicant, including its affiliates, must compute the percentage that each of its activities is of the applicable size standard. In order to be eligible under this provision, the total of such percentages shall not exceed 100 percent.

Interested persons may file with the Small Business Administration within thirty (30) days after publication of this proposal in the FEDERAL REGISTER, written statements of facts, opinions or arguments concerning the proposal.

All correspondence shall be addressed to:

Associate Administrator for Procurement and Management Assistance, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416. Attention: Size Standards Staff.

Dated: October 22, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-15006; Filed, Nov. 5, 1970; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 42]

[Docket No. 19071; FCC 70-1153]

PRESERVATION OF RECORDS OF COMMUNICATION COMMON CARRIERS

Reproduction of Records for Retention Purposes by Any Media

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. In a letter dated July 10, 1970 the American Telephone and Telegraph Co. (A.T. & T.), on behalf of itself and its associated operating telephone companies, requests that certain sections of Part 42, Preservation of Records of Communication Common Carriers, of the Commission's rules be amended in order to reflect therein specific authorization for the reproduction and retention of records in lieu of the original records for the required retention periods on media other than microfilm. Certain other minor revisions are also proposed in Part 42. Currently, the provisions of Part 42 permit the reproduction and retention on microfilm at any time of records in lieu of original records. However, such provisions relate only to the microfilming of printed records.

3. A.T. & T.'s letter indicates that much business information is accumulated and recorded in data processing devices, including magnetic tapes, discpacks, cartridges and drums from which the records may be retrieved for any purpose. Often, it is unnecessary to print out the complete records on paper for operating purposes. A.T. & T. cites as an example, continuing property records maintained in an electronic data processing system which may be updated monthly, weekly or daily depending on how the system is designed to meet administrative requirements. Periodic activity is recorded in the media utilized by the data processing system with the updated totals available at the end of each period. As required, these data can be processed as output information. A.T. & T. points out that currently there are three options available for media to reflect the record, i.e., (a) a printout, (b) an electronic device, or (c) a microform produced direct from the computer.

4. The principal change proposed by A.T. & T. consists of a complete revision of § 42.5 which would permit a company to use any of the aforementioned methods or any other electronic, photographic or other method of record reproduction, provided certain procedures are used to assure that accurate reproductions are constantly available during the prescribed retention periods. Whatever media that would be used, the carrier would be required to furnish devices for reading and reproducing data in printed form from the stored data. The changes proposed in § 42.5 would accomplish the following objectives:

(a) Recognize all types of record preservation media in addition to photographic microfilm.

(b) Revise the requirements for certifying that the reproductions are appropriately prepared reproductions of the original records so as to require a certificate in each record series rather than in each roll of film.

(c) Eliminate references to specific sizes, manufacturers' specifications and film stock markings since any of these details are subject to change.

5. A.T. & T. proposes that the requirement for including a certificate in each roll of microfilm be eliminated since there appears to be no way to include such a certificate in media other than film. This will permit uniformity for certifying the contents of rolls of film and all other storage media according to A.T. & T.

6. Section 42.5(e) of the proposed revisions provides that the photographing or processing methods shall be such that reproduction on paper can be made without significant loss of clarity or detail during the period prescribed for record retention. This proposal also provides that the carrier shall be prepared to furnish, at its own expense, appropriate standard facilities for reading and copying the reproductions. The carrier shall also furnish, upon Commission request, printed reproductions of records stored on microfilm or other storage media. The proposed changes are designed to be sufficiently broad to permit the use of media that may be developed in the future as well as by the use of current techniques provided that the safeguards reflected in the proposed revisions are maintained.

7. The current provisions of Part 42 relating to the unlimited use of microfilming of a carrier's records for retention purposes were initially included effective January 1, 1960 in Part 45, Preservation of Records of Telephone Carriers, and Part 46, Preservation of Records of Wire-Telegraph, Ocean-Cable, and Radiotelegraph Carriers, in Docket No. 12639. Parts 45 and 46 were rescinded and Part 42 prescribed effective December 31, 1960, by an order of the Commission released on September 27, 1960, in Docket No. 13080.

8. In the final report and order in Docket No. 12639 released by the Commission on October 9, 1959, wherein the provisions of the rules were relaxed to permit unlimited use of microfilming of records for retention purposes it was specifically pointed out in paragraph 8 that "our rules on preservation of records do not permit the substitution, in place of original records, of unitized microforms or cards carrying a number of miniature pictures." We are unable to determine from our files specifically the reasons for rejecting microform as an acceptable means of storing records for official retention purposes. However, it appears to have been related to the matter of certification which requirements are proposed to be relaxed herein. In any event, microform would be acceptable under the revised rules proposed herein.

9. Comments are specifically invited upon the advantages and disadvantages of allowing the carriers complete freedom in determining the media to be used where records are reproduced for retention purposes and upon the relaxation of the requirements for certification as to the authenticity of the reproduced records. At this point, the Commission wishes to make it clear that it is not taking a position on this matter but is seeking comments based on the knowledge and experience of others in order to be in a position of being able to make an informed decision in this proceeding.

10. There are also included in the proposed revisions changes in three Items in § 42.9 List of Records which were proposed by A.T. & T. Each of these proposals is explained in the following paragraphs.

11. Item 44–h–(1) now provides that certain historical records, such as subscriber line cards and toll circuit trouble history records, be retained for one year after the record is superseded or retired from the active file. It is proposed to change the retention period to optional after the record is superseded or retired from the active file. A.T. & T. contends that after service has been disconnected, there is no administrative need to refer to the subscriber line cards. Also, A.T. & T. points out that when trouble records are maintained by means of computers in electronic storage devices, the present provisions might be interpreted as requiring a printout of the trouble record for retention when a disconnect order is processed. A.T. & T. alleges that since there is no real use made of the inactive records, it seems more economical and efficient to permit the disposal of the records upon disconnection of service.

12. It is proposed to amend item 73–g to provide that automatic message accounting tapes, tabulating cards and similar records used in sorting and assembling data from central office tapes or other basic records, etc., may be destroyed after data have been transferred to other media used as a basis for processing data or for billing and accounting. The present provisions require preservation until data are transferred to written records used as the basis for billing and accounting. As accounting message paper tapes are replaced by magnetic tapes under current procedures, data are automatically transcribed from the message tape to an accounting tape and there is no administrative need for retaining the central office tapes. The cost of sufficient magnetic tape to comply with present requirements is approximately triple the cost of the tape needed under the proposed amendment.

13. It is proposed to amend item 75–a to indicate that copies of contracts or agreements covering customers deposits are provided for in another item and to add the word "receipts" in the "Description of records" column for item 75–b since the copy of a customer's receipt for a cash deposit is sometimes used to report such deposit.

14. In view of the foregoing, it is proposed to amend Part 42, Preservation of Records of Communication Common Carriers, of the Commission's rules as set forth below.

15. This notice of proposed rule making is issued under authority of sections 4(i) and 220 of the Communications Act of 1934, as amended.

16. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before November 30, 1970, and reply comments on or before December 14, 1970. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

17. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all statements or briefs shall be furnished to the Commission.

Adopted: October 28, 1970.

Released: November 2, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

Part 42, Preservation of Records of Communication Common Carriers, is amended as follows:

1. § 42.1(b) is amended to read as follows:

§ 42.1 Scope of the regulations in this part.

* * * * *

(b) The regulations in this part shall not be construed as requiring the preparation of accounts, records, or memoranda not required to be prepared by other regulations, such as the Commission's Uniform Systems of Accounts, except as provided hereinafter.

* * * * *

2. § 42.5, including the headnote, is amended to read as follows:

§ 42.5 Preparation and preservation of reproductions of original records.

(a) Records may be reproduced at any time in any generally acceptable media for storage and the reproductions retained in lieu of the original records, provided the procedures prescribed in paragraphs (b) through (f) of this section are followed.

(b) Records produced on media other than paperstock shall be arranged in an orderly sequence in a manner similar to accepted formats for records printed on paperstock. Each record series shall include a certificate or certificates stating that records therein are reproductions of the original records and that they have been made in accordance with prescribed procedures. Such certificate or certificates shall be executed by a person or persons having personal knowledge of the facts covered thereby.

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[1] Commissioner Bartley absent; Commissioner H. Rex Lee concurring in the result.

(c) When existing records are to be reproduced, the records shall be so prepared, arranged, classified and identified as readily to permit the subsequent location, examination and processing of the reproductions thereof. Any significant characteristic, feature or other attribute of the original records which the reproduction process would not clearly reflect (e.g., that the record is a copy or that certain figures thereon are red) shall be clearly indicated on the records before being reproduced. When a number of the records to be reproduced have in common such a characteristic or attribute, an appropriate notation identifying the characteristic or attribute may be indicated in a statement at the beginning of each record series instead of on each individual record.

(d) The date prepared and any additional information necessary to afford a complete understanding of the contents of the reproduced material shall be provided at the beginning of each record series.

(e) The photographing or processing procedures used shall be such that reproductions on paperstock can be made, without significant loss of clarity or detail, during the period prescribed in this part for the retention of the records concerned. Sample tests shall be made to determine that satisfactory reproductions on paperstock can be made from such reproductions before the original records are destroyed. The carrier shall be prepared to furnish at its own expense appropriate standard facilities for both reading and copying the reproductions. If the Commission so requests, the carrier shall furnish printed reproductions of records stored on any storage media.

(f) All reproductions prepared for retention purposes shall be indexed and retained in such manner as will render them readily accessible and identifiable. They shall be stored in such manner as to provide reasonable protection from hazards such as fire, flood, theft, etc. The reproductions shall be cared for in such manner as to prevent cracking, breaking, splitting, etc.

3. Items 44–h, 73–g (1), (2), and (3), and 75 a and b of § 42.9 are amended to read as follows:

§ 42.9 List of records.

* * * * *

Item No.	Description of records	Period to be retained
* * *	* * *	* * *
44	Service orders (including contract, line or other orders used to establish, change or discontinue service to customers) and plant assignment, repair service, trouble, inspection and testing records, including data which are stored in electronic data storage devices associated with computers:	
* * *	* * *	* * *
	h. Tickets, logsheets, subscriber line cards, toll circuit trouble records or other forms or electronic storage devices used to record individual trouble reports and conditions found:	
	(1) Historical records, such as subscriber line cards and toll circuit trouble history records.	Optional after record is superseded or is retired from active file.
	(2) Other records.	Optional.
* * *	* * *	* * *
73	Tickets and other detailed message records of telephone carriers:	
* * *	* * *	* * *
	g. Automatic message accounting tapes, tabulating cards and similar records:	
	(1) Central office tapes or other automatically produced basic detailed records of messages handled.	Optional after data have been transferred to the accounting-office media used in processing data.
	(2) Accounting office tapes, tabulating cards or similar media used in sorting and assembling data from central office tapes or other basic message records and in computing, printing or otherwise producing printed tickets, statements or other written detailed message records (see items 73-a, 73-b, and 73-c) used for billing and accounting.	Optional after data have been transferred to the media used as a basis for billing and accounting.
	(3) Tapes, tabulating cards or similar media used only for operating or administrative purposes, not as a basis for billing or accounting.	Optional.
* * *	* * *	* * *
75	Customers' deposits with telephone carriers:	
	a. Copy of contracts or agreements covering customers' deposits.	As provided for item 70-a(6).
	b. Memorandum stubs, receipts or other records used to report customers' deposits.	As provided for item 77-a.
* * *	* * *	* * *

[F.R. Doc. 70-14935; Filed, Nov. 5, 1970; 8:45 a.m.]

[47 CFR Part 73]

[Docket No. 19075; FCC 70-1164]

TELEVISION BROADCAST STATIONS

Table of Assignments, Nogales and Tucson, Ariz.

In the matter of amendment of § 73.606, Table of Assignments Television Broadcast Stations. (Nogales and Tucson, Ariz.), Docket No. 19075, RM-1645.

1. On June 30, 1970, I. B. C., a limited partnership (KZAZ), licensee of television Station KZAZ, Channel 11, Nogales, Ariz., filed a brief petition requesting the reassignment of Channel 11 from Nogales, Ariz., to Tucson-Nogales, Ariz., as a hyphenated assignment. The three operative VHF commercial licensees (May Broadcasting Co., KVOA Television, Inc., and Universal Communications Corp.) in Tucson, filed oppositions to which petitioner filed a response.

2. Nogales (population 7,286) is located in Santa Cruz County, which has 10,800 residents. The community has one commercial television assignment (Channel 11, KZAZ licensed to petitioner) and one educational television assignment (Channel *16, for which there are no applications pending). Tucson, located in Pima County (respective populations 212,892 and 265,660) is approximately 60 air-line miles distant. This city has 3 VHF commercial assignments (4 KVOA-TV, licensee, KVOA Television, Inc.; 9, KGUN-TV, licensee May Broadcasting Co., and 13, KOLD-TV, licensee Universal Communications Corp.). Its educational VHF assignment, Channel *6, KUAT, is licensed to the Arizona Board of Regents while its three UHF assignments, 18, *27, and 40, have no applications pending for their use.[1]

3. Petitioner's proposal, in brief, is to have Channel 11, presently assigned to Nogales, assigned through rule making on a hyphenated basis to Tucson-Nogales, and, if such a reassignment results, to apply to have its present license for Channel 11 (which designates Nogales as its principal city) amended to designate Tucson. In support of its proposal it states that the three commercial VHF network affiliated stations in Tucson serve Nogales while its operation provides programming to Tucson, i.e., that the four commercial services, from a de facto view, are competing for the same audience and that KZAZ is at a severe competitive disadvantage with respect to regional and national advertising in view of its de jure designation as a Nogales station.[2] It underlines the small number of residents in Nogales, 7,286, and asserts that a major proportion of the residents have the Spanish language as their preferred tongue. In view of these demographic facts and the service which Nogales receives in the Spanish language on Channel 2, XHFA-TV, from the adjacent Mexican community, Nogales, Sonora, it maintains that Nogales simply does not provide a sufficient economic base to support Channel 11 in competition with the three network services received from Tucson. It points out that Nogales is the smallest community to which a television station, which competes with larger city stations, is assigned.[3]

4. With respect to financial statistics, petitioner states the following:

[1] Population figures are from the 1960 U.S. Census.

[2] KZAZ states—

"* * * From February 1967 through December 1968, 8.02 percent of the station's business was national and regional, 88.55 percent was sold in Tucson and only 3.43 percent was sold in Nogales. Since that time the amount of the station's Nogales business has fallen off even more so that it now collects only $300 or $400 per month from Nogales accounts."

[3] Petitioner acknowledges television service in two other relatively small communities, KFGN-TV, Glendive, Mont. (population 7,058), and KWRB-TV, Riverton, Wyo. (population 6,845) but asserts that both stations enjoy a monopoly throughout most of their service areas.

The station's history has been one of continuing and monumental losses. Its Forms 324 for 1967, 1968, and 1969 show the following:

	1967	1968	1969	Total
Broadcast operating loss	$630,376	$603,494	$467,316	$1,701,186
Less: Depreciation and amortization	245,339	202,737	152,860	600,936
Net operating loss	385,037	400,757	314,456	1,100,250

Through May, 1969, [sic] the station accrued additional net operating losses of $115,907, plus additional depreciation charges in the neighborhood of $100,000.[4]

5. KZAZ asserts that the adoption of its proposal of a hyphenated assignment of Channel 11 and its relicensing to Tucson will in no way disadvantage the citizens of Nogales in that its proposal will result in only one physical change—the relocation, on a permanent basis, of its main studio to Tucson.[5] It proposes no change in its transmitter location which is presently on Mount Wrightson (approximately 26 miles north of the center of Nogales and 37 miles south of the center of Tucson), and therefore asserts that no segment of the population presently receiving Channel 11 service will be deprived of it. Petitioner states that KZAZ's transmitter site presently provides both Tucson and Nogales with a principal-city signal, and in addition alleges that the station will not discontinue its present service oriented to meet the particular needs of Nogales, with air time continuing to be provided for spokesmen of that community. In sum, petitioner views the adoption of its proposal as being in the public interest in that it will not only permit KZAZ to survive, from an economic point of view, but will in addition bring Tucson formally its first competitive independent (nonnetwork) television operation.

6. As set out in paragraph 1 above, each of the three existing VHF commercial television stations in Tucson filed oppositions to the petition, with assertions that they were opposed to the proposed action because it would not be in the public interest. The first major point of objection presented is that it is inappropriate to hyphenate an assignment between Tucson and Nogales since the two communities are separated approximately 72 miles by road. The opponents emphasize the differences between the city of Tucson and the small community of Nogales, i.e., the disparity in size of population, the variance between the nature of their economic base (manufacturing and tourism in Tucson—cattle raising and mining in Nogales), and the languages spoken (primarily English in Tucson—primarily Spanish in Nogales). These facts, it is advanced, clearly indicate that there is a physical, cultural, and economic distance between Tucson and Nogales which compels us to follow the policy of avoiding hyphenated assignments unless there are overriding considerations. Petitioner's response asserts that in sparsely settled areas of the southwestern United States the physical separation of 72 miles by road is not significant; that there is frequent public transportation between the communities; and that there is a strong commercial tie between them, citing the existence of a program for Nogales, Sonora to participate in parts of the manufacturing processes of industries operating in Tucson. The second major objection posed is best presented by the statements of May Broadcasting Co.—

> * * * Under § 73.685, if KZAZ were to become a Tucson station, it would not only have to place a city-grade signal (77 dbu) over the entire corporate limits of Tucson (§ 73.685(a)), but its transmitter location must be so chosen as to provide line-of-sight, thus avoiding "shadowing", "over the principal community to be served" (§ 73.685(b)).

These rules would be violated by KZAZ, it is alleged, in view of the assertion that

> * * * 7.8 percent of the corporate limits of the city of Tucson would be below line-of-sight from KZAZ's present antenna site on Mount Wrightson * * *.

Too, it is maintained that in view of the existence of Mount Bigelow located approximately 19 miles from the center of Tucson (used by existing stations for their transmitters),

> * * * it certainly can not be said that Mount Wrightson, some 37 miles from Tucson, is "the most central point at the highest elevation available", as required by § 73.685 (b) in order to keep shadowing to a minimum * * *.

Petitioner replies to these assertions by pointing out that KGUN–TV's study

> * * * admits that the KZAZ city grade contour computed in accordance with § 73.684 of the rules encompasses the entire city of Tucson * * *.

and that the assertion is not based on any defraction calculations made in this case. It continues by intimating that in the event its signal would suffer a shadow area in Tucson, that shadow area could be served by the establishment of a translator, as it maintains each of the existing stations is presently doing with existing shadow areas in Tucson segments of their service patterns. A third objection to the proposal is that its adoption would retard development of UHF stations in Tucson. Petitioner replies that Channel 11 already serves Tucson; that it is making no change in its transmission facilities; and that therefore the competitive ability of UHF in Tucson would not be affected.

7. We have carefully considered each of the above arguments and pleadings filed with respect to the proposal presently before us and have come to the conclusion that petitioner's proposal should be examined in a rule making proceeding. Therefore it is proposed to amend the table as follows:

Tucson-Nogales, Ariz.	Channel 11.
Nogales, Ariz.	Channel *16.[6]

8. Authority for the action proposed herein, is contained in sections 4(i), 303, 307(b), and 316 of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations interested parties may file comments on or before December 7, 1970 and reply comments on or before December 17, 1970. All submissions by parties to this proceeding, or persons acting on behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

10. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other documents, shall be furnished the Commission.

Adopted: October 28, 1970.

Released: November 2, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[7]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 70-14936; Filed, Nov. 5, 1970; 8:45 a.m.]

[4] The following additional financial clarification is made by petitioner:

"* * * Actually the situation in 1970 is worse than shown in the petition because the $115,907 loss through May of 1970 reported therein did not include interest expense of approximately $9,000 per month. Operating losses through June 1970 were $160,119, plus interest charges of $54,000 for a total of $214,119. On an annualized basis, this represents $428,138 before depreciation so the 1970 situation is worse than 1968 * * *".

[5] On July 2, 1970, the Commission granted special temporary authority to petitioner to operate solely from its auxiliary studio in Tucson. The authority now is to expire on Dec. 29, 1970. The Nogales Santa Cruz County Chamber of Commerce has in several letters vigorously protested the withdrawal of a studio facility from Nogales.

[6] In view of the fact that petitioner has requested this rule making proceeding looking toward the redesignation of its license for Channel 11 to specify Tucson as opposed to Nogales as KZAZ's principal city, and the significant question of future public service to Nogales, we request comments concerning the possibility of the maintenance of an auxiliary studio at Nogales in the event the instant petition is granted and petitioner ultimately applies for the license redesignation and it is granted. In addition we request comments as to the desirability of making an assignment of a UHF channel solely to Nogales, this, again, in the event petitioner's rule making proposal is adopted. Our engineering study indicates that such an assignment is possible.

[7] Chairman Burch not participating; Commissioner Bartley absent.

Notices

DEPARTMENT OF STATE

Agency for International Development

HOUSING INVESTMENT GUARANTY PROJECTS IN LATIN AMERICAN COUNTRIES

Notice of Special Addendum for Guatemala

A. The Agency for International Development has issued a public announcement, dated September 1, 1970, entitled, "Reopening of the Latin American Housing Investment Guaranty Program". This announcement provides that competitive applications will be taken for new housing investment guaranty projects in Guatemala from December 1–15, 1970, and provides a tentative allocation of U.S. $4 million of guaranty authority for this purpose. The dates between which applications will be taken under this announcement has been changed to February 1–15, 1971.

In addition to the general requirements for competitive applications set forth in that announcement and the "Information for Applicants" attached to the announcement, the following requirements have been established specifically for HIG projects proposed for Guatemala:

By "competitive applications", A.I.D. means applications on forms furnished by A.I.D.; which applications are prepared by private firms and/or individuals in the housing, construction, or development industry.

A.I.D. housing investment guaranty authority is available to eligible nonprofit applicants for worthwhile projects without reference to all of the limitations imposed by the general public announcement and this Special Addendum; and A.I.D. will consider applications for housing investment guaranty authority from such eligible nonprofit sponsors at any time.

Nonprofit applicants are invited to approach, at their convenience, the AID Mission in Guatemala, the AID Regional Housing and Urban Development Office in ROCAP (Guatemala), or the AID Office of Housing in Washington, D.C., to discuss the criteria and guidelines for negotiations leading to housing investment guaranty awards.

B. *Special conditions for all housing guaranty projects approved for Guatemala.* 1. A.I.D. requires that the applicant obtain a letter from the Ministro de Economia Nacional to the effect that there is no objection to the type of investment which the project represents and that such letter be included as an exhibit to the application.

2. Mortgages must be insured in local currency by the Instituto de Fomento de Hipotecas Aseguradas (FHA) which is a government mortgage insurance institution acceptable to A.I.D.

3. *Fees, reserves and charges*—(a) *A.I.D. guaranty fee.* The A.I.D. Guaranty Fee will be 1 percent per annum of the outstanding guarantied loan investment.

(b) *Devaluation insurance fee.* A.I.D. will require a devaluation insurance fee on 1 percent per annum of the outstanding guaranteed loan investment.

(c) *Reserves.* A payment of 1½ percent of the mortgage amount at time of closing will be required to create a reserve for defaults and delinquencies.

(d) *Other charges.* The FHA will charge a fee for performing the functions specified in paragraph D below. Since this fee will affect the payments to be made by the individual home purchasers applicants should consult with the FHA concerning this fee before estimating the homeowner's monthly payments.

C. *Applications may be submitted under the following three categories only*—1. *Private housing projects.* In proposing the selling price of houses in this category, which is to apply as of the time that construction of the project commences, applications should propose a price not in excess of Q7,500 ($1.00 equals Q1.00).

2. *Housing projects for lower income families.* In proposing the selling price of houses in this category, which is to apply as of the time that construction of the project commences, applications should propose a price not in excess of Q4,000. (Note should be taken that to date the lowest price house built to standards acceptable to FHA prices out at Q4,800.)

3. *Local participation projects.* In proposing the selling price of houses in this category, which is to apply as of the time that construction of the project commences, applications should propose a price not in excess of Q8,500.

D. *Local processing.* All applicants shall obtain approval by FHA of the proposed project prior to filing an application. Such approval shall be in the form of a letter from the FHA indicating its approval, in principle, of the proposed housing guaranty project. Such letter shall be included with the application as Exhibit 12. All proposed projects approved by A.I.D. will be implemented with the participation of the FHA. The FHA will participate in the following functions in connection with each Housing Guaranty Project approved by A.I.D.:

a. Approve plans and specifications.

b. Insure the mortgages in local currency.

c. Provide inspection during construction.

E. *Special preferences*—1. *Location.* Preference will be given to projects located outside the Capital, if there is a demonstrable market in these areas.

2. *Cooperation with local institutions.* Sponsors should be willing to plan their proposed developments in close cooperation with public sector, including the Instituto Nacional de la Vivienda (INVI) and private sector entities such as: employers willing to build worker housing, agricultural producer cooperatives, employee housing cooperatives or benefit societies, and new savings and home loan banks.

3. *Area development.* Special preference will be given to projects which are supplemented by investment in contiguous or nearby production facilities or general area development. (Such supplemental investment would not be guarantied under the Latin American Housing Investment Guaranty Program).

F. *Additional information.* For additional information on any of the above requirements or for information on any aspect of the Housing Guaranty Program for Guatemala, please communicate with:

The United States A.I.D. Mission to Guatemala, c/o American Embassy, Guatemala City, Guatemala.

AID Office of Housing, Room 2242, New State Department Building, Washington, D.C. 20523.

Dated: October 28, 1970.

STANLEY BARUCH,
Director, Office of Housing.

[F.R. Doc. 70-14959; Filed, Nov. 5, 1970; 8:46 a.m.]

HOUSING INVESTMENT GUARANTY PROJECTS IN LATIN AMERICAN COUNTRIES

Notice of Special Addendum for Costa Rica

A. The Agency for International Development has issued a public announcement, dated September 1, 1970, entitled "Reopening of the Latin American Housing Investment Guaranty Program." This Announcement provides that competitive applications will be taken for new housing investment guaranty projects in Costa Rica from December 1–15, 1970 and provides a tentative allocation of U.S. $4 million of guaranty authority for this purpose. The dates between which applications will be taken under this announcement has been changed to February 1–15, 1971.

By "competitive applications", A.I.D. means applications on forms furnished by A.I.D.; which applications are prepared by private firms and/or individuals in the housing, construction, or development industry.

A.I.D. housing investment guaranty authority is available to eligible nonprofit applicants for worthwhile projects without reference to all of the limitations imposed by the general public

announcement and this Special Addendum; and A.I.D. will consider applications for housing investment guaranty authority from such eligible nonprofit sponsors at any time.

Nonprofit applicants are invited to approach, at their convenience, the A.I.D. Mission in Costa Rica, the A.I.D. Regional Housing and Urban Development Office in ROCAP (Guatemala), or the A.I.D. Office of Housing in Washington, D.C., to discuss the criteria and guidelines for negotiations leading to housing investment guaranty awards.

In addition to the general requirements for competitive applications set forth in that Announcement and the "Information for Applicants" attached to the Announcement, the following requirements have been established specifically for Costa Rica:

B. *Special conditions for all housing investment guaranty projects approved for Costa Rica—1. Government of Costa Rica guaranty.* The Government of Costa Rica, through the Banco de Credito Agricola de Cartage (BCAC), shall provide a full faith and credit guaranty of repayment of the local currency proceeds of the loan.

2. *Fees, reserves and charges*—(a) *A.I.D. guaranty fee:* Because of the Government of Costa Rica BCAC guaranty, the A.I.D. fee will be 1 percent per annum of the outstanding guaranteed loan investment.

(b) *Devaluation insurance fee.* A.I.D. will require a devaluation insurance fee of 1 percent per annum of the outstanding guaranteed loan investment.

(c) *Reserves.* A payment of 1½ percent of the mortgage amount at time of closing will be required to create a reserve for defaults and delinquencies.

(d) *Other charges.* The BCAC will charge fees for performing the functions specified in Paragraph D below. Since these fees will affect the payments to be made by the individual home purchasers, applicants should consult with the BCAC concerning these fees before estimating the homeowner's monthly payments.

C. *Applications may be submitted under the following three categories only.—1. Private housing projects.* In proposing the selling price of houses in this category, which is to apply as of the time that construction of the project commences, applications should propose a price not in excess of $5,500.

2. *Housing projects for lower income families.* In proposing the selling price of houses in this category, which is to apply as of the time that construction of the project commences, applications should propose a price not in excess of $2,500.

3. *Local participation.* In proposing the selling price of houses in this category, which is to apply as of the time that construction of the project commences, applications should propose a price not in excess of $7,500.

D. *Local processing.* All applicants shall obtain the BCAC's approval of the proposed project prior to filing an application. Such approval shall be in the form of a letter from the BCAC indicating its approval, in principle, of the proposed housing guaranty project. Such letters shall be included with the application as Exhibit No. 12. All proposed projects approved by A.I.D. will be implemented with the participation of the BCAC. The BCAC will participate in the following functions in connection with each Housing Guaranty Project approved by A.I.D.: (a) Approve plans and specifications; (b) provide the Government of Costa Rica local currency guaranty; (c) provide inspection during construction.

E. *In closing.* For additional information on any of the above requirements or for information on any aspect of the housing guaranty program for Costa Rica, please communicate with:

The United States A.I.D. Mission to Costa Rica, c/o American Embassy, San Jose, Costa Rica.
Lawrence Harrison, director.

Additional information concerning this program may be obtained from:

Housing and Urban Development Office, Regional Office for Central America and Panama Affairs, Galerias Espana, Zone 9.
John D. Kilgore, RHUDO.
Office of Housing, Agency for International Development, Room 2242, New State Department Building, Washington, D.C. 20523.

Dated: October 28, 1970.

STANLEY BARUCH,
Director, Office of Housing.

[F.R. Doc. 70-14960; Filed, Nov. 5, 1970; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

THOMAS H. GREEN

Notice of Granting of Relief

Notice is hereby given that Thomas Henry Green, 57 Targee Street, Staten Island, N.Y., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on January 19, 1962, in the County Court, Richmond County, N.Y., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Thomas H. Green because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Thomas H. Green to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Thomas H. Green's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Thomas H. Green be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

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

RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 70-14981; Filed, Nov. 5, 1970; 8:48 a.m.]

ROGER C. HERB

Notice of Granting of Relief

Notice is hereby given that Roger Charles Herb, 211 North Peterboro Street, Canastota, N.Y., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on April 17, 1961, in the Madison County Court, Madison County, N.Y., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Roger C. Herb because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Roger C. Herb to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Roger C. Herb's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and

that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Roger C. Herb be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

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

RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 70-14982; Filed, Nov. 5, 1970; 8:48 a.m.]

VINCENT R. MISENTI

Notice of Granting of Relief

Notice is hereby given that Mr. Vincent Robert Misenti, 532 Maryland Drive, Middlefield, Conn., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 24, 1959, in the Middlesex County Superior Court, Middletown, Conn., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Vincent R. Misenti because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Vincent R. Misenti to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Vincent R. Misenti's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Vincent R. Misenti be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

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

RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 70-14983; Filed, Nov. 5, 1970; 8:48 a.m.]

WILLIAM E. PURDY

Notice of Granting of Relief

Notice is hereby given that Mr. William Ellsworth Purdy, 350 Robidoux Street, Stayton, Oreg. 97383, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on January 30, 1967 in the Marion County Circuit Court, Salem, Oreg., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Mr. William E. Purdy because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. William E. Purdy to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Mr. William E. Purdy's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Mr. William E. Purdy be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

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

RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 70-14984; Filed, Nov. 5, 1970; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

CENTRAL AND FIELD ORGANIZATION

This notice is published in accordance with the provisions of subsection (a)(1) of section 552, title 5, United States Code, and supersedes the notice published in the July 20, 1967 FEDERAL REGISTER (32 F.R. 10674, as amended). The notice contains a description of the central and field organization of the Department of the Interior and lists places at which the public may obtain information, including information regarding the making of submittals or requests and the functions of the various bureaus and offices of the Department. More specific information with respect to the course and method by which functions are performed, procedures, and substantive provisions are contained in the public regulations of the Department. References to applicable public regulations are listed with each pertinent organization description.

Internal departmental regulations are published in the Departmental Manual which is available for inspection in the Department's Library, Interior Building, Washington, D.C., and at each of the headquarters or regional offices of bureaus of the Department. The administrative manuals of those bureaus which have issued such documents are available for inspection at the headquarters offices and at the regional offices of the bureaus.

The numbering system used corresponds to that of the Departmental Manual.

Dated: October 27, 1970.

LAWRENCE H. DUNN,
Assistant Secretary for Administration.

Sec.

110.1 *Organization—Office of the Secretary.* (For pertinent codified regulations see Code of Federal Regulations, Title 43, Subtitle A and Title 41, Chapters 14 and 114.)

The Office of the Secretary performs both line and staff functions in the overall management of the Department. The secretarial officers and the Solicitor exercise line authority in their respective fields of responsibility. This means that in these fields they have the authority to make final decisions affecting bureaus and offices and to issue directions to them. The secretarial offices advise and provide staff assistance to these officials.

In addition to the secretarial offices, other offices described below provide staff assistance to the secretariat and develop departmentwide policies in specific areas. Information on these offices may be obtained from the Office of Management Research, Department of the Interior, Washington, D.C. 20240.

110.1.1 *Secretary.* The Secretary of the Interior, as the head of an executive department, reports directly to the President and is responsible for the direction and supervision of all activities of the Department. He also has certain powers or supervisory responsibilities relating to territorial governments.

110.1.1A *Assistants to the Secretary.* An Executive Assistant to the Secretary serves as his personal aide and confidential adviser. Other Assistants or Special Assistants to the Secretary serve in varying capacities and/or head secretarial offices described in the following sections (Science Adviser, Office of Information, Office of Policy Planning and Research). The Assistant to the Secretary for Congressional Liaison is the Secretary's principal liaison with members of the Congress and its committees.

110.1.2 *Under Secretary.* The Under Secretary assists the Secretary in the discharge of his duties and in the absence of the latter performs his functions. With the exception of certain matters requiring personal action by the Secretary, the Under Secretary has the full authority of the Secretary on any matter which comes before him.

110.1.3 *Assistant Secretary for Fish and Wildlife and Parks.* The Assistant Secretary for Fish and Wildlife and Parks discharges the duties of the Secretary with respect to the development, conservation, and utilization of the fish, wildlife, and national park resources of the Nation. The Assistant Secretary exercises secretarial direction and supervision over the Commissioner of Fish and Wildlife and the Bureaus of Commercial Fisheries and Sport Fisheries and Wildlife (which comprise the United States Fish and Wildlife Service) and the National Park Service.

110.1.4 *Assistant Secretary—Mineral Resources.* The Assistant Secretary—Mineral Resources discharges the duties of the Secretary with respect to the appraisal, conservation, development, and use of the Nation's mineral resources, including the conduct of research related thereto. The Assistant Secretary exercises secretarial direction and supervision over the Geological Survey, Bureau of Mines, Office of Minerals and Solid Fuels, Office of Oil and Gas Office of Coal Research, and Oil Import Administration.

110.1.5 *Assistant Secretary—Public Land Management.* The Assistant Secretary—Public Land Management discharges the duties of the Secretary with respect to outdoor recreation, land utilization and management, territorial affairs, and Indian affairs. The Assistant Secretary exercises secretarial direction and supervision over the Bureau of Indian Affairs, Bureau of Land Management, Bureau of Outdoor Recreation, and the Office of Territories.

110.1.6 *Assistant Secretary—Water and Power Development.* The Assistant Secretary—Water and Power Development discharges the duties of the Secretary with respect to the development of water resources and power. The Assistant Secretary exercises secretarial direction and supervision over the Bureau of Reclamation, Bonneville Power Administration, Alaska Power Administration, Southeastern Power Administration, the Southwestern Power Administration, and the Water Resources Council Representative Staff. He is also responsible for carrying out the national defense functions of the Secretary with respect to electric power.

110.1.7 *Assistant Secretary—Water Quality and Research.* The Assistant Secretary—Water Quality and Research discharges the duties of the Secretary with respect to the control, prevention, and abatement of water pollution; the development of consumable water from saline sources; and research in the water resources area. The Assistant Secretary exercises secretarial direction and supervision over the Federal Water Quality Administration, the Office of Saline Water, and the Office of Water Resources Research.

110.1.8 *Assistant Secretary for Administration.* The Assistant Secretary for Administration discharges the duties of the Secretary with respect to all phases of administrative management including budget, finance, compliance, management research, personnel, procurement, property, audit, management operations, security, emergency preparedness, library services, automatic data processing, direction of the Department's Job Corps conservation program, and related activities. Secretarial offices appropriately identified with these functions are under his supervision. Functions are carried out by the following Offices: Management Operations, Survey and Review, Budget, Management Research, Personnel Management and Library Services.

110.1.9 *Solicitor.* The Solicitor is the principal legal adviser to the Secretary and the chief law officer of the Department. He is responsible for and has supervision over all legal work of the Department.

110.3 *Field Committees, Field Representatives, and Regional Coordinators.* The Departmental Field Committees promote the development and execution of coordinated regional natural resource programs for the Department, and facilitate the coordination of field activities which involve two or more bureaus or which have special significance to the Department's overall objectives. Field Committees are composed of regional directors or other ranking officials approved by the heads of bureaus and offices. The field committees have no supervisory relationship or responsibility with respect to bureau programs and operations. The Field Representatives or Regional Coordinators serve as Chairmen of the field committees in their respective regions.

The Field Representatives serve as observation posts for the Secretary, maintain continuous surveillance over the entire range of the Department's program activities, and provide leadership and assistance in the coordination of programs and policies of the Secretary.

The Regional Coordinators are concerned with matters of program and policy in the field where more than one bureau or program interest is involved. The Regional Coordinators serve as Departmental representatives on various interagency river basin committees and on Federal-State river basin commissions authorized by the Water Resources Planning Act of 1965.

CHAIRMEN OF FIELD COMMITTEES

Title/Address	Field Committee Region
Regional Coordinator, John F. Kennedy Federal Building, Room 2003, K-Government Center, Boston, Mass. 02203.	Northeast—Maine, New Hampshire, Vermont, Massachusetts, New York, Connecticut, Rhode Island, Pennsylvania, Maryland, Delaware, Virginia, and New Jersey.
Field Representative, 2510 Dempster Street, Des Plaines, Ill. 60016.	North Central—West Virginia, Kentucky, Ohio, Indiana, Michigan, Illinois, Iowa, Wisconsin, and Minnesota.
Field Representative, 404 Financial Services Building, 148 Cain Street NE., Atlanta, Ga. 30303.	Southeast—Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia, Florida, and the Virgin Islands.
Regional Coordinator, Federal Office Building, Room 5311, 316 North 26th Street, Post Office Box 2530, Billings, Mont. 59103.	Missouri Basin—South Dakota, North Dakota, Nebraska, Missouri, Kansas, Colorado, Wyoming, and Montana.
Field Representative, 517 Gold Avenue SW., Federal Building, Albuquerque, N. Mex. 87101.	Southwest—Louisiana, Arkansas, Oklahoma, Texas, and New Mexico.
Field Representative, Federal Building, Room 107, 1002 Northeast Holladay Street, Post Office Box 3621, Portland, Oreg. 97208.	Pacific Northwest—Idaho, Oregon, and Washington.
Field Representative, 450 Golden Gate Avenue, Post Office Box 36098, San Francisco, Calif. 94102.	Pacific Southwest—Arizona, Utah, Nevada, California, and Hawaii.
Field Representative, 632 Sixth Avenue, Room 410, Anchorage, Alaska 99501.	Alaska Region—Alaska.

110.4 *Office of the Science Adviser.* The Science Adviser to the Secretary serves as staff adviser to the Secretary and assists in carrying out the Secretary's responsibilities for the policy direction coordination, control, and administration of the scientific research activities and programs within the bureaus and offices of the Department.

110.5 *Office of Information.* The Office of Information exercises technical and general functional supervision over all information activities of the Department. The Office of Information, Northwest Regional Office, located in Portland, Oreg., assists and directs the information programs of bureaus which conduct operations in that area.

110.6 *Office of Policy Planning and Research.* The Office of Policy Planning and Research is a small group of specialists which carry out special assignments for the Office of the Secretary. The Office is concerned with the development of new projects and for in-depth examination of various subjects and situations.

110.7 *Office for Equal Opportunity.* The Office for Equal Opportunity oversees, coordinates, and obtains compliance with titles VI and VII of the Civil Rights Act of 1964 (78 Stat. 241), related statutes, and applicable Executive orders. The office establishes the policies required to meet the responsibilities of the Office of the Secretary for the Department of the Interior's programs, develops and administers procedures and regulations to carry out these policies, and oversees the Department's activities to insure compliance with these policies and procedures..

110.8 *Office of Program Analysis.* The Office of Program Analysis provides staff assistance to the Secretariat for the development and operation of the Departmental Planning-Programming-Budgeting system in accordance with and defined in pertinent Bureau of the Budget issuances. Responsibilities include coordination to facilitate the translation of broad plans and objectives into formats and requirements of the appropriation budget structure; maintenance of a multiyear program and financial plan; and the review of the relationship of existing or new legislation to the operation of departmental programs.

110.9 *Office of International Activities.* The Office of International Activities, under the direction of the Under Secretary, provides centralized coordination of the Department's participation in international meetings, conferences, and gatherings. Its responsibilities include the development of departmental policies and plans concerning international activities; assuring appropriate representation and statement of the Department's position at international meetings; and coordination with other Federal agencies of the Department's role in international activities.

111.1 *Organization—Other Departmental Offices.* The phrase "other departmental offices" is used to identify collectively the following described offices that are neither a part of the Office of the Secretary nor a bureau of the Department. Information concerning these offices may be obtained from the Office of Management Research, Department of the Interior, Washington, D.C. 20240.

111.2 *Office of the Solicitor.* The Office of the Solicitor performs all legal work for the entire Department. In addition to the legal work directly concerned with the programs and activities of the Department, the Office of the Solicitor handles matters relating to torts, other claims, and inventions by personnel of the Department. The Solicitor is assisted by a Deputy Solicitor, Legislative Counsel, nine associate solicitors (whose respective assignments cover Indian affairs; mineral resources and general legal services; reclamation and power; territories, wildlife, and claims; parks and recreation; public lands; mine health and safety; environmental quality; and procurement and patents); and a staff of attorneys in Washington. In the field, eight regional solicitors supervise field solicitors and attorneys, within their respective regions.

REGIONAL OFFICES—OFFICE OF THE SOLICITOR

Office	Address
Anchorage, Alaska 99501.	Federal Building.
Denver, Colo. 80225	Denver Federal Center.
Los Angeles, Calif. 90012.	Federal Building.
Philadelphia, Pa. 19106.	Second Bank Building.
Portland, Oreg. 97208	Federal Building.
Sacramento, Calif. 95825	Federal Building.
Salt Lake City, Utah 84111.	Federal Building.
Tulsa, Okla. 74103	Post Office and Federal Building.

111.3 *Office of Marine Affairs.* The Office of Marine Affairs is responsible for the planning, coordination, and execution of the Department's marine affairs programs, including international, deep ocean, Continental Shelf, marine technology, and associated environmental considerations. Its responsibilities also include coastal zone and estuarine activities. The Office serves as the focal point for the Department's broad, multibureau relationships in the field of marine resources with Federal, State, and local government agencies, international organizations, private industry, and universities.

111.4 *Office of Minerals and Solid Fuels.* The Office of Minerals and Solid Fuels, under the supervision of the Assistant Secretary—Mineral Resources, provides advice and staff assistance to the Secretariat for departmental policy decisions affecting metals, minerals, and solid fuels.

The Office is responsible for planning and programing to provide for a supply of metals, minerals, and solid fuels adequate for essential civilian and military requirements under partial and full mobilization. It also assists the States in planning for the emergency management of solid fuels in coordination with efforts at the national level.

Advice and assistance are provided by the Office in the establishment and review of stockpile policies.

The Office maintains the Emergency Minerals Administration and the Emergency Solid Fuels Administration on a standby basis to direct the Nation's minerals and solid fuels industries in a defense emergency. It develops standby orders, regulations and plans, and trains executive reservists from industry to perform specified duties during an emergency period.

111.5 *Office of Oil and Gas.* The Office of Oil and Gas serves as a focal point for leadership and information on petroleum matters in the Federal Government, and the principal channel of communication between the Federal Government, the petroleum industry, and the oil producing States. It also maintains the capability to respond effectively to emergencies affecting the Nation's supply of oil and gas.

This Office, under the Assistant Secretary—Mineral Resources, consists of a

headquarters staff covering five principal areas: programing, emergency preparedness, technical studies, resources, and industry advisory committees. Five field representatives are stationed in Olney, Md., Denton, Tex., Battle Creek, Mich., Denver, Colo., and Santa Rosa, Calif.

The Office of Oil and Gas maintains the Emergency Petroleum and Gas Administration (EPGA) in standby readiness to mobilize and direct the Nation's petroleum and gas industries in the event of a national emergency. It provides leadership to the Federal Interagency Petroleum Statistics Program, provides advice and information on petroleum matters, and conducts an active interchange of information with the oil and gas industries through the National Petroleum Council and other advisory groups. It maintains liaison with the Interstate Oil Compact Commission and the conservation agencies of the oil producing States, and participates in a number of international groups having responsibilities for oil and gas.

111.6 *Office of Water Resources Research.* (For pertinent codified regulations see Code of Federal Regulations, Title 18, Chapter IV.)

The Office of Water Resources Research (OWRR), under the supervision of the Assistant Secretary—Water Quality and Research, administers the program of water resources research and training authorized by the Water Resources Research Act of 1964, as amended (78 Stat. 329, 80 Stat. 129; 42 U.S.C. 1961). Major program purposes involve the resolution of local, State, and nationwide water resource problems; training of water scientists and engineers; water research coordination; and the application of research results through dissemination of information.

Under title I of the act, OWRR provides annual fund allotments to support one State university water resources research and training institute in each State and in Puerto Rico. Other universities and colleges may participate in the title I program work of the designated State institutes. Under title II of the act, grants and contracts are made with academic, private, public, or other organizations and individuals having water research competence for support of urgently needed water resources research work.

OWRR also operates a water resources scientific information center for disseminating information to the Nation's water resource community regarding ongoing water research projects and the results obtained from completed water resources studies and investigations.

111.7 *Office of Saline Water.* The Office of Saline Water, under the supervision of the Assistant Secretary—Water Quality and Research, performs functions vested in the Secretary of the Interior by the act of July 3, 1952 (66 Stat. 328, as amended; 42 U.S.C. 1951 et seq.). This act authorizes the Secretary of the Interior to conduct research and development of practical means for the economical production, from sea or other saline water, of water suitable for agricultural, industrial, municipal, and other beneficial consumptive uses and for studies and research related thereto.

The Office of Saline Water formulates and maintains currently a productive research and development program for the economic conversion of saline water by stimulating and sponsoring private and governmental research; coordinates and exchanges information on saline water conversion research, private and governmental; prepares, negotiates, and supervises research and development contracts and grants; and determines which scientific organizations and individuals are equipped to conduct research and development work, which processes should be emphasized or curtailed and the direction that each should take. Test beds and test facilities are operated at Freeport, Tex.; Webster, S. Dak.; Roswell, N. Mex.; San Diego, Calif.; and Wrightsville Beach, N.C.

The organization of the Office of Saline Water comprises the Office of the Director, which includes information, program analysis, administrative management, and desalting feasibility and economic studies functions. Three assistant directors for research, engineering and development, and project management and plant engineering exercise supervision in their respective functional areas.

111.8 *Oil Import Administration.* (For pertinent codified regulations see Code of Federal Regulations Title 32A, Chapter X.) The Oil Import Administration, under the supervision of the Assistant Secretary—Mineral Resources, discharges the responsibilities imposed upon the Secretary of the Interior by Presidential Proclamation 3279 of March 10, 1959, as amended, "Adjusting Imports of Petroleum and Petroleum Products into the United States." The Administration allocates imports of these commodities among qualified applicants and issues import licenses on the basis of such allocations. These functions are carried on with respect to three areas: Alaska, Arizona, California, Hawaii, Nevada, Oregon, and Washington (District V); the District of Columbia and all States not listed above (District I–IV); and Puerto Rico.

111.9 *Defense Electric Power Administration.* Defense Electric Power Administration (DEPA), under the supervision of the Assistant Secretary—Water and Power Development, performs the national emergency preparedness functions covering electric power and, in the event of a declared civil defense emergency, exercises the authority of the Secretary of the Interior with respect to electric power.

The DEPA organization consists of a Washington headquarters; field organization composed of 18 power areas, each under an Area Power Director; and Electric Power Liaison Representatives located at (OEP/OCD) regional, State, and local headquarters.

DEPA develops and maintains plans to provide a state of readiness in electric power for all conditions of national emergency. In this work, DEPA performs those functions specified in Executive Order 11490 of October 30, 1969, which apply to electric power. In a declared emergency its functions would be to assure that an adequate power supply was available to meet defense and essential civilian needs.

111.10 *Oil Import Appeals Board.* Oil Import Appeals Board (For pertinent codified regulations see Code of Federal Regulations, Title 32A, Chapter XI). The Oil Import Appeals Board membership consists of one representative each from the Interior, Commerce, and Justice Departments, designated by the respective Department heads.

The Board considers petitions by persons affected by the regulations issued by the Secretary of the Interior (Oil Import Regulation 1, as revised and amended), implementing Proclamation 3279 of March 10, 1959, as amended.

The Board is authorized, within specified limits, to modify any allocation granted by the Oil Import Administration, on the grounds of exceptional hardship or error; to grant allocations for crude oil, in special circumstances, to persons with importing histories who are ineligible for allocations under the regulations; to grant allocations for finished products, on the ground of exceptional hardship, to persons who do not qualify under regulation, and to review the revocation or suspension of any allocation or license. Decisions of the Board are final.

111.11 *Office of Coal Research.* The Office of Coal Research, under the supervision of the Assistant Secretary—Mineral Resources, seeks to develop through research new and more efficient methods of mining, preparing, and utilizing coal.

All research is performed by contracts with public and private organizations. Generally, contracts are awarded on the basis of unsolicited proposals. In some instances, OCR may request or advertise for proposals in a specific research area.

OCR projects stress applied research and development, rather than basic research. Selected projects may be carried through the pilot plant stage. From this stage of development private industry can be reasonably expected to carry them to commercialization.

The Office consists of three Divisions: Contracts and Administration; Mining and Preparation; and Utilization.

111.12 *Water Resources Council Representative Staff.* The Water Resources Council Representative Staff, under the jurisdiction of the Assistant Secretary—Water and Power Development, assists in the unification and coordination of the Secretary's responsibilities under the Water Resources Planning Act of 1965 (79 Stat. 244; 42 U.S.C. 1962). The office coordinates the review and formulation of departmental positions on questions coming before the Water Resources Council.

111.13 *Office of Hearings and Appeals.* The Office of Hearings and Appeals was established to consolidate related functions and to provide for more effective departmental appeals procedures. The headquarters organization is within the Office of the Secretary of the

Interior and includes the Hearings Division and four Appeals Boards (for Contracts, Indians, Land, and Mine Operations).

The Office conducts hearings and decides appeals on the contracting activities of the Department; Indian probate, litigation, and other matters; use and disposition of public lands and their resources and, to a limited degree, the use and disposition of resources in acquired lands of the United States, and in submerged lands of the outer continental shelf; and mine operations, health and safety.

There are two offices in the field for departmental hearing examiners and nine field offices for Indian probate hearing examiners.

FIELD OFFICE LOCATIONS

DEPARTMENTAL HEARING EXAMINERS

(1) Salt Lake City, Utah.
(2) Sacramento, Calif.

INDIAN PROBATE HEARING EXAMINERS

(1) Aberdeen, S. Dak.
(2) Denver, Colo.
(3) Gallup, N. Mex.
(4) Billings, Mont.
(5) Minneapolis, Minn.
(6) Phoenix, Ariz.
(7) Portland, Oreg.
(8) Sacramento, Calif.
(9) Tulsa, Okla.

115–175 *Organization—Bureaus.*

115.1 *Bureau of Mines.* (For pertinent codified regulations see Code of Federal Regulations, Title 30, Chapter I; Title 32, Chapter XIII.)

Objectives: The Bureau of Mines conducts research and administers regulatory programs necessary for performance of the governmental function to stimulate the private sector toward the production of an appropriate and substantial share of the national mineral and fuel needs in a manner that best protects the public interest. The Bureau performs research, provides information to the public, conducts inquiries, and enforces laws pertinent to the extraction, processing, use, reuse, and disposal of minerals and mineral fuels.

Organization: The Bureau is composed of a headquarters in Washington, D.C., and a field organization. The headquarters is divided into three functional categories: (1) Management staff, planning, administrative, and information functions which support all of the Bureau activities; (2) a Deputy Director, Health and Safety, responsible for compliance and enforcement obligations and powers; and (3) a Deputy Director, Mineral Resources and Environmental Development, responsible for research, resources, and environmental activities. Field activities include: (1) Two administrative field offices; (2) in the health and safety function: coal and metal/nonmetal mine safety district and subdistrict offices, technical support centers, and field health groups; and (3) in the mineral resources and environmental development function: mining, metallurgy, and energy research centers and laboratories, field operation centers, and State liaison offices.

Mineral resources and environmental development: Functions include surveillance and evaluations of the industrial and commercial outlook for minerals and fuel deposits; studies to determine the relationship of mineral supply, demand and technology to the national and world economy; studies and projects concerning the relationship of the mineral industries to environmental problems; collection, evaluation, and publication of mineral industry statistics; and conducting engineering studies regarding effective mining practices. Also included are research programs concerning extraction, processing, use, and disposal of minerals, mineral fuels, and helium production.

Health and safety: Programs are conducted to control health hazards and to reduce fatalities and injuries in the mineral industries. This is accomplished through mine inspections, field investigations, research and development, approval and testing of mining equipment and protective devices, analysis of accident statistics, safety education, training and motivation, health studies, and devising and enforcing appropriate health and safety standards.

For further information, contact the Director, Bureau of Mines, Department of the Interior, Washington, D.C. 20240. Phone 343–4815.

120.1 *Geological Survey.* (For pertinent codified regulations see Code of Federal Regulations, Title 30, Chapter II).

Objectives: The broad objectives of the Geological Survey are to perform surveys, investigations, and research covering topography, geology, and the mineral and water resources of the United States; classify land as to mineral character and water and power resources; enforce departmental regulations applicable to oil, gas and other mining leases, permits, licenses, development contracts, and gas storage contracts; and publish and disseminate data relative to the foregoing activities.

Organization: The Geological Survey consists of a headquarters organization, most of which is in Washington, D.C., and a field organization made up of separate functional area offices and their subordinate field offices.

FIELD CENTERS—GEOLOGICAL SURVEY

Field Center	*Headquarters*
Denver, Colo. 80225	Denver Federal Center.
Menlo Park, Calif. 94025.	345 Middlefield Road.

Activities: The Geological Survey is assigned the responsibility of performing the following functions:

Conservation: Classify Federal lands as to their value for leasable minerals or for reservoir and waterpower sites; supervise the operations of private industry on mining and oil and gas leases on public domain, acquired, Indian, Outer Continental Shelf, and certain Naval Petroleum Reserve lands; maintain production accounts and collect royalties; prepare and publish maps and reports of mineral and water resources investigations on Federal lands; and provide geologic and engineering advice, evaluations, and inspection services for the management and disposition of the public domain.

Geology: Make geologic surveys and investigations, provide scientific and technical assistance, and administer an exploration program for the discovery of domestic mineral reserves by private industry with Federal assistance. Activities include: Geologic mapping; physical exploration, when necessary; development of new prospecting techniques; research into geologic principles and processes; specialized research in geochemistry, geophysics, and paleontology; and collation and synthesis of geologic information on mineral and mineral fuels resources.

Topographic mapping: Prepare, publish, and revise maps of the National Topographic Map Series, covering the United States and its outlying areas. Operate the Map Information Office, which collects and furnishes information concerning maps, aerial photography, and control survey data. Coordinate mapping activities financed by Federal funds and provide for transfer of map-related information to the National Map Information Office. Conduct research in topographic surveying and mapping. Prepare and publish, in cooperation with contributing organizations, the National Atlas of the United States. Carry out research on domestic geographic names and provide staff assistance to the Board on Geographic Names in its standardization of names for Federal usage.

Water resources: Determine the source, quantity, quality, distribution, movement, and availability of both surface and ground waters, including investigations of floods and shortages of water supply; the evaluation of available waters in river basins and ground-water provinces; determination of the chemical and physical quality of water resources and its relationship to various parts of the hydrologic cycle; special hydrologic studies; scientific and technical assistance in hydrologic fields to other Federal agencies and to licensees of the Federal Power Commission. Coordinate Federal water data acquisition activities, organizing the national network data, and maintaining a central catalog of information on water data and acquisition activities.

Eros program: The Earth Resources Observation Satellite is a departmental program for acquiring, processing, distributing, and applying remote sensor data collected from aircraft and spacecraft toward the solution of resources and environmental problems.

For further information, contact the Information Officer, Geological Survey, GSA Building, Washington, D.C. 20242. Phone 343–4646.

130.1 *Bureau of Indian Affairs.* (For pertinent codified regulations see Code of Federal Regulations, Title 25, Chapter I; Title 41, Chapter 14H.)

Objectives: The principal objectives of the Bureau are to actively encourage and train Indian and Alaska native people to manage their own affairs under the trust relationship to the Federal Government;

to facilitate, with maximum involvement of Indian and Alaska native people, full development of their human and natural resource potentials; to mobilize all public and private aids to the advancement of Indian and Alaska native people for use by them; and to utilize the skill and capabilities of Indian and Alaska native people in the direction and management of programs for their benefit.

Organization: The Bureau of Indian Affairs consists of a central office in Washington, D.C., and area offices and subordinate field installations located throughout the country. The field installations include Indian agencies, boarding schools, and irrigation projects.

Activities: The Bureau works with Indians and Alaska native people, other Federal agencies, State and local governments, and other interested groups in the development and implementation of effective programs for their advancement; seeks for them adequate educational opportunities; actively promotes the improvement of their social welfare; works with them in the development and implementation of programs for their economic advancement and for full utilization of their natural resources consistent with the principles of resource conservation; and acts as trustee for their lands and monies held in trust by the United States.

AREA OFFICES—BUREAU OF INDIAN AFFAIRS

Area	*Headquarters*
Aberdeen, S. Dak. 57401.	820 South Main Street.
Albuquerque, N. Mex. 87108.	5301 Central Avenue NE.
Anadarko, Okla. 73005.	Federal Building.
Billings, Mont. 59101.	316 North 26th Street.
Juneau, Alaska 99801.	Box 3-8000.
Minneapolis, Minn. 55402.	831 Second Avenue South.
Muskogee, Okla. 74401.	Federal Building.
Window Rock, Ariz. 86515.	Navajo Area Office.
Phoenix, Ariz. 85011.	124 West Thomas Road.
Portland, Oreg. 97208.	1425 Northeast Irving Street.
Sacramento, Calif. 95825.	2800 Cottage Way.

INDEPENDENT OFFICES

Cherokee Agency	Cherokee, N.C. 28719.
Miccosukee Agency	Homestead, Fla. 33030.
Seminole Agency	6075 Stirling Road, Hollywood, Fla. 33024.

For further information, contact the Office of Public Information, Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, D.C. 20242. Phone 343-9431.

135.1 *Bureau of Land Management.* (For pertinent codified regulations see Code of Federal Regulations, Title 43, Chapter II.)

Objectives: The Bureau classifies, manages, and disposes of the public lands and their related resources according to the principles of multiple-use management. It also administers the mineral resources connected with acquired lands and the submerged lands of the Outer Continental Shelf.

Organization: The Bureau organization consists of the headquarters in Washington, D.C., three detached offices having Bureau-wide responsibilities, a basic field organization of State and district offices, and other field offices which perform limited functions.

Activities: The Bureau is responsible for the management of 60 percent of the Nation's Federal lands and administers the Federal laws pertaining to these lands.

Public land resources managed by the Bureau include timber, minerals, wildlife habitat, livestock forage, public recreation values, and open space. Bureau programs provide for the protection, orderly development, and use of all these resources. It manages watersheds to protect soil and enhance water quality, develops recreation opportunity on public land, and makes public land available through sale or lease to individuals, organizations, local governments, and other Federal agencies when such transfer is in the public interest.

The Bureau is responsible for the survey of Federal lands and maintains public land records. It is responsible for mineral leasing on much of the public land held by other Federal agencies and for leasing the mineral deposits of the Outer Continental Shelf.

PRINCIPAL FIELD OFFICES—BUREAU OF LAND MANAGEMENT

State	*Headquarters*
Eastern States	7981 Eastern Avenue, Silver Spring, Md. 20910.
Alaska	555 Cordova Street, Anchorage 99501.
Arizona	Federal Building, Phoenix 85025.
California	Federal Building, Sacramento 95814.
Colorado	Federal Building, Denver 80202.
Idaho	Federal Building, Boise 83702.
Montana	Federal Building, Billings 59101.
Nevada	Federal Building, Reno 89502.
New Mexico	Federal Building, Santa Fe 87501.
Oregon	729 Northeast Oregon Street, Portland 97208.
Utah	Federal Building, Salt Lake City 84111.
Wyoming	Federal Building, Cheyenne 82001.

OUTER CONTINENTAL SHELF OFFICES

Pacific Coast	300 North Los Angeles Street, Los Angeles, Calif. 90012.
Gulf Coast	Box 53226, New Orleans, La. 70150.

SERVICE CENTERS

Denver area	Federal Center Building 50, Denver, Colo. 80225.
Portland area	Post Office Box 3861, Portland, Oreg. 97208.

BOISE INTERAGENCY FIRE CENTER

11 Western States.	Gowen Field, Route 3, Post Office Box 4158, Boise, Idaho 83705.

For further information, contact the Office of Information, Department of the Interior, Washington, D.C. 20240. Phone 343-5717.

140.1 *U.S. Fish and Wildlife Service.* (For pertinent codified regulations see Code of Federal Regulations, Title 50, Chapter IV.) The U.S. Fish and Wildlife Service is composed of the Office of the Commissioner and two bureaus: A Bureau of Commercial Fisheries responsible for commercial fisheries, including whales, seals, and sea lions; and a Bureau of Sport Fisheries and Wildlife responsible for wild birds, mammals (except whales, seals, and sea lions), and sport fisheries.

The functions of the Service are administered under the supervision of the Commissioner of Fish and Wildlife, who is subject to the supervision of the Assistant Secretary for Fish and Wildlife and Parks.

141.1 *Bureau of Commercial Fisheries.* (For pertinent codified regulations see Code of Federal Regulations, Title 50, Chapter II.) Objectives: The objectives of the Bureau of Commercial Fisheries are: (1) To increase the net contribution of aquatic living commercial resources to the Nation's economy; (2) to increase efficiency so that the economic status of those engaged in the fishing industry is improved; (3) to provide for the growing and diversified demands of the American people for fish and shellfish products; (4) to seek means of bringing more of the world's aquatic resources into economic commercial production; and (5) to contribute to man's understanding and control of aquatic living resources and their environment.

Organization: The headquarters organization comprises three major program activities: (1) Fisheries, fishery economics, and services, (2) international affairs, and (3) administrative activities to provide administrative staff support. The field organization is composed of five regions and one area. Each region includes fisheries research, fishery services, and administrative support organizations.

Activities—fisheries research: The Bureau conducts the following research activities: biological research on commercially important species of fish and shellfish; product quality research; fishery resources; economic research; and marketing research.

Services for Commercial Fisheries: Services provided include: Collection and dissemination of statistics and market information; aid to States in the development of commercial fishery resources; aid to States regarding commercial fishery failures due to resource disasters; aid in the organization of fishery cooperatives; and working with the fishery industry and carriers to attain equitable transportation rates and efficient movement of fishery products. The Bureau administers various financial programs associated with commercial fishing vessels. It also assists in cooperation with other Federal departments in the development of vocational training for the benefit of the fisheries industry.

The Bureau is involved in foreign fishery activities as they relate to both the U.S. fishing industry and existing international agreements affecting marine

fishery resources utilization. (For regulations codified under International Regulatory Agencies (Fishing and Whaling), see Code of Federal Regulations, Title 50, Chapter III.)

REGIONAL AND AREA OFFICES—BUREAU OF COMMERCIAL FISHERIES

Region or area	Address
Pacific Northwest	Arcade Building, Seattle, Wash. 98101.
Gulf and South Atlantic	Federal Office Building, St. Petersburg, Fla. 33701.
North and Mid-Atlantic	Federal Building, Gloucester, Mass. 01930.
Alaska	Federal Building, Juneau, Alaska 99801.
Pacific Southwest	300 South Ferry Street, Terminal Island, Calif. 90731.
Hawaii area	2570 Dole Street, Honolulu, Hawaii 96812.

For further information, contact the Bureau of Commercial Fisheries, Department of the Interior, Washington, D.C. 20240. Phone 343-9447.

142.1 *Bureau of Sport Fisheries and Wildlife.* (For pertinent codified regulations, see Code of Federal Regulations, Title 50, Chapter I.)

Objectives: The objectives of the Bureau of Sport Fisheries and Wildlife are the perpetuation, use, and enjoyment by the people, of the sportfish and wildlife resources of the Nation.

Organization: The Bureau of Sport Fisheries and Wildlife consists of a headquarters office at Washington, D.C., five regional offices, wildlife refuges, fish hatcheries, research laboratories, and other offices located in the 50 States.

Activities—fishery programs: The Bureau has programs for research, development, and management of fish resources, Federal aid to State fish and wildlife agencies, and technical assistance in preserving and enhancing water and related resources for sport fishing. Research is conducted on the nutritional and disease factors that affect hatchery raised fish and the factors that affect their survival and growth after they are planted in various waters.

Wildlife programs: The goal of these programs it to protect and enhance the values of the Nation's wildlife species. Research is conducted through waterfowl management study, other migratory bird research, upland and wildlife work, pesticide-wildlife relationship studies, disease and parasite studies, bird and mammal control methods, and replenishment and protection of endangered wildlife species such as the rare whooping crane and the Key deer. Wildlife surveys are carried out in cooperation with and under treaties with the Canadian and Mexican Governments. Under the animal and bird damage control program, the Bureau helps States, counties, and other organizations in cooperative control of animals and birds which endanger human health or cause damage to crops, forests, or physical properties.

Training programs: Bureau, State, and private employees; students; and representatives of foreign governments secure training in fish and wildlife research and management programs at Bureau training centers, or in Cooperative Units functioning under agreements with universities and the fish and game department of the State where the unit is located.

River basin studies: The Bureau studies water use projects proposed by Federal or private agencies for the probable effects of such projects on fish and wildlife resources and recommends measures for their conservation and development.

REGIONAL OFFICES—BUREAU OF SPORT FISHERIES AND WILDLIFE

Region	Headquarters
1. Pacific	730 Northeast Pacific Street, Portland, Oreg. 97208.
2. Southwest	Federal Building, Albuquerque, N. Mex. 87103.
3. North Central	Federal Building, Fort Snelling, Twin Cities, Minn. 55111.
4. Southeast	809 Peachtree-Seventh Building, Atlanta, Ga. 30323.
5. Northeast	U.S. Post Office and Courthouse, Boston, Mass. 02109.

For further information, contact the Office of Conservation Education, Interior Building, Washington, D.C. 20240. Phone 343-5634.

145.1 *National Park Service.* (For pertinent codified regulations, see Code of Federal Regulations, Title 36, Chapter I.)

Objectives: The fundamental objective of the National Park Service is to promote and regulate the use of national parks, monuments, similar reservations in conformity with the act of August 25, 1916. This objective extends to the Service's activities in the preservation of American antiquities, historic and prehistoric sites and buildings, and properties of national historic or archeologic significance as well as the operations of recreation areas of national significance. A further objective of the Service is to provide assistance to the States in the management, operation, and development of public park and recreational area facilities; and in the preservation, planning, acquisition, and development of historic properties.

Organization: The National Park Service is composed of a headquarters staff in Washington, D.C.; three service centers; six regional offices; and 277 field areas, which include national parks, monuments, recreation areas, and numerous categories of historic areas.

Activities: The programs carried on by the National Park Service stem primarily from its responsibility to provide and promote the use of areas for public enjoyment, and to protect the natural and historic resources comprising such areas. The protection program consists not only of preventing fires, stream pollution, and injury to natural, historic, or prehistoric features, but also of restricting uses that are incompatible with the basic purposes of the parks. An integral part of the overall program is to provide for the needs of the visiting public. The Service also conducts interpretive, informational, and investigative programs relating to park resources and use.

REGIONAL OFFICES—NATIONAL PARK SERVICE

Region	Headquarters
Northeast	143 South Third Street, Philadelphia, Pa. 19106.
Southeast	Federal Building, Richmond, Va. 23240.
Midwest	1709 Jackson Street, Omaha, Nebr. 68102.
Southwest	Box 728, Santa Fe, N. Mex. 87501.
Western	450 Golden Gate Avenue, San Francisco, Calif. 94102.
Pacific Northwest	Fourth and Pike Building, Seattle, Wash. 98101.

For further information, contact the Division of Information, National Park Service, Interior Building, Washington, D.C. 20240. Phone, 343-6843.

148.1 *Bureau of Outdoor Recreation*

Objectives: The Bureau is responsible for promoting coordination and development of effective programs relating to outdoor recreation. In performing these responsibilities the Bureau reports to the Secretary through the Assistant Secretary—Public Land Management. The Bureau carries out most of the responsibilities delegated to the Secretary under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601-4). Numerous functions are performed under the Federal Water Project Recreation Act (79 Stat. 213; 16 U.S.C. 4601-12, note).

Activities: Bureau responsibilities include activities regarding outdoor recreation needs and resources of the United States; classification of outdoor recreation resources; nationwide outdoor recreation plans; coordination of Federal plans and activities relating to outdoor recreation; research relating to outdoor recreation; and technical assistance to Federal departments and agencies. Under the Land and Water Conservation Fund Act of 1965, the Bureau also administers a program of financial assistance grants to States for the purpose of facilitating outdoor recreational planning, acquisition, and development activities. Under the provisions of the Federal Water Project Recreation Act, the Bureau participates directly in the planning, coordination, and establishment of uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multipurpose water resource projects.

Organization: The Bureau is composed of a headquarters staff in Washington, D.C., and six regional offices.

REGIONAL OFFICES—BUREAU OF OUTDOOR RECREATION

Region	Headquarters
Northeast	1421 Cherry Street, Philadelphia, Pa. 19102.
Southeast	810 New Walton Building, Atlanta, Ga. 30303.
Lake Central	3853 Research Park Drive, Ann Arbor, Mich. 48104.
Mid-Continent	Denver Federal Center, Building 41, Denver, Colo. 80225.
Pacific Northwest	1000 Second Avenue, Seattle, Wash. 98104.
Pacific Southwest	450 Golden Gate Avenue, San Francisco, Calif. 94102.

For further information, contact the Personnel Management and Organization Division, Bureau of Outdoor Recreation, Interior Building, Washington, D.C. 20240. Phone 343–2842.

150.1 *Office of Territories.* Objectives: The objective of the Office of Territories with respect to the American Territories of Guam, American Samoa, and the Virgin Islands is the promotion of economic, social, and political development of residents of these territories. The objective is similar with respect to the Trust Territory of the Pacific Islands giving due recognition to its trust status and the need to bring the people of that territory to a point where they can make a determination as to their own political future. The degree to which the Office of Territories conducts activities to further these objectives in a specific territory depends on the status of the territorial government, its relationship to the Secretary of the Interior, and the extent of development already achieved within the territory.

Organization: The Office of Territories is composed of a headquarters organization in Washington, D.C.

Activities: The Office of Territories serves as the principal staff office to the Office of the Secretary on all territorial matters including: representing the interests of the territories before other Federal agencies; studying the problems of the territories and proposing actions for their solution; reviewing the functioning of territorial governments and suggesting or recommending improvements; and advising the Office of the Secretary on proposed legislation and other important matters affecting the territories.

Responsibilities include administration of Wake, Canton, Palmyra, and Enderbury Islands, and Jarvis, Baker, and Howland Islands, all of which have been placed under the jurisdiction and control of the Secretary for administrative purposes.

For further information contact the Administrative Officer, Office of Territories, Interior Building, Washington, D.C. 20240. Phone, 343–4308.

155.1 *Bureau of Reclamation.* (For pertinent codified regulations, see Code of Federal Regulations, Title 43, Chapter I.)

Objectives: The program of the Bureau of Reclamation is designed to stabilize and to promote the growth of local and regional economics through optimum development of water and related land resources throughout the 17 contiguous Western States and Hawaii. Reclamation projects provide for some or all of the following concurrent purposes; irrigation water service, municipal and industrial water supply, hydroelectric power generation and transmission, water quality improvement, fish and wildlife enhancement, outdoor recreation, flood control, navigation, river regulation and control, and related uses.

Organization: The Bureau consists of the following principal segments: the Commisioner's Office at Washington, D.C., the Engineering and Research Center at Denver, Colo., seven regional offices, project and other operating offices in the regions, and river basin planning offices.

Activities: Functions of the Bureau encompass water and related land resources; water research programs; design and construction of authorized projects; operation and maintenance of projects; settlement of public or acquired lands on Bureau projects; administration of the Small Reclamation Projects Act of 1956; and repayment contracts, water-user operation and maintenance contracts, and contracts relating to the irrigation of excess lands.

The Bureau has responsibility for the sale, interchange, purchase, or transmission of electric power and energy generated at certain specified power plants.

The Bureau renders technical assistance to foreign countries in water resources development and utilization in cooperation with the Agency for International Development of the Department of State, and other agencies engaged in international technical cooperation.

MAJOR FIELD OFFICES—BUREAU OF RECLAMATION

Office	Headquarters
Engineering and Research Center.	Building 67, Denver Federal Center, Denver, Colo. 80225.
Region 1	550 West Fort Street, Boise, Idaho 83707.
Region 2	Federal Office Building, Sacramento, Calif. 95825.
Region 3	Nevada Highway and Park Street, Boulder City, Nev. 89005.
Region 4	125 South State, Box 11568, Salt Lake City, Utah 84111.
Region 5	Herring Plaza, 317 East Third, Box 1609, Amarillo, Tex. 79105.
Region 6	316 North 26th Street, Billings, Mont. 59103.
Region 7	Building 20, Denver Federal Center, Denver, Colo. 80225.
Missouri River Basin Planning Office.	Federal Building, Omaha, Nebr. 68101.
Columbia-North Pacific Planning Office.	210 East 13th Street, Vancouver, Wash. 98660.

For further information, contact the Commissioner of Reclamation, Department of the Interior, Washington, D.C. 20240. Phone 343–4662.

160.1 *Bonneville Power Administration.* Objectives: The Bonneville Power Administration, through a regionwide interconnecting transmission system, markets electric power and energy from Federal hydroelectric projects in the Pacific Northwest. Through interregional connections, it sells power, surplus to the needs of the Pacific Northwest, outside the region, and participates in other interregional exchanges of power.

Organization: The Administration consists of the headquarters office at Portland, Oreg.; a Washington, D.C., liaison office; and five area and three district offices located at various points in the Pacific Northwest.

Activities: Power is sold at wholesale to utilities and directly to electroprocess industries and to other Federal agencies. The Administration negotiates contracts for the sale and exchange of electric power; prepares wholesale rates and repayment schedules; and constructs, operates, and maintains a transmission system.

The Administrator participates with other Government agencies and non-Federal groups in planning for the orderly development of the region's potential electric energy resources, and implementation of operating agreements designed to achieve the most effective utilization and coordination of generating and transmission facilities.

BPA in cooperation with the Corps of Engineers represents the United States in implementing the provisions of the Columbia River Treaty with Canada for the joint development of the Columbia River. BPA plays a key role in the Joint Power Planning Council, comprised of all interested public and private power systems in the region.

MAJOR FIELD OFFICES—BONNEVILLE POWER ADMINISTRATION

Office	Headquarters
Idaho Falls area	529 Lomax Street, Idaho Falls, Idaho 83401.
Portland area	5329 Northeast Union Avenue, Portland, Oreg. 97208.
Seattle area	415 First Avenue North, Seattle, Wash. 98109.
Spokane area	U.S. Courthouse, Spokane, Wash. 99201.
Walla Walla area	101 West Poplar Street, Walla Walla, Wash. 99362.
Eugene District	834 Pearl Street, Eugene, Oreg. 97401.
Kalispell District	Highway 2 East, Kalispell, Mont. 59901.
Wenatchee District	1630 North Wenatchee Avenue, Wenatchee, Wash. 98801.

For further information, contact the Information Office, Bonneville Power Administration, 1002 Northeast Holladay

Street, Portland, Oreg. 97208. Phone, 503-234-3361, extension 5133.

165.1 *Southeastern Power Administration.* Objectives: The Southeastern Power Administration carries out functions assigned to the Secretary by the Flood Control Act of 1944 (58 Stat. 890), in the States of Western Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, and Kentucky. The Administration transmits and disposes of the surplus electric power and energy generated at the Federal reservoir projects.

Organization: The Southeastern Power Administration consists of a headquarters office at Elberton, Ga. It has no field offices.

Activities: The program of the Administration includes the negotiation, preparation, execution, and administration of contracts for the disposition of electric power; the preparation of wholesale rates and repayment schedules; the provision by construction, by contract, or otherwise, of transmission and related facilities to interconnect reservoir projects and to serve contractual loads; and activities pertaining to the planning and operation of power facilities.

For further information, contact the Administrator, Southeastern Power Administration, Elberton, Ga. 30635. Phone, 404—283-3261.

170.1 *Southwestern Power Administration.* Objectives: The Southwestern Power Administration carries out the functions assigned to the Secretary by the Flood Control Act of 1944 (58 Stat. 890; 16 U.S.C. 825s).

The Administration transmits and disposes of the electric power and energy generated at the Federal reservoir projects and supplemented by power purchases from other public and private utilities.

Organization: The Southwestern Power Administration consists of the headquarters offices located at Tulsa, Okla.; three area offices at Springfield, Mo., Muskogee, Okla., and Jonesboro, Ark.; four maintenance units; and three dispatching offices.

Activities: The Administration prepares, negotiates, and administers contracts for the sale and interchange of electric power and energy; prepares wholesale rates and repayment schedules; designs and constructs only those transmission lines and related facilities to interconnect hydroelectric projects of the Administration's system, and with other systems, both public and private; researches and develops long-range marketing programs; conducts and participates in studies for integration of electric power facilities in the Southwest; participates with Federal and non-Federal entities in the comprehensive planning of water resource development in the Southwest; and operates and maintains the high-voltage transmission system to service contractual loads with a continuity of service.

For further information, contact the Southwestern Power Administration, Post Office Drawer 1619, Tulsa, Okla. 74101. Phone 918—584-7151.

173.1 *Alaska Power Administration.* Objectives: The Alaska Power Administration carries out functions assigned to the Secretary, including among others the Eklutna Project Act (64 Stat. 382), and the Flood Control Acts of 1944 and 1962 (58 Stat. 890, 76 Stat. 1193; 16 U.S.C. 825s, 43 U.S.C. 390), as they relate to the State of Alaska. The Alaska Power Administration promotes the development and utilization of the water, power, and related resources of Alaska; operates and maintains the Eklutna Project; operates transmission facilities and markets power; cooperates with all agencies of government in Alaska; investigates, plans, and submits to the Secretary of the Interior recommendations for Federal projects and programs; and represents the Secretary of the Interior in Alaska on power matters.

Organization: The Alaska Power Administration consists of a headquarters office located in Juneau, Alaska, and the Eklutna Project (Pouch 5, Star Route, Eagle River, Alaska 99577).

Activities: The Administration conducts inventory and reconnaissance studies to identify desirable water resources projects in Alaska; prepares feasibility grade reports for consideration by Congress; after a project is authorized for construction by the Corps of Engineers, the Administration cooperates in the final designs and makes preparations for operating the project and marketing the power.

Planning efforts include the Railbelt and Southeast Alaska power grid systems, the joint United States-Canada upper Yukon River study, review of water powersite reservations, and leadership responsibility for comprehensive Alaska water and related land resources studies.

For further information, contact the Administrator, Alaska Power Administration, Post Office Box 50, Juneau, Alaska 99801. Phone 907—586-7405.

175.1 *Federal Water Quality Administration.* (For pertinent codified regulations, see Code of Federal Regulations, Title 18, Chapter V.)

Objectives: The Administration carries out the provisions of the Water Pollution Control Act, as amended (70 Stat. 498; 33 U.S.C. 466), and the provisions of various other statutes and Executive orders pertaining to enhancing and improving the quality of water in our streams, lakes, estuaries, and coastal areas to levels which provide adequate supplies for all foreseeable appropriate uses.

Organization: The Office of the Commissioner and the following principal organizational components comprising the headquarters staff are located in Arlington, Va.; Assistant Commissioners for Operations, Research and Development; Enforcement and Standards Compliance; Administration; and Environmental and Program Planning.

Activities: The Administration's functions involve grants for the construction of municipal waste treatment facilities; administration of State water quality standards; improved State laws and the development of interstate compacts; pollution of interstate or navigable waters; State water pollution control programs; technical assistance; training of manpower for all aspects of water pollution control; river basin planning; research fellowships and training grants; research, and development involving grants and contracts to various governmental agencies, public and private institutions, industry and individuals; National Oil and Hazardous Materials Pollution Contingency Plan (84 Stat. 93); and the prevention, control, and abatement of water pollution by Federal activities including facilities or operations supported by Federal loans, grants, or contracts.

The Administration deals with State and local authorities and other public and private organizations, including industrial, commercial, educational, and other institutions concerned with water pollution abatement activities, through regional offices.

REGIONAL OFFICES—FEDERAL WATER QUALITY ADMINISTRATION

Region	*Headquarters*
Northeast	John F. Kennedy Federal Building, Boston, Mass. 02203.
Middle Atlantic	918 Emmet Street, Charlottesville, Va. 22901.
Southeast	1421 Peachtree Street NE., Atlanta, Ga. 30309.
Ohio Basin	4676 Columbia Parkway, Cincinnati, Ohio 45226
Great Lakes	33 East Congress Parkway, Chicago, Ill. 60605.
Missouri Basin	911 Walnut Street, Kansas City, Mo. 64106.
South Central	1402 Elm Street, Dallas, Tex. 75202.
Southwest	760 Market Street, San Francisco, Calif. 94102.
Northwest	501 Pittock Block, Portland, Oreg. 97205.

For further information, contact the Office of Public Information, Federal Water Quality Administration, Washington, D.C. 20242. Phone 557-7373 or 557-7604.

[F.R. Doc. 70-14750; Filed, Nov. 5, 1970; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (35 F.R. 12862, 14226, and 15655) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to sheep and swine with respect to Kenton Packing Co., Establishment 36, is deleted. The reference to Sam Kane Packing Co., Establishment 337, and the reference to cattle and calves with respect to such establishment are deleted. The reference to swine with respect to Cedar Packing Co., Establishment 6118, is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Caviness Packing Co., Inc.	200	(*)	(*)			(*)		
The Lundy Packing Co.	413					(*)		
Virgin Islands Packing Plant	482	(*)	(*)	(*)	(*)	(*)		
Pork Packers International, Inc.	520					(*)		
Great Markwestern Packing Co.	1951A	(*)						
University of California Department of Animal Science.	6012	(*)	(*)	(*)		(*)		
H.A.S. Sweetmeat, Inc.	7025					(*)		
Cribbs Sausage Co.	7424					(*)		
Danville Meat Products	7486	(*)	(*)	(*)		(*)		
Stanley Locker Service	7632	(*)				(*)		
Lundi Processing	7634	(*)		(*)		(*)		
New establishments reported: 11.								
Bosville Packing Co.	377	(*)						
H. H. Kelm Co.	630		(*)					
Ruehli Bros.	749		(*)					
Mount Vernon Meat Co., Inc.	6039					(*)		
Brown's Meat Locker	7055				(*)			
Community Abattoir, Inc.	7075			(*)				
Cedar Ridge Meat Service	7607			(*)				
Gackle Packing Co.	7631			(*)				
New species reported: 8.								

Done at Washington, D.C., on November 3, 1970.

KENNETH M. MCENROE,
Deputy Administrator,
Consumer Protection.

[F.R. Doc. 70-15002; Filed, Nov. 5, 1970; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce

NATIONAL ACCELERATOR LABORATORY

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

The following notice of decision published in Volume 35, Number 200 of the FEDERAL REGISTER (Wednesday, Oct. 14, 1970) pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) is hereby amended to read Manufacturers: Alsthom Societe Generalde, Belfort, France; English Electric Co., Yorkshire, United Kingdom; and Lintott Engineering Co., Ltd., Horsham, United Kingdom.

Docket No. 70-00735-98-42900. Applicant: National Accelerator Laboratory, Universities Research Association, Inc., 2100 Pennsylvania Avenue NW., Washington, D.C. 20006. Article: Maghetic coils for 200 BeV accelerator. Manufacturers: Alsthom Societe Generalde, Belfort, France; English Electric Co., Yorkshire, United Kingdom; and Lintott Engineering Co., Ltd., Horsham, United Kingdom.

Intended use of article: The article will be used at 200 BeV accelerator for research in high energy physics to attempt to understand the structure of matter and the forces holding it together at exceedingly small distances. A large variety of scientific exploratory experiments will be performed with protons accelerated by the accelerator to 200 BeV energy by scientists from U.S. universities and also from foreign high energy physics laboratories.

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

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

Reasons: The application relates to 300 pairs of magnet bending coils intended for use in 200-billion-electron-volt accelerator which is being constructed by the applicant institution for use in its laboratory as part of a research program in high energy physics. The construction schedule of the applicant requires the delivery of 850 pairs of bending magnet coils and 950 quadrupole magnets on or before April 10, 1971, to complete the accelerator in order to meet the scheduled program of experiments. The National Bureau of Standards (NBS) in its memorandum of August 17, 1970, advised that the applicant's construction schedule is technically proper. The applicant sent invitations to bid to 11 domestic manufacturers, six of which responded with bids. One of the six respondents was considered unqualified to manufacture either the bending magnet coils or the quadrupole magnets. (This manufacturer was, however, awarded a contract for a different type of coil.) Another domestic manufacturer was already under contract to the applicant for certain types of coils and magnets and, consequently, was unable to meet the delivery schedules required for the bending magnet coils and quadrupole magnets. The remaining four domestic companies were awarded contracts for 400 pairs of bending coil magnets and 450 quadrupole magnets. This exhausted the capacity of the domestic manufacturers to produce the bending magnet coils and quadrupole magnets within the specified delivery time.

In order to preclude any delay in completing the accelerator, the applicant solicited bids from foreign manufacturers. The application relates to 300 bending magnet coils being produced by one foreign manufacturer. (Applications for the remaining 150 bending magnet coils and the 450 quadrupole magnets will be submitted when these articles are ready for shipment.)

We find that the delay which would be caused in awaiting the freeing of domestic capacity for the manufacture of scientifically equivalent bending magnet coils would seriously impair the achievement of the applicant's research program. Therefore, the excessive delivery time provisions of subsection 6021.1(g) of the above-cited regulations have been satisfied with respect to the 300 bending magnet coils to which this application relates.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[F.R. Doc. 70-14972; Filed, Nov. 5, 1970; 8:48 a.m.]

PORTLAND STATE UNIVERSITY

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

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

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

Docket No. 70-00759-33-46040. Applicant: Portland State University, Post Office Box 751, Portland, Oreg. 97207. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, Inc., West Germany.

Intended use of article: The article will be used for research on mistletoes, which are among the worst pathogens of forest trees, to study the detailed aspects of tissue relations between these parasites and their host. Another project concerns the determination of the ultrastructure of neurosecretory cells, endocrine glands, gonads and sex accessory glands and ducts in the pond snail and in animals subjected to various experimental manipulations. Also, advanced undergraduate students and graduate students will be taught electron microscopy in biology courses.

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

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

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

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 25, 1970, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes.

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

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

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[F.R. Doc. 70-14973; Filed, Nov. 5, 1970; 8:48 a.m.]

STANFORD UNIVERSITY

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

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

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

Docket No. 70-00770-33-46500. Applicant: Stanford University, Purchasing Department, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Ultramicrotome, Model OmU2. Manufacturer: C. Reichert Optische Werke A.G., Austria.

Intended use of article: The article will be used for studies of metabolic disorders of the central nervous system in man and in tissue culture system models; of the formation and destruction of myelin in myelinating tissue culture; and of cytological changes induced in human brain tumors and normal central nervous system elements in tissue culture systems by antibiotic agents and the processes of cellular differentiation and stromal induction in these tumors and cells.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered July 31, 1969.

Reasons: The foreign article has a guaranteed minimum thickness capability of at least 50 angstroms. The most closely comparable domestic instrument available at the time the foreign article was ordered was the Model MT-2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2 had a guaranteed minimum thickness capability of 100 angstroms. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated October 6, 1970, that a minimum thickness capability of less than 100 angstroms is pertinent to the applicant's research studies. We, therefore, find that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

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

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[F.R. Doc. 70-14974; Filed, Nov. 5, 1970; 8:48 a.m.]

OHIO STATE UNIVERSITY

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

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

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

Docket No. 70-00757-33-46040. Applicant: The Ohio State University, Department of Anatomy, 190 North Oval Drive, Columbus, Ohio 43210. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands.

Intended use of article: The article will be used for research concerning the detailed morphological and cytochemical studies of the cells of the hemopoietic tissues in man and certain laboratory animals; an analysis of the leukemia cells from ascites fluid of mice with leukemia (strain P-388 by histochemical and biochemical methods for oxidative enzyme activity and by phase contrast and electron microscopy; and for several aspects of rodent placenta morphology will be studied.

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

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

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

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 25, 1970, that the applicant requires the capability to go rapidly from very low to

very high magnifications without opening the column in order to achieve the purposes for which the foreign article is intended to be used.

HEW further advises that breaking the vacuum in the column induces the danger of contamination which would very likely lead to the failure of the experiment. Therefore, the capability of rapidly moving from 220 to 500,000 magnifications without changing pole pieces, while at the same time providing high-quality low magnification, is considered to be a pertinent characteristic.

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

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

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[F.R. Doc. 70-14975; Filed, Nov. 5, 1970; 8:48 a.m.]

WASHINGTON UNIVERSITY

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

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

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

Docket No. 70-00783-33-46040. Applicant: Washington University, School of Medicine, 660 South Euclid Avenue, St. Louis, Mo. 63110. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands.

Intended use of article: The article will be used for research concerning studies of synaptic organization and development; fine structural studies of normal and pathological skin; studies of the fine structure of mammalian placenta and the mechanism of implantation; electron microscopical studies of neural tissue from in vitro; and studies of the early stages in the biosynthesis of proteins.

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

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

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

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 30, 1970, that the applicant requires the capability of rapid shift from very low to very high magnification without opening the column in order to achieve the purposes for which the foreign article is intended to be used.

HEW further advises that breaking the vacuum in the column induces the danger of contamination which would very likely lead to the failure of the experiment. Therefore, the capability of rapidly moving from 220 to 500,000 magnifications without changing pole pieces, while at the same time providing high-quality low magnification, is considered to be a pertinent characteristic.

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

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

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[F.R. Doc. 70-14976; Filed, Nov. 5, 1970; 8:48 a.m.]

Bureau of International Commerce

[File 23(70)-7]

DANSK IMPULSFYSIK A/S AND HILMAR KRISTENSEN

Order Denying Export Privileges for an Indefinite Period

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above respondents all export privileges for an indefinite period because the said respondents, without good cause being shown, failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested. This application was made pursuant to § 388.15 of the Export Control Regulations. (Title 15, Chapter III, Subchapter B, Code of Federal Regulations.)

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that the respondent Dansk Impulsfysik A/S has a place of business in Holte (near Copenhagen), Denmark and is engaged in electronics research and production and also in importing and exporting electronic equipment; the respondent Hilmar Kristensen is a responsible official of said firm and is its export manager; said Kristensen on behalf of Dansk Impulsfysik A/S, personally participated in the transaction hereinafter described. The evidence presented further shows that in October 1965 the respondent Kristensen, on behalf of Dansk Impulsfysik A/S, ordered from a U.S. supplier, gear-producing equipment valued in excess of $1 million; the equipment was exported from the United States to respondent firm in Copenhagen between June and November 1966; subsequent thereto said equipment was reexported from Denmark. The Investigations Division is conducting an investigation to ascertain the facts and circumstances relating to respondents' participation in this transaction and also to ascertain what disposition was made of the equipment.

It is impracticable to subpena the respondents, and relevant and material interrogatories were served on them pursuant to section 388.15 of the Export Control Regulations. The respondents, also pursuant to said section, were requested to furnish certain specific documents relating to this transaction. Said respondents have failed to respond to said interrogatories or to furnish the documents requested as required by said section, and they have not shown good cause for such failure. I find that an order denying export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Administration Act of 1969.[1]

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

[1] This Act is the successor to the Export Control Act of 1949. The new Act (50 U.S.C. App. Sec. 2412(b)), provides, "All outstanding delegations, rules, regulations, orders, licenses, or other forms of administrative action under the Export Control Act of 1949 * * * shall, until amended or revoked, remain in full force and effect, the same as if promulgated under this Act".

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

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

IV. This order shall remain in effect until the respondents provide responsive answers, written information, and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Control Regulations.

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

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of section 388.15 of the Export Control Regulations, the respondents may move at any time to vacate or modify this Indefinite Denial Order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

Dated: October 28, 1970.

This order shall become effective November 6, 1970.

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

[F.R. Doc. 70-14958; Filed, Nov. 5, 1970; 8:46 a.m.]

Maritime Administration

PACIFIC NATIONAL BANK OF WASHINGTON

Notice of Approval of Applicant as Trustee

In F.R. Doc. 66-9064 appearing in the FEDERAL REGISTER issue of August 18, 1966 (31 F.R. 10973), notice was given that The Pacific National Bank of Seattle was approved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

The Pacific National Bank of Seattle and the National Bank of Washington were consolidated effective August 17, 1970, under the charter of the National Bank of Washington and under the title "Pacific National Bank of Washington."

Notice is hereby given that the consolidated bank, Pacific National Bank of Washington, a national banking association, with offices at 900 Second Avenue, Seattle, Wash. 98104, has been approved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: September 29, 1970.

R. G. KRINER,
Chief, Office of Ship Operations.

[F.R. Doc. 70-15007; Filed, Nov. 5, 1970; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMCHEM PRODUCTS, INC. AND RHODIA, INC., CHIPMAN DIVISION

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0994) has been filed by Amchem Products, Inc., Ambler, Pa. 19002 and Rhodia, Inc., Chipman Division, 120 Jersey Avenue, New Brunswick, N.J. 08903, proposing the establishment of tolerances for negligible residues of the herbicide bromoxynil from the application of its octanoic acid ester in or on the raw agricultural commodities flaxseed and the forage and grain of barley, oats, rye, and wheat at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a procedure in which the residues are subjected to a hot alkaline hydrolysis which frees bound herbicide and hydrolyzes the octanyl ester to the free phenol form of bromoxynil. Cleanup involves liquid-liquid partition, methylation with diazomethane, and chromatography. Analysis is by microcoulometric gas chromatography using a halogen titration cell.

Dated: October 27, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-14952; Filed, Nov. 5, 1970; 8:46 a.m.]

AMDAL CO.

Notice of Withdrawal of Petition for the Food Additive Erythromycin

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)) the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52) Amdal Co., Agricultural Division, Abbott Laboratories, North Chicago, Ill. 60064, has withdrawn its petitions (35-455V, 35-456V) for which notice of filing was published in the FEDERAL REGISTER of July 2, 1969 (34 F.R. 11156) proposing that § 121.249 *Food additives for use in milk-producing animals* (21 CFR 121.249) be amended to provide for the safe use of a formulation containing erythromycin, chlorobutanol, polysorbate 65, and triglyceride saturated fatty acids from coconut oil. A proposed condition of use was that milk taken from treated animals for 24 hours (two milkings) after the latest treatment was not to be used for food.

Dated: October 28, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-14953; Filed, Nov. 5, 1970; 8:46 a.m.]

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP

1A2595) has been filed by American Cyanamid Co., Pearl River, N.Y. 10965, proposing that § 121.1137 *Dioctyl sodium sulfosuccinate* (21 CFR 121.1137) be amended by inserting the abbreviation "(DSS)" immediately after "Dioctyl sodium sulfosuccinate" in the heading and introductory sentence and also in that sentence by substituting "United States Pharmacopeia and Food Chemicals Codex" for "National Formulary," as follows:

§ 121.1137 *Dioctyl sodium sulfosuccinate (DSS).* Dioctyl sodium sulfosuccinate (DSS) which meets the specifications of the United States Pharmacopeia and Food Chemicals Codex may be safely used:

* * * * *

Dated: October 28, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-14954; Filed, Nov. 5, 1970; 8:46 a.m.]

DOW CHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1B2603) has been filed by The Dow Chemical Co., 2040 Dow Center, Midland, Mich. 48640, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended in paragraph (b) to provide for the safe use of not more than 10 percent of 2-hydroxyethyl acrylate as a copolymer with styrene-butadiene to be used in contact with aqueous and fatty foods.

Dated: October 27,1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-14955; Filed, Nov. 5, 1970; 8:46 a.m.]

MONSANTO CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1044) has been filed by the Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing the establishment of an exemption from the requirement of a tolerance (21 CFR Part 120) for residues of monochlorobenzene when used as an inert solvent or cosolvent with other permitted solvents in pesticide formulations applied to growing crops before or after emergence from the soil.

The analytical method proposed in the petition for determining residues of the solvent is a flame-ionization gas chromatographic procedure.

Dated: October 27, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-14956; Filed, Nov. 5, 1970; 8:46 a.m.]

VELSICOL CHEMICAL CORP.

Notice of Filing of Pesticide and Food Additive Petitions

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1), 409(b)(5), 68 Stat. 512; 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a petition (PP 1F1041) has been filed by Velsicol Chemical Corp., 341 East Ohio Street, Chicago, Ill. 60611, proposing the establishment of tolerances (21 CFR Part 120) for residues of the insecticide chlordane (1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-4,7-methanoindene, containing not more than 1 percent of the intermediate compound hexachlorocyclopentadiene) in or on the following raw agricultural commodities: In the fat of milk at 0.3 part per million; in or on beets, flaxseed, potatoes, pumpkins, sugar beets, and turnips at 0.2 part per million; in or on asparagus, avocados, broccoli, brussels sprouts, cabbage, cantaloups, cauliflower, celery, collards, cottonseed, cucumbers, eggplants, lettuce, mustard greens, papayas, parsnips, peppers, spinach, squash, strawberries, Swiss chard, tomatoes, watermelons, and in the fat of cattle, goats, hogs, horses, and sheep at 0.1 part per million; in or on barley, guavas, mangoes, oats, passion fruit, pecans, persimmons, rye, snap beans, sorghum, soybeans, and wheat at 0.06 part per million; and in or on almonds, bananas, chestnuts, corn (including field corn, popcorn, and sweet corn), corn fodder and forage (including field corn, popcorn, and sweet corn), figs, filberts, hazelnuts, hickory nuts, hops, olives, pomegranates, rice, walnuts, and in eggs at 0.03 part per million.

Notice is also given that the firm has filed a related food additive petition (FAP 1H2600) proposing the establishment of a food additive tolerance (21 CFR Part 121) of 0.5 part per million in crude soybean oil for residues of the insecticide resulting from application of the insecticide to the growing soybeans.

The analytical method proposed in the pesticide petition for determining the insecticide residues is a gas-liquid chromatographic procedure with an electron-capture detector.

Dated: October 27, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-14957; Filed, Nov. 5, 1970; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-289]

THREE MILE ISLAND NUCLEAR STATION UNIT 1

Notice of Availability of Environmental Report and Request for Comments From State and Local Agencies

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Metropolitan Edison Co. has submitted by letter (with enclosure) dated October 1, 1970, an environmental report and an erratum dated October 7, 1970. Copies of the report and the erratum are being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and in the Office of the Chairman of the Board of Supervisors of Londonderry Township, Rural Delivery No. 1, Middletown, Pa., and in the Office of the Chairman, Board of County Commissioners of Dauphine County, Pa. This proceeding involves the application by Metropolitan Edison Co. for a facility operating license for its Three Mile Island Nuclear Station Unit 1 nuclear power reactor located on its site on Three Mile Island in the Susquehanna River, Dauphine County, Pa. A notice of application for construction permit and facility license for the Three Mile Island Nuclear Plant Unit 1 was published in the FEDERAL REGISTER on May 26, 1967 (32 F.R. 7718) and for Unit 2 was published in the FEDERAL REGISTER on April 12, 1969 (34 F.R. 6451).

The Commission hereby requests, within 60 days of publication of this notice in the FEDERAL REGISTER, from State and local agencies of any affected State (with respect to matters within their jurisdiction) which are authorized to develop and enforce environmental standards, comments on the environmental impact of the proposed construction and operation of the Three Mile Island Nuclear Plant Unit 1 and on the environmental report and erratum. If any such State or local agency fails to provide the Commission with comments within 60 days of publication of this notice in the FEDERAL REGISTER, it will be presumed that the agency has no comments to make.

Copies of Metropolitan Edison Co.'s submittals dated October 1, and October 7, 1970, and the comments thereon of Federal agencies (whose comments have been separately requested by the Commission) will be supplied to affected State and local agencies upon request addressed to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 28th day of October 1970.

For the Atomic Energy Commission.

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

[F.R. Doc. 70-14971; Filed, Nov. 5, 1970; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 18608, 22496]

ALITALIA-LINEE AEREE ITALIANE-S.p.A.

Notice of Postponement of Hearing and Procedural Steps

Renewal of foreign air carrier permit, Docket 18608; amendment of foreign air carrier permit, Docket 22496.

Pursuant to the request of Alitalia Airlines by letter dated October 30, 1970, which includes the statement that Bureau counsel has indicated no objection, the date for exchange of direct exhibits herein is postponed to December 2, 1970, and the date for the exchange of rebuttal exhibits and hearing is postponed to December 9, 1970. The hearing will be held on December 9, 1970, at 10 a.m., in Room 503, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Associate Chief Examiner Ralph L. Wiser.

Dated at Washington, D.C., November 2, 1970.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[F.R. Doc. 70-14993; Filed, Nov. 5, 1970; 8:49 a.m.]

[Docket No. 22340]

CONTINENTAL AIR LINES, INC.

Notice of Hearing

Container rates for B-747 aircraft proposed by Continental Air Lines, Inc., Docket 22340.

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on December 2, 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., November 2, 1970.

[SEAL] LOUIS W. SORNSON,
Hearing Examiner.

[F.R. Doc. 70-14994; Filed, Nov. 5, 1970; 8:49 a.m.]

[Docket No. 22699; Order 70-10-145]

AMERICAN AIRLINES, INC. ET AL.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of October 1970.

Proposals by various carriers to specifically publish family fares and children's fares, Docket 22699.

By tariff revisions[1] marked to become effective from November 4 through November 20, 1970, American Airlines, Inc. (American), Braniff Airways, Inc. (Braniff), National Airlines, Inc. (National), and Trans World Airlines, Inc. (TWA), propose to specifically publish family fares and children's fares. Presently these fares are stated by rule as a percentage of the applicable full adult regular fare.

The same construction technique is employed by all four carriers, and the proposed fares involve both increases and decreases over present fares. The fares are constructed by multiplying the pre-July 1 fare times the applicable percentage,[2] rounding to the nearest whole dollar, and then making the adjustment for the ticket tax, always rounding up. Thus, the proposals involve two roundings, one up or down to the nearest dollar, and one always up to the next higher whole dollar.

In support of their filings, the carriers generally state that their purpose is to extend the concept of even-dollar fare quotation, which will provide uniform application of simplified ticket pricing and will alleviate delays and confusion at the ticket counter. The carriers allege that an extensive amount of time is now involved in the calculation and quotation of these fares.

Upon consideration of the tariff filings and all other relevant matters, the Board has determined that the proposals may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be suspended. These tariff proposals are automatically under investigation in the Domestic Passenger Fare Investigation, Docket 21866.

We recognize that presently effective fares reflect double roundings as well as across-the-board roundups in connection with the inclusion of the ticket tax in the quoted fare. However, in considering those fares, both for effect July 1 and October 15, the Board was primarily concerned with resulting fare level rather than the manner by which it was achieved. Here, on the other hand, the question of rounding technique is essentially the one issue before the Board. We have concluded that, pending completion of the current investigation of domestic fares in which the entire matter of rounding techniques will be resolved, passengers should not be subjected to further increases in fares which stem solely from an upward rounding as opposed to rounding to the nearest dollar. Nor do we see the necessity for more than one rounding to accomplish the objectives sought by the carriers.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof,

It is ordered, That:

1. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto,[3] insofar as such fares and provisions apply to transportation between points within the 48 contiguous States and the District of Columbia, are suspended and their use deferred to and including February 1, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board; and

2. A copy of this order will be filed with the aforesaid tariffs, and be served on American Airlines, Inc., Braniff Airways, Inc., National Airlines, Inc., and Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[4]

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[F.R. Doc. 70-14995; Filed, Nov. 5, 1970; 8:49 a.m.]

[Docket No. 20381; Order 70-10-146]

COMBS AIRWAYS, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority October 30, 1970.

A final service mail rate for the transportation of mail by aircraft, established by Order 70-3-32, March 6, 1970, in this docket, is currently in effect for the above-captioned air taxi, operating under 14 CFR Part 298. This rate is based on six round trips per week between Idaho Falls and Boise, via Pocatello and Twin Falls, Idaho.

The Postmaster General filed a petition on October 14, 1970, stating that the volume of mail involved does not justify weekend trips on this route and he has been authorized by the carrier to petition for a new rate of 39.84 cents per great circle aircraft mile, based on five round trips per week. The carrier and the Post Office Department have agreed that the proposed rate is a fair and reasonable rate for these services.

The Board finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid by the Postmaster General for the transportation of mail by aircraft between the aforesaid points. Upon consideration of the petition and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after October 14, 1970, to Combs Airways, Inc.,

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff C.A.B. Nos. 136 and 142.

[2] The carriers are not changing the present percentage relationships to normal fares.

[3] Filed as part of the original document.

[4] Dissenting statement of member Gilliland filed as part of the original document.

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

pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 39.84 cents per great circle aircraft mile between Idaho Falls and Boise, via Pocatello and Twin Falls, Idaho.

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with Aero Commander 500–B aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Combs Airways, Inc., the Postmaster General, Hughes Air Corp., Western Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Combs Airways, Inc.;

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

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

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

5. This order shall be served upon Combs Airways, Inc., the Postmaster General, Hughes Air Corp., and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[F.R. Doc. 70–14996; Filed, Nov. 5, 1970; 8:49 a.m.]

[Docket No. 22647; Order 70–10–152]

JIM HANKINS AIR SERVICE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority October 30, 1970.

The Postmaster General filed a notice of intent October 14, 1970, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 50.4 cents per great circle aircraft mile for the transportation of mail by aircraft between Mobile, Ala., and Nashville, Tenn., via Birmingham, Ala., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft E–18S aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Jim Hankins Air Service, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 50.4 cents per great circle aircraft mile between Mobile, Ala., and Nashville, Tenn., via Birmingham, Ala., based on five round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Jim Hankins Air Service, Inc., the Postmaster General, Delta Air Lines, Inc., Eastern Air Lines, Inc., Southern Airways, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Jim Hankins Air Service, Inc.;

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

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

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

5. This order shall be served upon Jim Hankins Air Service, Inc., the Postmaster General, Delta Air Lines, Inc., Eastern Air Lines, Inc., and Southern Airways, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[F.R. Doc. 70–14997; Filed, Nov. 5, 1970; 8:49 a.m.]

[Docket No. 22646; Order 70–10–154]

JIM HANKINS AIR SERVICE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority October 30, 1970.

The Postmaster General filed a notice of intent October 14, 1970, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 50.4 cents per great circle aircraft mile for the transportation of mail by aircraft between Gulfport, Miss., and Memphis, Tenn., via Laurel and Jackson, Miss., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft E–18S aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is

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

proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Jim Hankins Air Service, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 50.4 cents per great circle aircraft mile between Gulfport, Miss., and Memphis, Tenn., via Laurel and Jackson, Miss., based on five round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Jim Hankins Air Service, Inc., the Postmaster General, Delta Air Lines, Inc., Southern Airways, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Jim Hankins Air Service, Inc.;

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

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

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

5. This order shall be served upon Jim Hankins Air Service, Inc., the Postmaster General, Delta Air Lines, Inc., and Southern Airways, Inc.

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

This order will be published in the FEDERAL REGISTER.

[SEAL] PHYLLIS T. TAYLOR,
Acting Secretary.

[F.R. Doc. 70-14998; Filed, Nov. 5, 1970; 8:50 a.m.]

[Docket No. 22648; Order 70-10-153]

NOR-CAL AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority October 30, 1970.

The Postmaster General filed a notice of intent October 14, 1970, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 63.9 cents per great circle aircraft mile for the transportation of mail by aircraft between Reno, Nev., and San Francisco, Calif., via Sacramento, Calif., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Piper Turbo Navajo aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to NOR-CAL Aviation, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 63.9 cents per great circle aircraft mile between Reno, Nev., and San Francisco, Calif., via Sacramento, Calif., based on five round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

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

It is ordered, That:

1. NOR-CAL Aviation, Inc., the Postmaster General, Hughes Air Corp., United Air Lines, Inc., Western Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to NOR-CAL Aviation, Inc.;

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

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

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

5. This order shall be served upon NOR-CAL Aviation, Inc., the Postmaster General, Hughes Air Corp., United Air Lines, Inc., and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[F.R. Doc. 70-14999; Filed, Nov. 5, 1970; 8:50 a.m.]

[Docket No. 21853; Order 70-10-151]

PIONEER AIRLINES, INC.

Order To Show Cause Regarding Establishment of Service Mail Rates

Issued under delegated authority October 30, 1970.

On January 27, 1970, Pioneer Airlines, Inc. (Pioneer), an air taxi operating under 14 CFR Part 298, filed a petition subsequently amended on March 18, 1970, requesting the Civil Aeronautics Board to increase its mail rates for service over the routes Columbus to Bristol, via Charleston and Bluefield, and Norfolk to Charleston, via Richmond. These final rates were originally established by Orders 68-7-163 and 68-7-161, dated

July 31, 1968, and were based on six round trips per week operated with Beechcraft 18 aircraft.

In support of its request, Pioneer asserted that as a result of cost increases, which could not have been reasonably anticipated, it had experienced substantial losses from its mail operations since their inauguration on August 5, 1968. In its answer to Pioneer's petition, the Post Office agreed that the present rates of Pioneer are no longer fair and reasonable, supported the carrier's request for increased mail rates, but disagreed with some cost increases claimed by the carrier in certain categories of expenses.

Because of the differences[1] between Pioneer and the Post Office, explanatory correspondence was exchanged between the parties and a meeting was convened with the CAB staff. Thereafter, the parties were able to reconcile their differences and have agreed that the following rates are the fair and reasonable rates for the proposed services:[2]

Between	Cents per Mile
Columbus, Ohio, and Bristol, Va./Tenn., via Charleston and Bluefield, W. Va.	52.674
Norfolk, Va., and Charleston, W. Va., via Richmond, Va.	52.884

The Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid by the Postmaster General for the transportation of mail by aircraft between the aforesaid points. Upon consideration of the petition and other matters officially noticed, it is proposed to issue an order[3] to include the following findings and conclusions:

1. The fair and reasonable final service mail rates per great circle aircraft mile to be paid on and after January 27, 1970, to Pioneer Airlines, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the service connected therewith, shall be as follows:

Between	Cents per Mile
Columbus, Ohio, and Bristol, Va./Tenn., via Charleston and Bluefield, W. Va.	52.674
Norfolk, Va., and Charleston, W. Va., via Richmond, Va.	52.884

2. These final rates, to be paid entirely by the Postmaster General, are based on six round trips per week.

3. Except to the extent granted herein, the petition of Pioneer Airlines, Inc., in Docket 21853, is dismissed.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and the Board's Regulations 14 CFR Part 302, 14 CFR Part 298 and the authority duly delegated by the Board in its Organization Regulations 14 CFR 385.16(f),

It is ordered, That:

1. Pioneer Airlines, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Piedmont Aviation, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, as the fair and reasonable rates of compensation to be paid Pioneer Airlines, Inc.;

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

3. This order shall be served upon Pioneer Airlines, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Piedmont Aviation, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

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

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

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

[F.R. Doc. 70-15000; Filed, Nov. 5, 1970; 8:50 a.m.]

[1] See the following table:

Route	Current rate	Carrier's petition	POD's answer
	Cents	Cents	Cents
Columbus-Bristol	46.43	56.70	51.56
Norfolk-Charleston	46.64	57.12	51.78

[2] By letter of July 1, 1970, ameding its petition in Docket 21853, Pioneer requested further rate increases for these segments to cover fuel taxes imposed on certain operations by the Airport and Revenue Act of 1970 (Public Law 91-258, 84 Stat. 236). On Sept. 21, 1970, the Internal Revenue Service advised the Postmaster General that the air taxi operations in question are subject to the excise tax imposed by section 4271 of the U.S. Internal Revenue Code and consequently will not be subject to the increased fuel tax in the Act. The Postmaster General, therefore, has requested that the Carrier's petition related to the increased fuel tax be denied, and Pioneer has informally advised the staff that it has no objection to this request.

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

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18845-18849; FCC 70R-358]

LAMAR LIFE BROADCASTING CO. ET AL.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Lamar Life Broadcasting Co., Jackson, Miss., Docket No. 18845, File No. BPCT-4320, BRCT-326; Civic Communications Corp., Jackson, Miss., Docket No. 18846, File No. BPCT-4305; Dixie National Broadcasting Corp., Jackson, Miss., Docket No. 18847, File No. BPCT-4317; Jackson Television, Inc., Jackson, Miss., Docket No. 18848, File No. BPCT-4318; Channel 3, Inc., Jackson, Miss., Docket No. 18849, File No. BPCT-4319; for a construction permit.

1. Each of the above-captioned mutually exclusive applicants seeks a permit to construct a new commercial television broadcast station to operate on Channel 3 in Jackson, Miss.[1] By order (FCC 70-462, 25 FCC 2d 101, released May 4, 1970, reconsideration denied 24 FCC 2d 618, released Aug. 3, 1970), the Commission designated the applications for hearing on an air hazard issue against Dixie National Broadcasting Corp. (Dixie), Jackson Television, Inc. (Jackson), and Channel 3, Inc. (Channel 3), and on the standard comparative issue. Presently before the Review Board are four petitions to enlarge issues, filed on May 22, 1970: One, filed by Dixie, seeks inclusion of availability of funds, character, and real party-in-interest issues against Civic Communications Corp. (Civic); another, filed by Channel 3, also seeks inclusion of an availability of funds issue against Civic; and two petitions, filed by Jackson, seek an availability of funds issue against Civic and a Rule 1.65 issue against Channel 3.[2]

Civic's financial qualifications. 2. A brief synopsis of Civic's financial proposal will be helpful to an understanding of our disposition of the requested financial issues. Based on information contained in Civic's application, as amended

[1] The Commission's June 27, 1968 grant of the application (BRCT-326) of Lamar Life Broadcasting Co. (Lamar), for renewal of license of television broadcast Station WLBT, Channel 3, in Jackson, was reversed and remanded to the Commission on June 20, 1969, by the U.S. Court of Appeals for the District of Columbia Circuit. Office of Communication of the United Church of Christ v. FCC, 425 F. 2d 543, 16 RR 2d 2095, rehearing denied en banc Sept. 5, 1969, 17 RR 2d 2001. The court, while expressly holding that Lamar was not disqualified from being a broadcast licensee, directed the Commission to invite the filing of new applications for the channel. By memorandum opinion and order FCC 70-957, released Sept. 8, 1970, 20 RR 2d 167, the Commission granted the application of Communications Improvement, Inc., to operate Channel 3 on an interim basis.

[2] A list of the pleadings now before the Review Board for consideration is contained in attached Appendix A.

on April 6, April 28, and June 17, 1970, Civic will need $919,649 in order to construct and operate its proposed station for 1 year. To meet its cash requirement, Civic relies upon subscriber commitments totaling $55,000, a loan commitment of $725,000 from Citizens State Bank, Dickinson, Tex., and a loan commitment of $175,000 from Citizens Investment Co., Dickinson, Tex. To substantiate the availability of these funds, Civic has submitted a stock subscription agreement signed by seven prospective stockholders; letters of commitment for loans from one subscriber to the other six; and letters of commitment for loans to Civic from Citizens State Bank and Citizens Investment Co. Civic's balance sheet, current as of March 1, 1969, reflects no other source(s) of funds upon which Civic may rely to finance its proposal.

3. *The mortgage loan question.* Jackson avers that Civic's plan of financing, as amended on April 28, 1970, includes the claim of a $300,000 mortgage loan for "buildings", of which only a $60,000 down payment and three monthly payments of $3,625 per month (principal and interest) have been included in Civic's estimated cash requirements. Jackson argues that Civic has failed to support its bare claim with a bank letter or other underlying documents showing reasonable assurance of this loan. Jackson contends that in the absence of such a showing, Civic must include the entire amount of the alleged mortgage in its estimated cash requirements for construction and operation of the proposed station. In support, petitioner cites Tri-City Broadcasting Co., 35 FCC 364, 1 RR 2d 81 (1963). According to Jackson, Civic would not have sufficient funds to construct and operate its proposed station unless the mortgage loan is available, and therefore it would not be financially qualified. The Broadcast Bureau, in its comments, supports Jackson's request "unless Civic supplies satisfactory evidence and explanation of its stated bank mortgage." In opposition, Civic concedes that it has no mortgage loan, but insists that it proposes studio facilities comparable to those of other applicants, and that, because of this comparability, a mortgage loan will be available to it under terms and conditions similar to those obtained by the other applicants.

4. Jackson's petition will be granted and an appropriate issue will be added. It is well established that an applicant's reliance on an alleged bank loan to support its financial qualifications is insufficient in the absence of at least a "letter of commitment" from the bank, Tri-City Broadcasting Co., supra, 35 FCC at 36, 1 RR 2d at 84. Civic has not submitted such a letter or any other document to substantiate the existence of the claimed $300,000 mortgage loan. Rather, Civic candidly admits that no such loan exists at this time. In our opinion, Civic cannot avoid long-established Commission requirements[4] by asserting that it will obtain a loan at a later date. Civic's reliance on the mortgage commitments obtained by the other applicants is also misplaced since they, unlike Civic, have submitted documentary proof in their applications pertaining to the terms and conditions of their loan arrangements.

5. *The $900,000 bank loan question.* In its petition, Channel 3 questions the availability of a proposed bank loan to Civic. Petitioner contends that Walter G. Hall, a director and 18.1 percent stockholder of Civic, has committed Citizens State Bank, Dickinson, Tex., of which he is president, to lend $900,000 to Civic, which, petitioner states, is $775,000 more than Texas statutory law allows.[5] Channel 3 also argues that Hall has not complied with a Texas civil statute which requires that he, as principal of the bank, obtain prior approval for the loan commitment from the bank's board of directors.[6] In Channel 3's view, the fact that Hall's letter of intent stipulates that the loan commitment is made on behalf of "this bank and other banks that I control," is not sufficient to warrant a finding that the loan is available since Hall has not supplied evidence that the "other banks" have sufficient capital to underwrite the loan or that he has obtained approval to make such commitments from the boards of directors of the "other banks." Therefore, concludes petitioner, an issue must be added to determine whether the bank loan is available to Civic (citing Publix Television Corp., 18 RR 757 (1959)). In opposition, Civic submits the affidavit of Hall,[7] who cites his 39 years of experience as a banker in Texas, and states that it is established banking practice in Texas to make a loan commitment in excess of the legal loan limit to a single borrower with the expectation that other banks will participate in the loan when it is "taken down." According to Hall, approval from a bank's board of directors is not required for a commitment to lend; rather, such approval need only be obtained before the actual loan is made. Civic submits that the Review Board expressly recognized this Texas banking practice in TVue Associates, Inc., 5 FCC 2d 419, 8 RR 2d 864 (1966), where Hall was also involved. However, "in order to avoid confusion", Civic states that it has amended its application to show a reexecuted loan commitment totaling $725,000, signed by Hall on behalf of the five banks which he controls,[7] and a loan commitment of $175,000, from Citizens Investment Co. (Citizens Investment) in which Hall is a principal stockholder.[8] In an affidavit filed on June 22, 1970 (see note 6, supra), Hall claims that the loan in question has been approved by the boards of four of the banks at regularly scheduled meetings and will be submitted to the board of the fifth bank and its forthcoming meeting on July 14, 1970. In reply, Channel 3 alleges that the new bank letter by which Civic would substitute a $725,000 loan commitment for the questionable $900,000 bank loan letter actually constitutes an admission by Civic that the earlier letter contained a misrepresentation. In Channel 3's opinion, "had Hall controlled five banks which could legally loan Civic $900,000 a new letter would not now be necessary." Moreover, contends Channel 3, one of the five banks, the Alvin State Bank, which has a legal lending limit of $180,000 to a single borrower, proposes to lend Civic a total of $335,000 ($175,000 through Citizens Investment plus a $180,000 direct loan); Channel 3 maintains that the $180,000 legal limitation makes this double guarantee impossible. Channel 3 further argues that no documents have been submitted to support the allegation that a majority of the boards of directors of four of the five banks, as required by law, have approved the proposed loan. The proposed loan of $212,500 by the fifth bank remains in doubt, argues petitioner, despite a letter from its board chairman who indicates that, in his personal opinion, the loan will be approved. Finally, urges Channel 3, a bank letter attached to Civic's opposition makes reference to security requirements but neither Civic nor Hall indicate that they would provide such security.

6. The requested issue will be denied. In the Board's view, the letters of commitment from Citizens State Bank and Citizens Investment and the sworn affidavit of Hall provide reasonable assurance of the availability to Civic of a total of $900,000 in bank loans. TVue Associates, Inc., supra. In TVue, we declined to add a character qualifications issue on the basis of an affidavit from Hall and a letter from the Commissioner of the Texas Department of Banking. The letter stated that:

[4] See, e.g., Connecticut Coast Broadcasting Co., 7 FCC 2d 438, 442, 9 RR 2d 839, 844 (1967).

[5] Channel 3 cites a Texas statute which provides that a State bank cannot lend to a single borrower an amount in excess of 25 percent of its capital and certified surplus. Title 16, Article 342-507, Vernon's Texas Civil Statutes. Channel 3 submits that Citizens State Bank has a capital totaling $250,000 and surplus in the amount of $250,000; therefore, according to petitioner, the bank cannot legally lend more than $125,000 to a single borrower.

[6] Channel 3 relies on a Texas statute which requires prior consent of the board of directors before an officer of a State bank can become indebted to the bank. Title 16, Article 342-509, Vernon's Texas Civil Statutes.

[7] Because it had not arrived from Texas in time, Hall's affidavit is not attached to the opposition pleading; however, it is submitted with Civic's petition for leave to file supplemental material, filed June 17, 1970. Civic's petition and its second petition for leave to file supplemental material, filed on June 22, 1970, are not opposed and will be granted.

[7] In an affidavit attached to Civic's petition for leave to file supplemental material, Hall states that he is president and controlling stockholder of Alvin State Bank, Alvin, Tex.; Citizens State Bank, Dickinson, Tex.; League City State Bank, League City, Tex.; and Webster State Bank, Webster, Tex.; and Vice Chairman of the Board and controlling stockholder of Bay City Bank and Trust Co., Bay City, Tex.

[8] Civic's amendment was filed on June 17, 1970, and was accepted by the Hearing Examiner by memorandum opinion and order, FCC 70M-943, released July 7, 1970.

[I]t is standard banking practice, entirely consistent with Texas statutory law, for a bank to commit itself to make available to a single borrower an amount which exceeds the amount the bank can lend to such borrower and to have other banks share in the loan to the extent of such excess.

Upon proper showings, a similar banking practice has been recognized by the Commission in other proceedings. See e.g., Cherokee Broadcasting Co., 8 FCC 2d 138, 9 RR 2d 1277 (1967). Channel 3 has not shown that Hall has incorrectly described the Texas banking practice in question or that the practice has changed, nor has it contested Hall's sworn opinion that he does not need approval from the bank's board of directors to issue a letter of commitment to Civic. Moreover, Civic has submitted a bank letter that commits five banks controlled by Hall to lend it a total of $725,000,[9] and has shown that each bank has sufficient capital to meet its loan.[10] Civic has also submitted a bank letter that makes available $175,000 to Citizens Investment in order that Citizens Investment may lend that amount to Civic. Petitioner's challenge to the availability of this $175,000 loan is predicated upon the assumption that Citizens Investment is an alter ego of Civic. This assumption is unsupported by specific allegations of fact. For instance, petitioner has not shown that the principals of Civic and of Citizens Investment are identical, and that their respective ownership interests in each are proportionately similar. In short, therefore, the Board is constrained to rely upon Hall's sworn affidavit and the bank letters of commitment submitted by Civic to find that a total of $900,000 in bank funds is available to Civic.[11] Finally, although Civic did not precisely disclose in its application the herein described "direct-indirect" loan method by which it intended to obtain its $900,000 loan from the five banks in question, the fact remains that Civic has continued to look to these banks for funds to carry out its proposal and there is no indication that Civic's original plan of financing was not specified in good faith. Addition of the suggested misrepresentation issue is therefore not warranted on the basis of the allegations now before us.

7. *The subscribers' loans question.* Both Dixie and Channel 3 question the availability of subscribers' loans to Civic. Dixie points out that Civic's plan of financing includes a stock subscription agreement wherein 110 shares of common stock in the corporation are subscribed for by seven prospective Civic stockholders at a price of $500 per share. spective subscriptions of each are: Weyman H. D. Walker (40 shares); Hodding Carter III (10 shares); James Charles Evers (10 shares); Charles L. Young (10 shares); Patricia M. Derian (10 shares); Aaron E. Henry (10 shares); and Walter G. Hall (20 shares). Dixie points out that each subscriber (except Walter G. Hall) is relying upon a personal letter of commitment from Hall to lend him funds to meet the price of his subscription, and that these letters have expired as of December 31, 1969, and have not been renewed. Dixie then alleges that the balance sheets of these subscribers have not been prepared in compliance with Commission standards and that, as a result, it is impossible to determine, in the absence of a current letter of commitment from a lending source, whether each subscriber is able to meet his respective subscription agreement. For instance, asserts Dixie, the net quick assets of Walker do not exceed his current liabilities; and the balance sheets of three other subscribers—Derian, Carter and Young—do not provide a breakdown and description of stocks claimed as assets. Because Civic's plan of financing depends upon execution of these subscription agreements, asserts Dixie, an issue must be added to determine whether the Civic subscribers can meet their respective stock subscription commitments. In its petition, Channel 3 submits that the commitment letters are from the Citizens State Bank and not from Hall personally; and that each letter has expired and has not been renewed. This latter fact is significant, states Channel 3, because the liquid assets of these subscribers, as disclosed in their respective financial statements, are not sufficient to meet both current liabilities and a subscription commitment to Civic. Channel 3 therefore requests the addition of an issue to determine the availability of the proposed loans to the individual stock subscribers.

8. In opposition, Civic points out that on January 29, 1970, it amended its application to show loan "commitments" to Civic subscribers updated to December 31, 1970; and argues that this amendment has mooted the requested issues. Moreover, argues Civic, the balance sheets of its subscribers were submitted with Civic's application and were considered by the Commission which, in its Designation Order, determined that Civic was financially qualified. Civic concludes that the "commitments" to its subscribers are "firm". The Broadcast Bureau is of the opinion that the letters of commitment to the Civic stock subscribers are from Citizens State Bank, and that Civic's amendment to its application of January 29, 1970, has mooted any issue going toward the availability of these loans. In reply, Dixie asserts that the Commission, in its designation order, made no "specific finding" that Civic subscribers can meet their respective stock subscription agreements; that Civic, in its opposition, has not addressed itself to this question; and that, therefore, the Board should add its requested issue.

9. The Board notes initially that Civic has amended its application on January 29, 1970, to show that letters of commitment to the various stock subscribers have been extended through December 31, 1970; however, the Board does not agree that this amendment has mooted petitioners' requests.[12] In our opinion, the letters of commitment, although typed on stationery of the Citizens State Bank, are personal agreements undertaken by W. G. Hall, and are not bank letters in the usual sense. Thus, each letter begins with the phrase, "This will confirm my agreement * * *", whereas a letter of commitment to Civic of the same date, also signed "W. G. Hall" and also typed on Citizens State Bank stationery, begins, "This is to confirm that we are willing to lend * * *". In view of Hall's personal commitment to lend funds to six Civic stock subscribers, the Board has examined Hall's balance sheet, which was submitted with Civic's application. That balance sheet lists current assets of $5,595,000, liabilities of $1,125,000, and reflects a net worth of $4,470,000. However, the balance sheet fails to segregate current from long-term liabilities; therefore the listed liabilities must be viewed as current obligations. See Camarillo Broadcasting Co., FCC 70-924, released September 3, 1970, 35 FR 14345; Connecticut Coast Broadcasting Co., 7 FCC 2d 438, 440, 9 RR 2d 839, 842-43 (1967). In addition, it fails to identify or to itemize current assets of $5,500,000 in stocks and bonds; as a result, no credit can be given to the availability of funds from these sources. See Virginia Broadcasters, 15 FCC 2d 1004, 1007 n. 7, 15 RR 2d 487, 491 n. 7 (1969); Southern Minnesota Supply Co. (KYSM), 12 FCC 2d 66, 67 (1968). Therefore, despite a large net worth showing, Hall's balance sheet does not show the liquidity of sufficient assets to meet his current liabilities and his obligations to the six other Civic stock subscribers. See Alabama Microwave, Inc., 22 FCC 2d 75, 18 RR 2d 779 (1969); Miami Broadcasting Corp., 9 FCC 2d 694, 10 RR 2d 1037 (1967). Apart from reliance upon a letter of commitment from Hall, only the balance sheets of subscribers Evers and Henry show the availability of sufficient liquid assets to meet their current liabilities and their

[9] In TVue, the Board noted confirmation from five other banks that they would share in the loan to the extent necessary. Petitioner would distinguish TVue from the instant case on this basis. However, the Board has no reason to believe that Hall, in his capacity as officer and controlling stockholder of the five banks in question (supra, footnote 7), is not authorized to sign a letter of intent on behalf of all of them.

[10] Civic states that the legal loan limits of the five banks controlled by Hall are as follows:

Citizens State Bank	$125,000
League City State Bank	125,000
Webster State Bank	62,500
Alvin State Bank	180,000
Bay City Bank & Trust Co.	212,500

[11] The bank letter specifying a security requirement, referred to by Channel 3, indicates the nature of the security, and that the bank is satisfied that Hall has proper security. In light of these circumstances, we see no reason to pursue this matter further.

[12] The Board finds no "thorough consideration" in the designation order of the ability of each subscriber to meet his respective stock subscription commitment. Therefore, we are not precluded from considering the merits of petitioners' requests. Atlantic Broadcasting Co., 5 FCC 2d 717, 8 RR 2d 991 (1966).

respective subscription agreements.[13] The balance sheets of the other four subscribers reflect deficiencies similar to those discussed above with relation to the balance sheet of Hall (i.e., no segregation of long-term from short-term liabilities, no identification or itemization of stocks and bonds, of receivables or fixed assets). It is well established that receivables, stocks and bonds, and fixed assets, in the absence of proof of marketability or liquidity, afford no reasonable assurance that funds will, in fact, be available to meet commitments to an applicant for a station license. See Vista Broadcasting Co., 18 FCC 2d 636, 16 RR 2d 838 (1969). Compare Virginia Broadcasters, 22 FCC 2d 227, 18 RR 2d 763 (1970). Without credit for such assets and with all listed liabilities considered "current", the balance sheets of Hall, Walker, Carter, and Young show deficit balances and that of Derian a zero balance. We will, therefore, add an appropriate issue to ascertain whether Hall, Walker, Carter, Young, and Derian can meet their respective stock subscription agreements with Civic. See Seaboard Broadcasting Corp., 24 FCC 2d 259, 19 RR 2d 538 (1970).

Civic's character qualifications. 10. Dixie requests the addition of two issues inquiring into Civic's character qualifications. The issues arise out of Civic's plan of financing and concern W. G. Hall's participation in Civic's affairs.[14] In particular, Dixie alleges that Hall, who controls the Texas banks which propose to lend Civic virtually all of its funds, has violated the Texas penal code by "promoting" a "speculative" venture, namely the Civic application for a television station in Jackson, Miss. Petitioner cites Article 560 of Vernon's Annotated Penal Code, which proscribes the conduct alluded to, and Article 564, which makes a violation of Article 560 a misdemeanor.[15]

11. Civic and the Broadcast Bureau oppose the requested issues. Civic argues that Dixie's allegations are premised on the conclusory assumptions that Hall has "promoted" Civic and that Hall's loan commitment to Civic is "speculative." Neither assumption is supported by the facts, contends Civic, and each is directly controverted by the sworn affidavits of Hall and Charles Hancock, a Texas attorney.[16] Hall, in his affidavit, states that he has never solicited stockholders for Civic, and that his "* * * only activity on behalf of Civic was the securing of financing from financial institutions controlled by me." In Hancock's professional opinion, Hall has not violated the Texas Penal Code. Hancock states that he is "an expert in the laws of the State of Texas pertaining to banking", and opines that: (1) Hall's conduct does not establish him as a "promoter", and (2) in view of the past profitable operation of Channel 3, the Civic venture is not a "speculative" one. The Bureau contends that before a determination can be made that Article 560 of the Texas Penal Code has been violated, it must first be determined that a loan to effectuate operation of a VHF television station is "speculative." The Bureau submits that such a determination has not been made either by a Texas court or by the Attorney General of Texas. The Bureau concludes that in accordance with standard Commission policy regarding alleged violations of State laws, interpretation of the Texas Code is more appropriate for Texas State courts, citing Farragut Television Corp., FCC 65R-309, 6 RR 2d 219; and Home Service Broadcasting Corp., 23 FCC 2d 914, 19 RR 2d 315 (1970).

12. In reply, Dixie contends that Hall's ownership interest in Civic, coupled with his activity in securing Civic's financing, establishes Hall as a "promoter" of Civic; and that execution of the loan commitments from Hall to Civic must be considered "speculative" for two reasons" (1) the venture is outside the ordinary course of business of the Civic principals; and (2) there is no assurance that Civic will operate the proposed television station profitably, especially in view of Civic's debt service requirements.[17] Dixie supports its interpretation of the terms "promoter" and "speculative" by citing some textbook definitions and two court cases dealing with other Texas statutes. Dixie also maintains that Civic has not established Hancock's "expert" qualifications to express the opinion that Hall is not a "promoter" and that the loan commitments are not "speculative." Moreover, Dixie argues, the Commission has enlarged the scope of evidentiary hearings where substantial showings were made of noncompliance with local laws, even though local courts had not issued opinions as to the "violations", citing Marvin C. Hanz, 22 FCC 2d 147, 18 RR 2d 830 (1970); and Dixie asserts therefore that where, as here, legislative history is not available and a written opinion from the Attorney General's Office in the State of Texas is unavailable to private parties, local interpretation is not essential.

13. The requested character qualifications issues will be denied. The Review Board has frequently expressed its reluctance to interfere in a question of alleged State law violation where no challenge has been made in the State courts or where State authorities have not already acted. See e.g., Home Service Broadcasting Corp., supra; North American Broadcasting Co., 15 FCC 2d 979, 15 RR 2d 311 (1969). Dixie has not shown why the Board should depart from that well established practice in this case. More specifically, petitioner has not excepted its request from standard Commission policy by referring the Board to case law, or by providing expert opinion, that substantiates its interpretation of the applicability of Articles 560 and 564 to Hall's conduct. Cf. North American Broadcasting, supra, 15 FCC 2d at 983, 15 RR 2d at 317. In short, petitioner premises its requests solely upon the language of several Texas Penal Articles, without submitting "facts" which "show" that Civic has violated the Texas banking laws in question. Cf. Sumiton Broadcasting Co., 15 FCC 2d 410, 14 RR 2d 970 (1968). Petitioner's reliance upon Marvin C. Hanz, supra, is misplaced; there was no claim of an actual violation of State law in Hanz. We added the requested site-availability issue in Hanz because the applicant failed to show reasonable assurance that his transmitter site would be available. Finally, the general allegations regarding the experience of the Civic principals in the broadcasting field and regarding Civic's debt service requirements—the latter of which is directed toward undermining Hancock's affidavit—are purely argumentative and therefore insufficient bases upon which to conclude that the Civic proposal is a "speculative" venture.

Real party-in-interest issue. 14. Dixie argues that a real party-in-interest issue should be added against Civil because Hall proposes, through the banks he controls, to provide virtually all of the necessary funds to Civic (i.e., $900,000) in return for assignment of accounts receivable of Civic's proposed station up to the amount of the loan. Therefore, in Dixie's view, Hall would be in a position to exercise control over station policies "by virtue of his ability to claim assignment of all of the accounts receivable * * * up to $900,000 should the Civic application be granted." In support, Dixie cites WLOX Broadcasting Co. v. FCC, 104 U.S. App. D.C. 194, 260 F. 2d 712, 17 RR 2120 (1958); and Heitmeyer v. FCC, 68 U.S. App. D.C. 180, 95 F. 2d 91 (1937). Civic and the Bureau oppose Dixie's request. Civic asserts that it is a common business practice for a profitable business operation to secure

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[13] The balance sheets of Henry and Evers show total liabilities in the amounts of $3,000 and of $10,000, respectively; and liquid assets—the loan value of life insurance—in the amounts of $35,000 and of $50,000, respectively.

[14] The requested issues read as follows:

To determine whether Civic Communications Corp. can rely upon funds to be provided by banks in which W. G. Hall has a financial interest.

To determine, in light of the proposal of W. G. Hall, a stockholder in Civic Communications Corp., to loan to Civic monies from the banks in which Mr. Hall has a controlling interest, whether said proposal reflects adversely upon the basic or comparative qualifications of Civic Communications Corp. to receive a television license.

[15] The code provisions relied upon by Dixie read, in pertinent part, as follows:

Article 560:

"No person * * * engaged in the business of banking * * * in this state shall employ any part of the funds of the depositors of said institution in any speculative venture * * * owned or promoted by said bank or any of the * * * officers or managers thereof."

Article 564:

"The violation of any provision of the six preceding articles [including Article 560] by any person * * * shall constitute a misdemeanor as to such person * * *."

[16] The affidavits are attached to Civic's petition for leave to file supplemental material, filed June 17, 1970. See note 6, supra.

[17] Dixie alleges that Civic's own representation of its debt service for the second year of operation will be, at a minimum, $723,006.07 and possibly, as much as $779,506.07. Inasmuch as the cash flow of Station WLBT, based on the FCC Form 324 figures for 1968, was only $573,646, Civic's representation, alleges Dixie, is between $150,000 and $225,000 short of its requirements.

loans with accounts receivable. In the instant case, avers Civic, such a method of financing its operation is particularly appropriate because financial reports filed with the Commission by the present operator of Station WLBT attest to the profitability of that operation. Indeed, states Civic, Dixie has not attacked Civic's method of financing; rather, Dixie has merely insinuated that "something is wrong" because it is Hall's bank that has issued a letter of commitment to Civic and has agreed to accept accounts receivable as security for the loan. Since the requested real party-in-interest issue is based solely on insinuation, argues Civic, it must be denied. In the Bureau's view, the WLOX case is factually distinguishable from this case. The Bureau argues that the mere assignment of accounts receivable would not increase Hall's ownership or control of the proposed station, nor would it put him in a position to dictate station policy. In reply, Dixie reiterates that the issue is warranted because Hall, either through banks he owns or through other means, will advance at least $900,000 to Civic for its proposed operations. It is "utterly unbelievable," states Dixie, that Hall, a banker, will abandon the imposition of controls over expenditure of such an enormous sum.

15. Dixie's request for a real party-in-interest issue will be denied. The interests of Walter G. Hall relied upon by Dixie in support of the addition of this issue are based on facts which are apparent on the face of Civic's application. There is no indication that Hall has any undisclosed interest in the applicant. See Viking Television, Inc., 16 FCC 2d 1018, 15 RR 2d 954 (1969). Moreover, petitioner has not shown any extraordinary provision of the proposed bank loan agreement that supports any inference that Hall, in his capacity as controlling stockholder of the banks and/or owner of Civic, will exercise a greater control over Civic's affairs than would any creditor in a comparable position. See Medford Broadcasters, Inc., 16 FCC 2d 684, 15 RR 2d 780 (1969). On the contrary, the loan to Civic appears to be one made in the ordinary course of Citizens State Bank's business; the terms and conditions of the loan are fully set forth and do not create a potential for control; and Hall, in a sworn affidavit, has attested that his only activity on behalf of Civic was the securing of financing from financial institutions controlled by him. In light of these circumstances, we do not consider WLOX, supra, dispositive of the instant case. Medford Broadcasters, supra. The agreement presented in WLOX specified no definite sum to be advanced; the lender was to determine the need for additional funds as the work progressed and he was to be given weekly financial reports; and it was agreed that the lender was to give the applicant financial advice. In our view, petitioner has presented no factual allegations that bring the instant case within the purview of WLOX; rather it has merely speculated that the loan agreement will preclude the principals of Civic from controlling the operation of the applicant's proposed station.

Rule 1.65 issue. 16. In support of its request for a Rule 1.65 issue against Channel 3,[18] Jackson contends that Channel 41, Inc. (Channel 41), has failed to timely amend its application for a permit to construct and operate a television station in Michigan to show that James R. Searer, the executive vice president of Channel 41, is, in addition, a principal party (executive vice president) in the prosecution of the application of Channel 3.[19] Petitioner submits that "the conspicuous failure of Channel 41 to amend its pending application during the considerable period of time since the Channel 3 application was filed with the Commission" warrants the addition of the requested issue. In petitioner's view, Channel 41's failure to amend its application constitutes an omission which bears directly on Channel 3's qualifications in this proceeding. Jackson cites North American Broadcasting Co., 15 FCC 2d 984, 15 RR 2d 367 (1969), and Vernon Broadcasting Co., 12 FCC 2d 946, 13 RR 2d 245 (1968), in support of its position. The Bureau supports addition of the requested issue unless Channel 3 can satisfactorily show that the failure to report by Channel 41 was not the fault of Searer. In opposition, Channel 3 submits the affidavit of George E. McKay, the president of Channel 41, who states that Searer's interests in both applications were noted in the Channel 3 application; that both Channel 41 and Channel 3 were fully informed of Searer's joint interest; that Channel 41 filed an amendment to its application to show Searer's broadcast interest in Channel 3 (footnote 19, supra); and, finally, that Channel 41 has not intentionally concealed the matter in question. McKay explains that since the Channel 3 application disclosed the participation of Searer in both applications, Channel 41 did not consider it necessary to amend the application for Channel 41 to again report the information to the Commission. In reply, Jackson elaborates on the Bureau's position, charging that Searer is the corporate officer of Channel 41 responsible for reporting significant changes in its application as evidenced by the fact that Channel 41's application, several amendments thereto, and various pleadings filed by Channel 41, are signed, or sworn to, by Searer rather than any other corporate officer or director of Channel 41.

17. Jackson's request for a Rule 1.65 issue against Channel 3 will be denied. In our opinion, petitioner has shown no misconduct on Channel 3's part with regard to the Searer matter and the Board finds none. It is undisputed that the Channel 3 application fully discloses Searer's connection with Channel 41. The only alleged misconduct brought to the Board's attention was on the part of Channel 41, which is not a party to this proceeding. Most significantly, Jackson has failed to show that Channel 3 or any of its principals, including Searer, participated in any wrongdoing which requires an evidentiary hearing. Cf. Georgia Radio, Inc., 19 FCC 2d 779, 17 RR 2d 330 (1969). The fact, standing alone, that Searer prepared the Channel 41 application does not warrant the addition of a Rule 1.65 inquiry against Channel 3. This is especially so in view of the Commission's recent favorable action on the Channel 41 application where the Commission expressly considered this matter and resolved it in Channel 41's favor. In its Memorandum Opinion and Order, 24 FCC 2d 603, 19 RR 2d 879 (1970), granting the application of Channel 41, the Commission concluded that while Channel 41 was remiss in its duties under Rule 1.65, no further action against it was warranted.[20] In view of all the foregoing circumstances, Jackson's petition will be denied. Petitioner's reliance upon Vernon Broadcasting Co., supra, and North American Broadcasting Co., supra, is misplaced. In each of these cases, the applicant failed to amend its instant application to reflect significant information. Moreover, the Commission determined that the information not supplied was intimately related to the applicant's financial and programming qualifications (Vernon) or was critical to a resolution of a financial qualifications issue designated against the applicant (North American). In contrast, Channel 3 has supplied all significant information in its application.

18. *Accordingly, it is ordered,* That the petition for leave to file supplemental material, and the second petition for leave to file supplemental material, filed June 17 and June 22, 1970, respectively, by Civic Communications Corp., are granted, and the supplemental material is accepted; and

19. *It is further ordered,* That the petition to enlarge issues, filed May 22, 1970, by Dixie National Broadcasting Corp., is granted to the extent indicated below, and is denied in all other respects; and

20. *It is further ordered,* That the petition to enlarge issues, filed May 22, 1970, by Jackson Television, Inc., against Civic Communications Corp., is granted

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[18] Jackson requests that an issue be added:

To determine whether Channel 41, Inc., has failed to apprise the Commission of the nature and extent of the activities of its executive vice president, Mr. James R. Searer, in the Channel 3, Inc., application for Jackson, Miss., as required by section 1.65 of the rules and, in light of the evidence thus adduced whether Channel 3, Inc., possesses the requisite qualifications to obtain the requested authorization.

[19] At the time Jackson's petition was filed, Channel 41 was an applicant for a new television station in Battle Creek, Mich. (BPCT-4285). Although Channel 3's application was filed on Feb. 3, 1970, Channel 41 did not amend its application to indicate Searer's interest in the Jackson application until June 9, 1970.

[20] In particular, the Commission stated:

That the omitted information in Channel 41, Inc.'s application was on file in another application [i.e., Channel 3's], indicating that there was no motive for concealment; that the omitted information does not pertain to other aspects of the applicant's qualifications * * *; and that we have only this one isolated instance * * *.

to the extent indicated below, and is denied in all other respects; and

21. *It is further ordered*, That the petition to enlarge issues, filed May 22, 1970, by Jackson Television, Inc., against Channel 3, Inc., is denied; and

22. *It is further ordered*, That the petition to enlarge issues, filed May 22, 1970, by Channel 3, Inc., is granted to the extent indicated below, and is denied in all other respects; and

23. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine whether Civic Communications Corp. will have available a $300,000 mortgage loan to finance its studio construction, and, if so, the terms, conditions, and collateral required in connection therewith; and

(b) To determine whether stock subscribers Walter G. Hall, Weyman H. D. Walker, Mrs. Patricia M. Derian, Hodding Carter III, and Charles Young, of Civic Communications Corp. can meet their respective stock subscription commitments; and

(c) To determine whether, in light of the evidence adduced pursuant to issues (a) and (b), the applicant is financially qualified.

24. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof under issues added herein shall be upon Civic Communications Corp.

Adopted: October 19, 1970.

Released: October 22, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX A

(1) Petition to enlarge issues, filed May 22, 1970, by Dixie National Broadcasting Corp. (Dixie).

(2) Petition to enlarge issues, filed May 22, 1970, by Jackson Television, Inc. (Jackson).

(3) Petition to enlarge issues, filed May 22, 1970, by Jackson.

(4) Petition to enlarge issues, filed May 22, 1970, by Channel 3, Inc. (Channel 3).

(5) Opposition to (1), and (2), and (4), filed June 16, 1970, by Civic Communications Corp. (Civic).

(6) Opposition to (3), filed June 16, 1970, by Channel 3.

(7) Opposition to (1) and comments regard: (2), (3), and (4), filed June 16, 1970, by the Broadcast Bureau.

(8) Petition for leave to file supplemental material, filed June 17, 1970, by Civic.

(9) Errata, filed June 19, 1970, by Civic.

(10) Second petition for leave to file supplemental material, filed June 22, 1970, by Civic.

(11) Reply to (5), filed June 29, 1970, by Dixie.

(12) Reply to (5), filed June 29, 1970, by Jackson.

(13) Reply to (6), filed June 29, 1970, by Jackson.

(14) Reply to (5), filed June 29, 1970, by Channel 3.

[F.R. Doc. 70-14986; Filed, Nov. 5, 1970; 8:49 a.m.]

[1] Board Member Kessler concurring in part and dissenting in part; and voting for the inclusion of a real party-in-interest issue.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN ISRAEL

Entry or Withdrawal From Warehouse for Consumption

NOVEMBER 4, 1970.

On October 5, 1970, the U.S. Government in furtherance of the objective of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, and extended through September 30, 1973, requested the Government of Israel to enter into consultations concerning exports to the United States of cotton textile products in Categories 44, 53, 62, and 63 produced or manufactured in Israel. In that request the U.S. Government stated its view that exports in these Categories from Israel should be restrained for the 12-month period beginning October 5, 1970, and extending through October 4, 1971.

Notice is hereby given that under the provisions of Articles 3 and 6(c) of the Long-Term Arrangement, if no solution is mutually agreed upon by the two governments within sixty (60) days of the date of the aforementioned note, entry and withdrawal from warehouse for consumption of cotton textiles in Categories 44, 53, 62, and 63 produced or manufactured in Israel and exported from Israel on and after the date of such note may be restrained.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

[F.R. Doc. 70-15074; Filed, Nov. 5, 1970; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI71-357, etc.]

OCEAN DRILLING & EXPLORATION CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

OCTOBER 23, 1970.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted. [2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 14, 1970.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-357..	Ocean Drilling & Exploration Co.	10	1	Transcontinental Gas Pipe Line Corp. (Ship Shoal Block 239 Unit, Offshore Louisiana).	$17,640	9-25-70	10-26-70	10-27-70	[1] [3] 18.5	[1] [4] 20.0	
RI71-358..	Gulf Oil Corp.	239	3	Lone Star Gas Co. (Milroy and Velma Pools, Stephens County, Okla. Other Area).	95	9-28-70	10-29-70	10-30-70	17.0	17.01	RI69-10.
.....do.....		230	2	Arkansas Louisiana Gas Co. (South Marlow Field, Stephens County, Okla. Other Area).	600	9-28-70	10-29-70	10-30-70	[5] 16.0	[5] 16.015	RI67-333.
.....do.....		287	4	Lone Star Gas Co. (North Dibble Field, McClain County, Okla. Other Area).	24	9-28-70	10-29-70	10-30-70	[5] 16.0	[5] 16.01	RI70-1301.
RI71-359..	The Parade Co.	1	[7] 1	United Gas P/L Co. (Giles Processing	.....	9-25-70	10-26-70	Accepted	[5] 14.0	.....	
		[6] 1	2	Plant, Rusk County, Tex., R.R. District No. 6).	140	9-25-70	10-26-70	10-27-70	[5] 14.0	[5] 15.0	

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Pressure base is 15.025 p.s.i.a.
[2] Area base rate for third vintage offshore gas well gas as established in Opinion No. 546.
[3] Subject to quality adjustments.
[4] Pursuant to paragraph (A) of Opinion No. 546-A.
[5] Subject to downward B.t.u. adjustment.
[6] Subject to a deduction for dehydration of 0.5 cent paid by seller to buyer.
[7] Amendment dated Aug. 17, 1970, provides for 15-cent rate until May 11, 1973, 16-cent rate until May 11, 1977, 17-cent rate until May 11, 1982, and 18-cent rate for remainder of contract term. Amendment is accepted as of Oct. 26, 1970, but not the proposed 15-cent rate contained therein which is suspended as provided herein.
[8] Contract dated after Sept. 28, 1960.

Ocean's proposed increase involving sales of third vintage gas well gas from offshore Louisiana was filed pursuant to Opinion No. 546-A. Ocean requests waiver of the 30-day statutory notice period. Good cause has not been shown for granting such request and it is denied. Consistent with prior Commission action on similar increases, the proposed increase is suspended for 1 day from the expiration of the statutory notice period. Thereafter, the proposed rate may be placed in effect subject to refund pending the outcome of Docket No. AR69-1.

Gulf proposes increases reflecting tax reimbursement only for the Oklahoma Excise Tax. The proposed rates exceed the applicable area increased rate ceiling set forth in the Commission's statement of general policy No. 61-1, as amended. In these circumstances the proposed rates shall be suspended for 1 day from the expiration of the statutory notice period.

The contract related to Parade's proposed increase is dated after September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, and the proposed rate does not exceed the applicable area initial rate ceiling. We shall therefore suspend the proposed rate for only 1 day.

Gulf and Parade request effective dates for which adequate notice has not been given. Good cause has not been shown for granting such requests and they are denied.

[F.R. Doc. 70-14851; Filed, Nov. 5, 1970; 8:45 a.m.]

[Docket No. RI71-365 etc.]

TENNECO OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

OCTOBER 28, 1970.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 10, 1970.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf Rate in effect	Cents per Mcf Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-365..	Tenneco Oil Co.	230	1	El Paso Natural Gas Co. (Blanco-Mesa Verde, San Juan County, N. Mex. (San Juan Basin)).	$668	10-2-70	11-2-70	4-2-71	[1] [3] 14.2501	[1] [3] 15.2678	RI64-482.
		260	1	El Paso Natural Gas Co. (San Juan County, N. Mex. (San Juan Basin)).	1,600	10-2-70	11-2-70	4-2-71	[1] 13.0	[1] 14.0	
RI71-366..	Aztec Oil & Gas Co.	3	[4] 27	El Paso Natural Gas Co. (Mesa Verde Formation, San Juan County, N. Mex. (San Juan Basin)).	8,237	10-5-70	11-5-70	4-5-71	[4] 13.0	14.0662	
		33	3	El Paso Natural Gas Co. (Basin Dakota Pool, San Juan County (San Juan Basin)).	5,021	10-5-70	11-5-70	4-5-71	[1] [3] 14.0536	[1] [3] 15.0578	RI64-482.
RI71-367..	Tamarack Petroleum Co., Inc.	15	[4] 10	El Paso Natural Gas Co. (Spraberry Trend Area, Reagan County, RR. District No. 7-C (Permian Basin)).	15,390	10-6-70	[4] 11-6-70	4-6-71	[4] 14.5	[4] 19.0	
RI71-368..	Tenneco Oil Co.	41	5	El Paso Natural Gas Co. (South Fullerton Field, Andrews County, Tex., RR. District No. 8 (Permian Basin)).	215	10-2-70	11-2-70	4-2-71	[4] 15.19	[4] 19.0	
.....do.....		215	3	Arkansas Louisiana Gas Co. (Massard Field, Sebastian County, Ark.).	869	10-2-70	11-2-70	4-2-71	[4] 15.0	[4] 16.0	

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-369..	Phillips Petroleum Co..	471	2	Arkansas Louisiana Gas Co. (Arkoma Area, Sequoyah and Le Flore Counties, Okla. Other Area and and Franklin, Logan, and Yell Counties, Ark.).	$1,050	9-28-70	10-29-70	3-29-71	[4] 15.0	[4] [5] 16.0	
RI71-370..	Mobil Oil Corp.....	414	16	Texas Eastern Transmission Corp. (Waskom Field, Harrison County, Tex. RR. District No. 6).	929	10-5-70	11-5-70	4-5-71	[4] 16.3713	[4] 16.5722	RI70-464.
RI71-371..	Pan American Petroleum Corp.	60	21	Natural Gas Pipeline Co. of America (East Bay City Field, Matagorda County, Tex., RR. District No. 3).	90,512	10-7-70	11-7-70	4-7-71	[4] 18.0	[4] 20.73314	RI69-259.
RI71-372..	Mobil Oil Corp.....	420	8	Texas Eastern Transmission Corp. (Bird Island Field, Kleberg County, Tex. RR., District No. 4).	558	10-5-70	11-5-70	4-5-71	[4] 16.8735	[4] 17.0744	RI68-498.
RI71-373..	Atlantic Richfield Co...	492	18	El Paso Natural Gas Co. (Jalmat et al. Fields, Lea County, N. Mex. (Permian Basin Area)).	66,784	10-1-70	[4] 11-1-70	4-1-71	[4] [7] [8] 16.879 [4] [8] [9] 16.422 [4] [8] [11] 16.832 [4] [8] [12] 16.376	[4] [8] 17.9023	RI68-503.
		506	9	El Paso Natural Gas Co. (Brown Bassett (Non-Ellenburger) Field, Terrell County, Tex. RR. District No. 7-C (Permian Basin Area)).	2,539 3,889	10-1-70	[4] 11-1-70	4-1-71	[4] [8] [13] 16.879 [4] [14] 16.5619 [4] [15] 16.50	[4] [8] 17.9023 [4] 17.5656 [4] 17.8656	RI70-671.
RI71-374..	Imperial-American Management Co.	[16]	[16]	Northern Natural Gas Co. (Gomez Field, Pecos County, Tex. RR. District No. 8 (Permian Basin)).	144,000	10-1-70	11-1-70	4-1-71	[4] 16.5	[4] [17] 29.5	

[1] Pressure base is 15.025 p.s.i.a.
[2] 1-cent minimum guarantee on liquids included.
[3] Pertains to acreage added by Supplements Nos. 25 and 26 only.
[4] Pressure base is 14.65 p.s.i.a.
[5] Pertains to acreage added by Supplements Nos. 7 and 9.
[6] The stated effective date is the first day after expiration of the statutory notice period.
[7] Regular leases—High pressure gas.
[8] Included partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.
[9] For gas delivered at less than 600 p.s.i.g. the rate will be reduced by 0.4467 cent per Mcf which will also result in tax reimbursement.
[10] Regular leases—Low pressure gas.
[11] State leases—High pressure gas.
[12] State leases—Low pressure gas.
[13] Applicable to new gas-well gas produced from acreage added by Supplement No. 6 (Regular lease—High pressure).
[14] Applicable to production from reservoirs other than Brown Bassett (Strawn) Reservoir.
[15] Applicable to production from Brown Bassett (Strawn) Reservoir.
[16] No rate schedule on file. Applicant issued a small producer certificate in Docket No. C869-58.
[17] Pertains to sale of gas under contract dated May 25, 1970.

Tenneco Oil Co. under its Rate Schedule No. 230 and Atlantic Richfield Co. under its Rate Schedule No. 492 filed increased rate proposals including partial reimbursement of the New Mexico school tax. The buyer, El Paso, is expected to protest the tax reimbursement part of these rates. In view of the contractual problem presented, the hearings provided with respect to these increased rate filings shall concern themselves with the contractual basis for such filings as well as the statutory lawfulness of the proposed rates.

The rate increases filed by Tenneco Oil Co. under its Rate Schedule No. 215 and by Phillips Petroleum Co. for a portion of its dedicated acreage are for sales of natural gas in the Arkoma area of Arkansas where no formal rate ceilings have been established. Since their proposed 16 cents per Mcf rate exceed the 11 cents per Mcf increased rate ceiling for the adjacent Oklahoma "Other" area which has previously been applied for increased rates filed in this area of Arkansas, we believe that these increases should be suspended for 5-month duration.

Tamarack and Phillips request effective dates for which adequate notice has not been given. Atlantic requests that its increases either not be suspended or suspended for 1 day. Good cause has not been shown for granting such requests and they are denied.

All of the proposed increased rates and charges exceed the applicable area increased rate ceiling set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

[F.R. Doc. 70-14924; Filed, Nov. 5, 1970; 8:45 a.m.]

[Docket No. E-7563]

MONONGAHELA POWER CO., ET AL.

Order Suspending Proposed Rate Schedule Changes and Providing for Hearing

OCTOBER 30, 1970.

This order suspends for 1 day the operation of proposed supplemental rate schedules and orders a public hearing to be held on the lawfulness of those schedules.

Monongahela Power Co. (Monongahela), The Potomac Edison Co. (Potomac), and West Penn Power Co. (West Penn) public utilities subject to the jurisdiction of this Commission, on June 29, 1970, tendered for filing new supplemental rate schedules to change certain provisions of Monongahela's Rate Schedule FPC No. 27 and Supplement No. 1 thereto, Potomac's Rate Schedule FPC No. 29 and Supplement No. 1 thereto, and West Penn's Rate Schedule No. 25 and Supplement No. 1 thereto. The new supplements contain certain language changes and increase the rate of return used in computing fixed charges for capacity reserve equalization and transmission service from 6.5 to 9 percent. The filings are proposed to become effective November 1, 1970. The companies contend that the new filings will result in clarification and simplification and take into consideration the increased cost of money, particularly the high cost of recent debt issues.

Written notice of the application has been given to the Maryland, Ohio, Pennsylvania, Virginia, and West Virginia State commissions and the Governor of each of those States. Notice has also been published in the FEDERAL REGISTER on October 3, 1970 (35 F.R. 15456), stating that any person desiring to be heard or to make any protest with reference to the application shall file petitions or protests on or before October 19, 1970, with the Federal Power Commission, Washington, D.C. 20426. No protest, petition or request to be heard in opposition to the granting of the application has been received.

The Commission finds:

(1) Supplement No. 5 to Monongahela's Rate Schedule FPC No. 27, Supplement No. 5 to Potomac's Rate Schedule FPC No. 29, and Supplement No. 5 to West Penn's Rate Schedule FPC No. 25 may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful under the Federal Power Act.

(2) It is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 205, 301, 307, 308, and 309 thereof that the operation of the above-mentioned supplemental rate schedules be suspended, the use thereof deferred, and a public hearing be held

on the lawfulness of those schedules all as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act and pursuant to the Commission's rules of practice and procedure a public hearing shall be convened at such time and place as the Commission shall further order concerning the lawfulness of the supplemental schedules referred to in finding paragraph (1).

(B) The supplemental rate schedules referred to in finding paragraph (1) above are hereby suspended and the use therof deferred until November 2, 1970, on that day those supplements shall take effect in the manner prescribed by the Federal Power Act subject to further orders of the Commission.

(C) The company shall refund, at such times and in such manner as may be required by final order of the Commission, the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest at the New York prime rate on November 2, 1970, on the date of payment, until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all the amounts received by reason of the increased rates and charges effective as of November 2, 1970, for each billing period and shall report (original and one copy) in writing and under oath to the Commission monthly for each billing period the billing determinants of electric energy sold and delivered under the above suspended agreements and revenues resulting therefrom as computed under the rates in effect prior to November 2, 1970, and under the rates and charges made effective by this order together with the differences in the revenues so computed.

(D) Unless otherwise ordered by the Commission the parties shall not change the terms or provisions of its proposed rate schedule supplements or its present effective rate schedules until this proceeding has been terminated or until the period of suspension has expired.

By the Commission.

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

[F.R. Doc. 70-14965; Filed, Nov. 5, 1970; 8:47 a.m.]

[Dockets Nos. RP71-13, RP71-14]

EL PASO NATURAL GAS CO.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets, Providing Hearing Procedures, Permitting Tracking of Purchased Gas Increases, Requiring Filing of Undertaking and Consolidating Proceedings

OCTOBER 30, 1970.

El Paso Natural Gas Co. (El Paso) on September 30, 1970, tendered for filing in Docket No. RP71-13 revised tariff sheets proposing changes in its FPC Gas Tariff, Original Volumes Nos. 1 and 2A and in Docket No. RP71-14 revised tariff sheets proposing changes in Original Volume No. 3 of its tariff,[1] all to become effective on October 31, 1970. The revised tariff sheets in Docket No. RP71-13 provide for an increase in El Paso's rates for its Southern Division System of $51,975,477 annually, or 4.33 cents per Mcf based upon volumes for the 12-month period ended May 31, 1970, as adjusted. Of this total increase, $43,917,654, or 3.66 cents per Mcf, is based upon claimed increases in costs other than purchased gas costs and $8,057,823, or 0.67 cent per Mcf, is attributable to claimed increases in the cost of purchased gas. The revised sheets in Docket No. RP71-14 provide for an increase in El Paso's rates for its Northwest Division System of $17,649,389 annually, or an average of 5.02 cents per Mcf, also based upon volumes for the 12-month period ended May 31, 1970, as adjusted. Of this increase $12,386,757, or 3.53 cents per Mcf, is based upon claimed increases in costs other than purchased gas and $5,262,632, or 1.49 cents per Mcf, is attributable to claimed increases in the cost of purchased gas.

In both dockets El Paso states that the principal reasons for the proposed rate increases are increased costs of capital, labor, materials and supplies, purchased gas and taxes and the resumption of the use of normalized accounting for liberalized tax depreciation. In both dockets El Paso claims the need for an 8.875 percent rate of return.

El Paso, on September 30, 1970, filed a motion for consolidation of Dockets Nos. RP71-13 and RP71-14 on the grounds that each of the rate increase proposals involves common questions of law and fact and that a substantial portion of the evidence to be adduced with respect to each is common to both proceedings.

El Paso, in both filings, states that if its proposed increased rates are suspended it will undertake to have made effective at the end of the suspension period only that portion of the increase in rates which is attributable to items of increased costs, excluding increased purchased gas costs not incurred at the end of the suspension period or, in the case of the Southern Division, which are reflected, through tracking filings, in El Paso's Southern Division System rates at the end of the suspension period.[2] El Paso conditions its undertakings upon it being permitted to increase its rates on both systems through tracking filings made upon terms and conditions not materially different from those recently and now in effect with respect to the Southern Division System in Docket No. RP70-11, in order to reflect increased purchased gas costs incurred both before and after the end of any such suspension period up to 0.67 cent per Mcf in the aggregate on the Southern Division System and 1.49 cents per Mcf in the aggregate on the Northwest Division System.

El Paso has claimed an exposure of $9,335,016 in increased purchased gas costs in Docket No. RP71-13, of which $8,057,823 is jurisdictional. Of this total, $1,644,834 can be made effective annually through December 31, 1970, $4,633,068 represents other supplier increases not currently under suspension but which can be made effective by producers between January 1, 1971, and March 31, 1971, the end of the suspension period provided for herein; and there are $3,027,114 of producer increases which are contractually authorized as of February 28, 1971, but not as yet filed for by producers.[3] By order issued this same day in Docket No. RP70-11, we have permitted El Paso to recover certain of these purchased gas costs, as they are incurred, by means of tracking filings through March 30, 1971. On March 31, 1971, the end of the suspension period provided for herein, El Paso may be exposed to approximately $3,027,114 of increases in purchased gas costs on its Southern Division System. Under these circumstances, it appears appropriate to afford El Paso an opportunity to track supplier rate increases after March 30, 1971. In so doing, we recognize that El Paso's customers should not be required to pay rates based on purchased gas costs not being incurred by El Paso. Accordingly, at the end of the suspension period provided for herein, March 31, 1971, El Paso may place into effect in Docket No. RP71-13 only that portion of its proposed increased rates equal to the then effective rates, plus 3.66 cents per Mcf which reflects the claimed increases in costs other than purchased gas costs. In order to permit El Paso to recover increased purchased gas costs which may be incurred after March 31, 1971, we will allow El Paso to track supplier rate

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[1] The proposed revised tariff sheets are as follows: In Docket No. RP71-13, 20th Revised Sheet No. 27-B; 22d Revised Sheets Nos. 11-A and 34; 23d Revised Sheets Nos. 4, 17, 18 and 27-E; 25th Revised Sheets Nos. 6 and 8; 26th Revised Sheets Nos. 19 and 36; and 27th Revised Sheets Nos. 10 and 11 of Original Volume No. 1; and 9th Revised Sheets Nos. 154-A, 198-A, 207-A, 416-A, and 429-A of Original Volume No. 2A. In Docket No. RP71-14 the Revised Tariff Sheets are: Original Sheets Nos. 36-A and 36-B; 1st Revised Sheets Nos. 5, 6, 7-F, 7-H, 9, 12, 15, 18, 27-A, 27-B, and 29-A; 2d Revised Sheets Nos. 22, 28, 29, and 36; 3d Revised Sheets Nos. 4, 7-A, 8, 13-D, 13-G, 13-J, 14, 16-A, 20-A, 20-C, 20-E, 20-G, 23, and 26; 4th Revised Sheets Nos. 7-C, 7-E, 7-G, 13-A, 17, 18-C, 18-E, 18-G, 19, 21, and 25; and 5th Revised Sheets Nos. 11 and 18-A. On October 9, 1970, El Paso filed 1st Revised Sheets Nos. 24-A and 24-B, 2d Revised Sheet No. 27, Substitute Original Sheet No. 36-A, Substitute 2d Revised Sheet No. 36, Substitute 3d Revised Sheet No. 26, and Substitute 4th Revised Sheet No. 25, all to replace those sheets filed on October 9, 1970, pursuant to the settlement agreement in Docket No. RP70-37, approved by Commission order issued October 20, 1970.

[2] El Paso presently has no tracking authority with respect to its Northwest Division rates.

[3] The figures stated are contained in El Paso's motion, filed in Docket No. RP70-11 on Sept. 30, 1970, to extend El Paso's tracking period provided for in that docket.

changes through December 31, 1971, up to a level equal to the rates set forth in the proposed revised Southern Division System tariff sheets identified in footnote 1 above.

We will also allow El Paso to track supplier rate changes on its Northwest Division System after the suspension period ordered herein, as hereinafter provided, and will permit El Paso to place into effect at the end of the suspension period, on March 31, 1971, rates equal to the rates set forth in the proposed revised Northwest Division System tariff sheets identified in footnote 1 above less any portion of the 1.49 cents per Mcf of increased purchased gas costs not in effect as of that date.

Review of El Paso's filing in both dockets indicates that certain issues are raised in each docket which require development in evidentiary proceedings. The proposed increased rates and charges in each docket have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. It appears that the filings raise issues of law and fact common to both proceedings. Under these circumstances it is appropriate that the two proceedings be consolidated for purposes of hearing and decision. We recognize, however, that certain issues, particularly those related to proposed tariff changes (other than rate level) on its Northwest Division System, may relate to only one of the proceedings and we will provide for the Presiding Examiner to determine which issues should be heard in a consolidated record and which should be heard separately.

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

The Commission finds:

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

(1) The Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in El Paso's FPC Gas Tariff, as proposed to be amended by the revised tariff sheets filed in Dockets Nos. RP71–13 and RP71–14 and that the proposed tariff sheets, as listed in footnote (1) above, be suspended and the use thereof be deferred as herein provided; and

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

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the Regulations Under the Natural Gas Act (18 CFR Ch. I) a public hearing be held commencing with a prehearing conference on December 8, 1970, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in El Paso's FPC Gas Tariff, as proposed to be amended in Dockets Nos. RP71–13 and RP71–14.

(B) Pending such hearing and decision thereon, El Paso's proposed revised tariff sheets listed above in Docket No. RP71–13 are hereby suspended and the use thereof deferred until March 31, 1971, and thereafter shall be effective upon the following condition:

(1) El Paso may place in effect on March 31, 1971, or thereafter in the manner prescribed by the Natural Gas Act, the increased rates set forth in the proposed revised tariff sheets in Docket No. RP71–13, less any portion of the amount of 0.67 cents per Mcf of supplier increases, included in such increased rates in said revised tariff sheets, which has not been utilized by El Paso in tracking increases made under authority of Docket No. RP70–11.

(C) El Paso may, from time to time until December 31, 1971, file with the Commission as a part of its FPC Gas Tariff, Original Volume No. 1, and as to Rate Schedules FS–13, FS–17, FS–18, FS–34, and FS–35 of Original Volume 2A, revised tariff sheets necessary to reflect increases or decreases in its rates, the first of which increases to be effective no earlier than March 31, 1971, up to a level equal to the rates set forth in the proposed Southern Division System tariff sheets identified in footnote 1 above, based upon increases or decreases in the cost of El Paso's purchased gas for its Southern Division subject to the conditions as hereinafter described and computed in accordance with the following provisions of this paragraph (C):

(1) Increases or decreases in El Paso's rates made pursuant to paragraph (C) shall reflect only those changes in the cost of gas purchased by El Paso from those fields and from those gas supply sources presently connected to El Paso's Southern Division System and identified in Statement H(1), Schedule No. H(1)–3.1 of El Paso's filing in Docket No. RP 71–13 and under those FPC gas rate schedules of El Paso's Southern Division System suppliers now on file with this Commission and identified in Statement H(1), Schedule No. H(1)–3.2, sheets 8 through 310, 324 through 356 and 362 through 425 of that filing: *Provided, however*, That only those increases under the Southern Division System supplier rate schedules, or any decreases therein, ordered by the Commission shall be used in the computation of increases or decreases in El Paso's rates made pursuant to paragraph (C); and provided further, that the aggregate net increase in El Paso's rates made pursuant to this paragraph (C) shall not exceed 0.67 cents per Mcf.

(2) No change in rates shall be made hereunder until the net change in the annualized cost of purchased gas for El Paso's Southern Division System under the supplier rate schedules, determined as herein provided, causes a total Southern Division System change in purchased gas costs of at least one-tenth of one cent (0.1 cent) per Mcf (at 14.73 p.s.i.a.), based upon El Paso's Southern Division System gas sales for the 12-month period ending not less than 60 days nor more than 90 days preceding the effective date of any change in rates made under the provisions of this paragraph (C).

(3) The annualized cost of gas purchased by El Paso for its Southern Division System under each supplier rate schedule shall be determined by application of the rate then in effect thereunder to the volume of gas purchased during the 12-month period ending not less than 60 days nor more than 90 days preceding the effective date of such increase or decrease, for each supplier rate schedule reflected in Statement H(1), Schedule No. H(1)–3.2 of El Paso's filing in Docket No. RP71–13.

(4) The amount of any net change in the annualized cost of purchased gas for El Paso's Southern Division System shall be determined as the difference between the annualized cost of purchased gas, computed in accordance with the immediately preceding subparagraph (3), and the amount that would have been paid as determined by application of the last supplier rate used for a change in rates hereunder to the volume prescribed in subparagraph (3). The amount per Mcf of any change in rates hereunder shall be determined by dividing the annual amount of the above change in costs by El Paso's total Southern Division System sales made during the 12-month period used to determine the annualized cost of purchased gas under the immediately preceding subparagraph (3). Such change in rates shall be uniformly applied to all rate schedules affected by El Paso's filing herein and in the commodity component of Rate Schedule G of El Paso's FPC Gas Tariff, Original Volume No. 1: *Provided, however*, That the aggregate net increase to reflect increased purchased gas costs hereunder shall not exceed 0.67 cents per Mcf.

(5) No filing shall be made pursuant to paragraph (C) until all increased supplier rates included therein are actually effective, or until a motion to place such rates in effect has been filed with the Commission, provided that El Paso's filings shall not provide for an effective date prior to the day on which the suspended supplier increases become effective by motion.

(6) Revised tariff sheets filed in accordance herewith shall become effective 30 days after filing or such later date as El Paso proposes.

(7) If, as a result of any final order of the Commission, not stayed by the

Commission or the courts, El Paso shall receive refunds, including interest, under any supplier rate schedule, applicable to increased rates collected thereunder which have been reflected in changes in El Paso's Southern Division System rates hereunder, El Paso shall refund the jurisdictional portion of all refunds received to its jurisdictional customers, without further interest, upon accumulation of $1 million or more, except for the final refund which shall be made only if the total amount remaining refundable is $50,000 or more.

(D) Pending such hearing and decision herein El Paso's proposed revised tariff sheets listed above in Docket No. RP71–14 are hereby suspended and the use thereof deferred until March 31, 1971; and thereafter shall be effective upon the following condition:

(1) El Paso may place in effect on March 31, 1971, or thereafter in the manner prescribed by the Natural Gas Act, the increased rates set forth in the proposed revised tariff sheets, less any portion of the amount of 1.49 cents per Mcf of supplier increases, included in such increased rates in said revised tariff sheets, which has not been actually incurred by El Paso.

(E) El Paso may, from time to time until December 31, 1971, file with the Commission as a part of its FPC Gas Tariff, Original Volume No. 3, revised tariff sheets necessary to reflect increases or decreases in its rates, the first of which increases to be effective no earlier than March 31, 1971, up to a level equal to the rates set forth in the proposed revised Northwest Division System tariff sheets identified in footnote 1 above, based upon increases or decreases in the cost of El Paso's Northwest Division System purchased gas, subject to the conditions as hereinafter described and computed in accordance with the following provisions of this Paragraph (E):

(1) Increases or decreases in El Paso's rates made pursuant to Paragraph (E) shall only reflect (i) those changes in the cost of gas purchased by El Paso from those fields and from those gas supply sources presently connected to El Paso's Northwest Division System and identified in Statement H(1), Schedule H(1)–3.1 of El Paso's filing in Docket No. RP71–14 and under those FPC Gas Rate Schedules of El Paso's Northwest Division System suppliers now on file with this Commission and identified in Statement H(1), Schedule H(1)–3.2, sheets 198 through 323, 350 through 361 and 426 through 427, of El Paso's said filing in Docket No. RP71–14, and (ii) those changes in the cost of gas purchased by El Paso under those Canadian supplier purchase contracts on file with this Commission and identified in Statement H(1), Schedule H(1)–3.2, sheets 428 and 429, of El Paso's said filing in Docket No. RP71–14: *Provided, however,* That only those increases under the Northwest Division System supplier rate schedules, or any decreases therein, ordered by the Commission, together with any increases or decreases in the cost of gas purchased under such Canadian supplier purchase contracts arising from changes in the buying rate of Canadian currency in terms of U.S. currency, shall be used in the computation of increases or decreases in El Paso's rates made pursuant to Paragraph (E); and: *Provided further,* That the aggregate net increase in El Paso's rates made pursuant to this Paragraph (E) shall not exceed 1.49 cents per Mcf.

(2) No change in El Paso's Northwest Division System rates shall be made hereunder until the net change in the annualized cost of purchased gas for the Northwest Division System under the supplier rate schedules and Canadian supplier purchase contracts, determined as herein provided, causes a total Northwest Division System change in purchased gas costs of at least one-tenth of one cent (0.1 cent) per Mcf (at 14.73 p.s.i.a.) based upon El Paso's Northwest Division System gas sales for the 12-month period ending not less than 60 days and not more than 90 days preceding the effective date of any change in rate made under the provisions of this Paragraph (E);

(3) The amount of any net change in the annualized cost of purchased gas for El Paso's Northwest Division System shall be the sum of the amounts calculated in accordance with Paragraphs (E)(4) and (E)(5) below;

(4) In determining the initial change in rates made hereunder, the amount of net change in the annualized cost of purchased gas for purposes of this Paragraph (E)(4) shall be the difference between the amounts computed under Paragraphs (E)(4)(a) and (E)(4)(b) below. In determining subsequent changes in rates made hereunder, the amount of net change in such annualized cost of purchased gas shall be the difference between the amounts computed under Paragraphs (E)(4)(a) and (E)(4)(c) below:

(a) The annualized cost of gas purchased by El Paso for its Northwest Division System under each supplier rate schedule shall be determined by application of the rate then in effect thereunder to the volume of gas purchased during the 12-month period ending not less than 60 days nor more than 90 days preceding the effective date of such increase or decrease, for each supplier rate schedule reflected in Statement H(1), Schedule H(1)3.2 of El Paso's said filing in Docket No. RP71–14.

(b) For the purpose of determining the initial change in rates made hereunder, the annualized cost of gas purchased by El Paso for its Northwest Division System, for the rate schedules and volumes described in paragraph (E)(4)(a) above, shall be calculated using the San Juan Basin area rates in effect under supplier rate schedules on June 11, 1970, and the rates in effect under all other Northwest Division System supplier rate schedules on May 31, 1970.

(c) For the purpose of determining subsequent changes in rates made hereunder, the annualized cost of gas purchased by El Paso for its Northwest Division System, for the rate schedules and volumes described in paragraph (E)(4)(a), above, shall be calculated by application of the last rates under supplier rate schedules used for a change in gas sales rates hereunder.

(5) The amount of net change in the annualized cost of purchased gas for the purpose of this paragraph (E)(5) shall be the sum of the amounts computed under paragraph (E)(5) (b) and (c) below.

(a) The term Prevailing Rate of Exchange is defined as the average of the daily buying rate of Canadian currency in U.S. currency, prevailing at noon each day in the City of New York as determined by the Federal Reserve Bank of New York for the 15 consecutive business days immediately preceding the date of El Paso's filing hereunder expressed in cents of U.S. currency, rounded to the nearest one-hundredth of 1 cent.

(b) The amount of net change in the annualized cost of purchased gas for purposes of this paragraph (E)(5)(b) shall be calculated by multiplying the amount of $227,518[4] by the number of whole cents which the then Prevailing Rate of Exchange exceeds or is less than 92.5 U.S. cents. However, for changes in rates made subsequent to the initial change in rates made hereunder, there shall be deducted from the amount computed pursuant to the foregoing sentence an amount determined by multiplying the amount of $227,518 by the number of whole cents which the last previous Prevailing Rate of Exchange used for a change in rates hereunder exceeds or is less than 92.5 U.S. cents.

(c) The amount of net change in the annualized cost of purchased gas for purposes of this paragraph (E)(5)(c) shall be calculated by multiplying the amount of $110,416[5] by the result of deducting from the then Prevailing Rate of Exchange 93.115 U.S. cents. However, for changes in rates made subsequent to the initial change in rates made hereunder,

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[4] The cost of Canadian gas imported and purchased at the Sumas, Wash., delivery point under the terms of El Paso's agreement with Westcoast Transmission Co., Ltd., dated Feb. 28, 1966, in the base period cost of service is $21,040,460. After adjustment to a parity exchange rate from the pre-existant exchange rate of 92.5 U.S. cents, the adjusted test period cost of such gas is $22,746,842, a difference between 92.5 and 100 cents equals $227,518 per 1 cent of change in the Prevailing Rate of Exchange from 92.5 U.S. cents. (See Statement H(1), Schedule No. H(1)–3.1, Sheet 8 of 9, of El Paso's filing in Docket No. RP71–14.)

[5] The cost of Canadian gas imported and purchased at the Kingsgate, British Columbia, delivery point in the base period cost of service was $11,708,499.96 U.S. dollars. Of such sum, $1,427,001.27 was payable in U.S. dollars and not subject to currency adjustments, leaving $10,281,448.69 to be converted to Canadian dollars, at the weighted average exchange rate of 93.115 U.S. cents during the base period. Each 1 cent of change from 93.115 cents is calculated by:

$$\left(\frac{94.115}{93.115}-1\right)\times\$10,281,448.69$$

which equals $110,416 for 1 cent change in the exchange rate of 93.115 U.S. cents. (See Statement H(1), Schedule No. H(1)–3.1, Sheet 8 of 9, of El Paso's filing in Docket No. RP71–14.)

there shall be deducted from the amount computed pursuant to the foregoing sentence an amount determined by multiplying the amount of $110,416 by the result of deducting from the last previous Prevailing Rate of Exchange used for a change in rates hereunder 93.115 U.S. cents.

(6) The amount per Mcf of any change in rates hereunder shall be determined by dividing the annualized cost of purchased gas determined in accordance with this paragraph (E) by El Paso's total Northwest Division System sales made during the same 12-month period as used to determine the annualized cost of purchased gas under paragraph (E)(4)(a). Such change in rates shall be uniformly applied to all rate schedules affected by El Paso's filing in Docket No. RP71-14 and as to those rate schedules containing demand and commodity rates in the commodity component thereof: *Provided, however,* That the aggregate net increase to reflect increased purchased gas costs under this paragraph (E) shall not exceed 1.49 cents per Mcf.

(7) No filing made pursuant to this paragraph (E) shall utilize increased supplier rates which are not actually effective, or with respect to which a motion to place such rates in effect has not been filed with the Commission: *Provided,* That El Paso's filings utilizing such increased supplier rates shall not provide for an effective date prior to the day on which any such suspended supplier increases become effective by motion.

(8) Revised tariff sheets filed in accordance with this paragraph (E) shall become effective 30 days after filing or such later date as El Paso proposes; and

(9) If, as a result of any final order of the Commission, not stayed by the Commission or the courts, El Paso shall receive refunds, including interest, under any supplier rate schedule, applicable to increased rates collected thereunder which have been reflected in changes in El Paso's Northwest Division System rates hereunder, El Paso shall refund the jurisdictional portion of all refunds received to its jurisdictional customers, without further interest, upon accumulation of $200,000 or more, except for the final refund which shall be made if, but only if, the total amount remaining refundable is $10,000 or more.

(F) As a condition of this order, El Paso shall execute and file in triplicate with the Secretary of this Commission, within 20 days of the date of this order, its written agreement and undertaking to comply with the terms of paragraphs (C)(7) and (E)(7) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from its Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the tariff sheets involved and upon all parties of record in this proceeding, as follows:

AGREEMENT AND UNDERTAKING OF EL PASO NATURAL GAS CO. TO COMPLY WITH THE TERMS AND CONDITIONS OF PARAGRAPHS (C)(7) AND (E)(7) OF THE FEDERAL POWER COMMISSION'S ORDER ISSUED _____, 1970 IN DOCKETS NOS. RP71-13 AND RP71-14.

In conformity with the requirements of the order issued _____, 1970 in Dockets Nos. RP71-13 and RP71-14 El Paso Natural Gas Co. hereby agrees and undertakes to comply with the terms and conditions of paragraphs (C)(7) and (E)(7) of said order and has caused this agreement and undertaking to be executed and sealed in its name by its officer, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this _____ day of _____ 1970.

EL PASO NATURAL GAS CO.

By _____

Attest:

_____
(Secretary)

(G) At the hearing on December 8, 1970, El Paso's prepared testimony (Statement P) filed and served in Dockets Nos. RP71-13 and RP71-14 on October 15, 1970, together with its entire rate filing as submitted and served on September 30, 1970, shall be admitted to the record as El Paso's complete case-in-chief as provided in the Commission's regulations, § 154.63(e)(1), and Order No. 254, 28 FPC 495, 496 without prejudice to any motions by the parties with respect thereto.

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

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

(J) The proceedings in Dockets Nos. RP71-13 and RP71-14 are hereby consolidated.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-14966; Filed, Nov. 5, 1970; 8:47 a.m.]

[Docket No. CP71-124]

EL PASO NATURAL GAS CO.

Notice of Application

OCTOBER 30, 1970.

Take notice that on October 26, 1970, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP71-124 an application under section 7(b) of the Natural Gas Act for permission and approval to abandon certain facilities and deliveries of natural gas, all as set forth in the appliction on file with the Commission and open to public inspection.

The application states that under authority issued January 11, 1965, at Docket No. CP61-92 (33 FPC 34), as amended, Applicant constructed and placed in operation facilities to deliver gas to Northern Natural Gas Co. (Northern) on an exchange basis, from certain wells located in Ochiltree County, Tex., identified on the effective Exhibit B of the 1963 Service Agreement dated August 17, 1962, between Applicant and Northern, comprising special Rate Schedule Z-1 to Applicant's FPC Gas Tariff, Third Revised Volume No. 2. Applicant states that two of the wells so identified, the Ridgeway and Morrison C. S. McGarraugh No. 1 and the J. W. Daniel Unit No. 1, are no longer capable of production and have been plugged and abandoned. Applicant proposes to abandon its facilities utilized to deliver gas from said wells to Northern, consisting of a total of approximately 1.1 miles of 4½-inch O.D. pipeline and related metering and wellhead equipment.

Applicant states that the total cost of the removal and repair of the facilities to be abandoned is estimated to be $5,800 inclusive of filing fee. Applicant further states that no termination or reduction in service will result from the proposed abandonment.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 23, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes

that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-14967; Filed, Nov. 5, 1970; 8:47 a.m.]

[Docket No. CI67-252, etc.]

FLAG-REDFERN OIL CO., ET AL.

Notice of Petition To Amend

OCTOBER 30, 1970.

Take notice that on September 16, 1970, Flag-Redfern Oil Co. (petitioner), Post Office Box 23, Midland, Tex. 79701, filed in Docket No. CI67-252 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 to Flag Oil Corporation of Delaware, Redfern Development Corp., and Redfern Oil Co. by substituting petitioner as certificate holder, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant states that it merged the aforementioned certificate holders as of September 1, 1970, and that it proposes to continue the certificated sales of natural gas in interstate commerce heretofore authorized to be made in the following dockets:

Flag Oil Corp. of Delaware	Redfern Development Corp.	Redfern Oil Co.
CI67-1539	CI67-252	CS67-60
CI67-1587	CI70-1045	
CI67-1685	CS67-67 [1]	
CI67-1717		
CI68-753		
CI68-1061		
CI68-1259		
CI69-565		
CI70-239		
CS67-65 [1]		

[1] Petitioner requests that this certificate be terminated.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 27, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-14968; Filed, Nov. 5, 1970; 8:47 a.m.]

[Docket No. CP71-123]

UNITED GAS PIPE LINE CO.

Notice of Application

OCTOBER 30, 1970.

Take notice that on October 22, 1970, United Gas Pipe Line Co. (applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP71-123 an application pursuant to section 7(b) of the Natural Gas Act for an order permitting and approving the abandonment and sale of certain pipeline and measuring facilities which were originally installed to serve United Gas, Inc., at the towns of Como and Sardis and the city of Senatobia, in Panola and Tate Counties, Miss., all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, applicant proposes to abandon 14.702 miles of 4-inch pipe and 7.828 miles of 2-inch pipe and meter stations and facilities presently being utilized in serving Como and Senatobia, Miss., which facilities will be abandoned and sold to the city of Senatobia and the town of Como, Miss.

Applicant also proposes to abandon a city gate station and facilities located at Sardis, Miss., which will be abandoned and sold to United Gas, Inc.

Applicant states that the facilities described above have been utilized directly in connection with service to the above-named customers and in the operation of this isolated section of applicant's system. However, applicant states that such facilities are no longer needed in applicant's operations. Further, applicant states that the proposed abandonment will not affect service to any of applicant's remaining customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 23, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-14969; Filed, Nov. 5, 1970; 8:47 a.m.]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

C. B. COAL CO. ET AL.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.^{3}) have been received as follows:

(1) ICP Docket No. 10128, C.B. Coal Co., Mine No. 1, USBM ID No. 44 00966 0, Harman, Buchanan County, Va., section ID No. 001 (1st).

(2) ICP Docket No. 10121, Akers Coal Co., Mine No. 5, USBM ID No. 44 01522 0, Harman, Buchanan County, Va., section ID No. 001 (Mains).

(3) ICP Docket No. 10133, Ivy Branch Coal Co., Mine No. 5, USBM ID No. 44 01747 0, Harman, Buchanan County, Va., section ID No. 001 (Mains).

(4) ICP Docket No. 10124, Akers Coal Co., Mine No. 3, USBM ID No. 44 03314 0, Harman, Buchanan County, Va., section ID No. 001 (Mains 1st Rt).

(5) ICP Docket No. 10880, Union Carbide Corp., Morris Fork No. 7 Mine, USBM ID No. 46 01345 0, Mammoth, Kanawha County, W. Va., section ID No. 001 (1st Rt. off 2d West), section ID No. 002 (1st Rt. off 2d South).

(6) ICP Docket No. 10777, National Mines Corp., Isabella Mine, USBM ID No. 36 00899 0, Isabella, Fayette County, Pa., section ID No. 002 (4 Mains off 2 flat east), section ID No. 005 (3 main headings 7 north off 8 room off main headings), section ID No. 006 (49 butts through 50 butts—straight main headings) section ID No. 007 (3½ flat west off 3 main butt rt).

(7) ICP Docket No. 10698, Jewell Ridge Coal Corp., No. 11 Mine, USBM ID No. 44 00251 0, Jewell Valley, Buchanan County, Va., section ID No. 001 (North Mains), section ID No. 002 (2 Rt. off 1 West), section ID No. 003 (1 Rt. off 2 West), section ID No. 004 (Betts Branch Mains), section ID No. 005 (1 Rt. off Brushy Mains).

(8) ICP Docket No. 10700, Jewell Ridge Coal Corp., Big Creek Tiller Mine, USBM ID No. 44 01488 0, Jewell Valley,

Buchanan County, Va., section ID No. 001 (Mains No. 1).

(9) ICP Docket No. 10701, Jewell Ridge Coal Corp., Big Creek Jewell Mine, USBM ID No. 44 01487 0, Jewell Valley, Buchanan County, Va., section ID No. 001 (Mains).

(10) ICP Docket No. 10084, V&O Coal Co., Inc., Mine No. 5, USBM ID No. 44 01625 0, Harman, Buchanan County, Va., section ID No. 001 (Mains).

(11) ICP Docket No. 10130, W&W Coal Co., No. 5 Mine, USBM ID No. 44 01633 0, Harman, Buchanan County, Va., section ID No. 001 (Mains).

(12) ICP Docket No. 10083, V&O Coal Co., Inc., Mine No. 4, USBM ID No. 44 00987 0, Harman, Buchanan County, Va., section ID No. 001 (1st Rt. off Main).

(13) ICP Docket No. 10129, Spring Hollow Coal Co., Inc., Mine No. 1, USBM ID No. 44 00952 0, Harman, Buchanan County, Va., section ID No. 001 (1st Lt. off Mains).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

NOVEMBER 3, 1970.

[F.R. Doc. 70-14961; Filed, Nov. 5, 1970; 8:47 a.m.]

LITTLE ROCK COAL CO. ET AL.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.^{3}) have been accepted for consideration as follows:

(1) ICP Docket No. 11075, Little Rock Coal Co., No. 11 Mine, USBM ID No. 44 01580 0, Grundy, Buchanan County, Va., Section ID No. 001 (Sec. No. 1).

(2) ICP Docket No. 10805, Hawley Coal Mine Corp., Kitchekan Mine No. 56, USBM ID No. 46 01224 0, Matoaka, Mercer County, W. Va., Section ID No. 002 (2d Right).

(3) ICP Docket No. 10138, Slab Fork Coal Co., Gaston No. 2 Mine, USBM ID No. 46 01552 0, Slab Fork, Raleigh County, W. Va., Section ID No. 001 (12 Left off No. 3 Mains).

(4) ICP Docket No. 10922, Imperial Coal Co., Eagle Mine, USBM ID No. 05 00307 0, Erie, Weld County, Colo., Section ID No. 004 (4 Section 6 North off Main East).

(5) ICP Docket No. 10696, Jewell Ridge Coal Corp., No. 12 Mine, USBM ID No. 44 01485 0, Jewell Valley, Buchanan County, Va., Section ID No. 001 (1st Right), Section ID No. 002 (2d Right), Section ID No. 003 (Laurel Fork Mains).

(6) ICP Docket No. 10230, Colowyo Coal Co., Red Wing Mine, USBM ID No. 05 00298 0, Axial, Moffat County, Colo., Section ID No. 001 (5th NW entries and rooms to be driven off these entries).

(7) ICP Docket No. 10301, Omar Mining Co., Chesterfield Mine No. 1, USBM ID No. 46 01275 0, Madison, Boone County, W. Va., Section ID No. 001 (No. 1 Main—6 Rt.), Section ID No. 002 (No. 2 Left Mains), Section ID No. 003 (Third Right).

(8) ICP Docket No. 10303, Omar Mining Co., Chesterfield No. 5 Mine, USBM ID No. 46 01275, Madison, Boone County, W. Va., Section ID No. 005 (No. 5 Main Tunnel).

(9) ICP Docket No. 10302, Omar Mining Co., Chesterfield Mine No. 3, USBM ID No. 46 01275 0, Madison, Boone County, W. Va., Section ID No. 004 (No. 3 Left Mains).

(10) ICP Docket No. 11084, Jewell Ridge Coal Corp., Jewell Ridge No. 11-B Mine, USBM ID No. 44 00249 0, Jewell Valley, Buchanan County, Va., Section ID No. 001 (1st Right).

(11) ICP Docket No. 10055, Mid-Continent Coal & Coke Co., Dutch Creek Nos. 1 and 2 Mines, USBM ID No. 05 00301 0, Carbondale, Garfield County, Colo., Section ID No. 001 (3d South Entry), Section ID No. 002 (5th South Entry), Section ID No. 003 (6th North Entry).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR, Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

NOVEMBER 3, 1970.

[F.R. Doc. 70-14962; Filed, Nov. 5, 1970; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

COLUMBIA CAPITAL CORP.

Notice of Surrender of License To Operate as a Small Business Investment Company

Notice is hereby given that Columbia Capital Corp., San Francisco, Calif., incorporated on May 10, 1961, under the laws of the State of California, has surrendered its license (No. 12/12-0039), issued by the Small Business Administration on July 27, 1961.

Under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Columbia Capital Corp. is hereby accepted and it is no longer licensed to operate as a small business investment company.

A. H. SINGER,
Associate Administrator
for Investment.

OCTOBER 26, 1970.

[F.R. Doc. 70-14978; Filed, Nov. 5, 1970; 8:48 a.m.]

REC BUSINESS OPPORTUNITIES CORP.

Notice of Issuance of Small Business Investment Company License

On October 9, 1970, a notice of application for a license as a minority enterprise small business investment company (MESBIC) was published in the FEDERAL REGISTER (35 F.R. 15964) stating that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) for a license as a minority enterprise small business investment company by REC Business Opportunities Corp., 316 Fifth Street, Racine, Wis. 53403.

Interested parties were given to the close of business, October 19, 1970, to submit their written comments to SBA. No comments were received.

Notice is hereby given that pursuant to section 301(a) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information and facts with regard thereto, SBA has issued License No. 07/07-5081 to REC Business Opportunities Corp. to operate as a minority enterprise small business investment company.

A. H. SINGER,
Associate Administrator
for Investment.

OCTOBER 26, 1970.

[F.R. Doc. 70-14979; Filed, Nov. 5, 1970; 8:48 a.m.]

[Amdt. No. 2 to Delegations of Authorities Nos. 30-C through 30-F and 30-H; Amdt. No. 3 to Delegations of Authorities Nos. 30-B and 30-G; Amdt. No. 5 to Delegation of Authority No. 30-A]

REGIONAL DIRECTORS, REGIONS I THROUGH X

Delegation of Authority To Conduct Program Activities in the Field Offices

Delegations of Authorities Nos. 30-A, to Region IX (34 F.R. 18836), as amended (34 F.R. 20076, 35 F.R. 1073, 35 F.R. 12683, and 35 F.R. 15033); 30-B, to Region V (34 F.R. 19842), as amended (35 F.R. 1073 and 35 F.R. 15033); 30-C, to Regions VI, VII, and X (35 F.R. 2840), as amended (35 F.R. 15033); 30-D, to Region VIII (35 F.R. 5144), as amended (35 F.R. 15033); 30-E, to Region III (35 F.R. 6033), as amended (35 F.R. 15033); 30-F, to Region I (35 F.R. 6886), as amended (35 F.R. 15033); 30-G, to Region IV (35 F.R. 9955), as amended (35 F.R. 12630 and 35 F.R. 15033); and 30-H, to Region II (35 F.R. 11603), as amended (35 F.R. 15033) are hereby further amended by revising Item I.A.2.b, to read as follows:

* * * * *

I. *Regional Director, Regions I Through X*

* * * * *

A. *Financing Program*

* * * * *

2. b. To approve displaced business loans and coal mine health and safety loans not exceeding $1 million (SBA share) and to decline them in any amount.

* * * * *

Effective date: October 28, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-14980; Filed, Nov. 5, 1970; 8:48 a.m.]

GOLD COAST CAPITAL CORP.

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

Notice is hereby given that application has been filed with the Small Business Administration pursuant to § 107.701 of the regulations governing small business investment companies (33 F.R. 326, 13 CFR Part 107) for transfer of control of Gold Coast Capital Corp. (Gold Coast), 1451 North Bayshore Drive, Miami, Fla. 33132, a Federal licensee under the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 et seq.), License No. 05/05-0010.

Gold Coast was licensed on December 22, 1959, and, as of March 31, 1970, had paid-in capital and paid-in surplus from private sources amounting to $192,000. Messrs. Peter Schenck and William I. Gold intend to increase their equity interests in Gold Coast to 50 percent each by acquiring a 33⅓ percent stock interest formerly owned by Milton J. Gottlieb. Said shares were placed in the Gold Coast Trust, of which Peter Schenck is trustee, approximately 1 year ago. The proposed transfer of control is subject to and contingent upon the approval of SBA.

The present officers and directors identified below will remain unchanged following the transfer of control:

Peter Schenck, 745 Coronado Avenue, Coral Gables, Fla. 33134, Chairman of the Board, Secretary and Director.

William I. Gold, 6905 Leonardo, Coral Gables, Fla. 33134, President and Director.

Milton J. Gottlieb, 930 Northeast 177th Street, North Miami Beach, Fla. 33162, Treasurer and Director.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed transferees, and probability of successful operations of the company under their control and management (including adequate profitability and financial soundness) in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed transfer of control. Any such communication should be addressed to: Associate Administrator for Investment, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the proposed transferees in a newspaper of general circulation in Miami, Fla.

For SBA (pursuant to delegated authority).

A. H. SINGER,
Associate Administrator for Investment.

OCTOBER 26, 1970.

[F.R. Doc. 70-15005; Filed, Nov. 5, 1970; 8:50 a.m.]

TARIFF COMMISSION

TUNERS OF A TYPE USED IN CONSUMER ELECTRONIC PRODUCTS FROM JAPAN

Antidumping Report

NOVEMBER 3, 1970.

The Tariff Commission today notified the Secretary of the Treasury of its determination in an investigation under the Antidumping Act, 1921, as amended, involving tuners of a type used in consumer electronic products from Japan. The purpose of the Commission's investigation (No. AA1921-64) was to determine whether an industry in the United States is being, or is likely to be, injured, or is prevented from being established, by reason of imports of such tuners from Japan sold at less than fair value. The Assistant Secretary of the Treasury had advised the Commission on July 15, 1970, that tuners of the type used in consumer electronic products, except stereophonic tuners, from Japan are being, and are likely to be, sold at less than fair value as defined in the Antidumping Act. On August 3, the Commission received advice from the Assistant Secretary that stereophonic tuners of the type used in consumer electronic products from Japan were to be covered by his determination.

The Commission, by unanimous vote, found that an industry in the United States is being injured by reason of the less-than-fair-value imports. As a result of the Commission's determination, tuners of the type used in consumer electronic products from Japan sold at less than fair value will become subject to special dumping duties.

The Commission's report contains statements of reasons by the Commissioners. Copies of the report (TC Publication 341) are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C. 20436.

By direction of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[F.R. Doc. 70-15009; Filed, Nov. 5, 1970; 8:51 a.m.]

[AA1921-64]

JAPANESE TUNERS OF A TYPE USED IN CONSUMER ELECTRIC PRODUCTS

Determination of Injury

The Assistant Secretary of the Treasury advised the Tariff Commission on July 15, 1970, with a subsequent amendment of such advice on August 3, 1970, that tuners (of the type used in consumer electronic products) from Japan are being, and are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted investigation No. AA1921-64 to determine whether an industry in the United States is being, or is likely to be, injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on September 16, 1970. Notices of the investigation, its amended scope, and the hearing were published in the FEDERAL REGISTER of July 22, 1970, and August 7, 1970 (35 F.R. 11729, 12622).

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission has unanimously determined that an industry in the United States is being injured by reason of the importation of tuners (of the type used in consumer electronic products) from Japan sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Statement of reasons. In our opinion, an industry in the United States is being injured by reason of the importation of tuners (of a type used in consumer electronic products) from Japan, which are being sold at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended.

In making this determination under section 201(a) of the Antidumping Act, we have considered the injured industry to consist of the operations of all U.S. facilities producing tuners of the type covered by Treasury's determination of sales at LTFV.

Commissioners Clubb and Leonard determine that a second industry, consisting of the U.S. producers of parts for tuners, is also being injured by reason of the imports of tuners at LTFV. Support for the determination of injury to the second industry is omitted from the statement of reasons as the unanimous determination of injury with respect to the tuner industry satisfies the requirements of the Antidumping Act.

Imported product. Tuners of the type used in consumer electronic products consist primarily of television receiver tuners and tuners used in radio receivers such as household radios, stereo and high fidelity radio systems, and automobile radios. They are virtually all in modular form, aligned, and ready for simple assembly into the consumer electronic product for which they were designed. The word "tuner" hereinafter refers to tuners of the type determined by Treasury to have been sold at LTFV. The term "consumer electronic products" relates to television sets, radios, and other electronic products of a type commonly bought at retail by household consumers, whether or not used in or around the household.

The industry. Tuners are produced by domestic manufacturers of consumer electronic products for captive use and by independent producers who sell them to manufacturers of consumer electronic products. Virtually all producers of tuners either produce solely for captive use or solely for sale. The trend in recent years has been for producers of consumer electronic products to lessen or cease their production of tuners and to rely more heavily on outside sources for their tuners because the production of tuners has become highly specialized and because larger production runs of tuners by a lesser number of producers has tended to reduce costs and promote efficiencies and quality of production.

Conditions of competition. The U.S. tuner industry in recent years has encountered increasing competition from imports of both tuners and completed consumer electronic products containing such tuners. There is only nominal production and trade in tuners other than those used in television sets and radios. In the last 5 calendar years imports of television tuners from all countries increased by 660 percent; during the same period the percentage of the domestic market supplied by foreign-made television tuners increased from 9.5 percent to 59 percent (83.3 percent in first 6 months of 1970). Similarly, imports of radio tuners from all countries increased by almost 100 percent; the percentage of the domestic market supplied by foreign-made radio tuners increased from 8.4 percent to 30.4 percent (32.9 percent in first 6 months of 1970).

During the last 5 calendar years imports of television sets and radio receivers have increased 400 percent and 100 percent, respectively. Virtually all domestic producers of tuners, television sets, and radio receivers found it expedient either to establish plants and produce these products in such areas as Mexico, Taiwan, Hong Kong, and Ireland in order to reduce their costs of production, particularly with respect to labor costs, or to purchase Japanese tuners. Most domestic companies now produce the greater part or all of their output of tuners and radios abroad, and many produce a large percentage of their TV sets abroad. Imports provide the major source for their U.S. sales of such products.

From the foregoing information it is readily apparent that the domestic tuner industry is experiencing a diminishing market for its domestic product, a condition which has intensified conditions of competition.

Comparison of delivered prices. Japanese tuners for television sets during the last 5 years have been sold to U.S. manufacturers of television sets at prices significantly lower than the prices of other foreign and domestic tuners. The differentials were found to exist when comparing weighted average prices of all Japanese television tuners with the weighted average prices of all other television tuners, and when comparing delivered prices of particular models of Japanese television tuners with prices of television tuners from all other sources of comparable type and actually offered or sold in competition with the particular Japanese tuner sold at LTFV. Where specific price comparisons could be made, the specific amount by which the Japanese tuners were sold below the price of the comparable tuner was equal to or greater than the margins of dumping (the specific amounts by which the Japanese exporters lowered their prices below their home market prices when selling for export to the United States).

Imports of Japanese tuners for radio receiving devices, mainly household and automobile radios, in the last 3 calendar years were generally sold at prices substantially below the prices of such tuners from other sources. Such underselling is evident from comparisons of weighted average prices as well as comparisons of prices of comparable models.

The prices of domestic television tuners over the last 5 calendar years have dropped almost 50 percent with respect to UHF tuners and 14 percent with respect to VHF tuners; the prices of domestic radio tuners have fluctuated substantially.

Price suppression or depression. By far the greatest bulk of the LTFV imports of tuners consists of tuners for television sets. The prices of these tuners have clearly played a substantial role in a consistent depression of prices of comparable tuners in our domestic market. Of the LTFV imports of radio tuners, the substantial price fluctuations make it difficult to ascertain the overall effect on prices at this time. Available data on actual competitive sales indicated that the domestic producers were economically unable to meet the prices of the imported Japanese tuners and had to lose the sales.

Market penetration. In 1965, Japan supplied 3.5 percent of the apparent consumption of TV tuners in the United States. By the end of June 1970, Japanese imports supplied 12.5 percent of apparent consumption. As to tuners of the type used in radio receiving devices, Japanese producers supplied 8.4 percent of apparent consumption in 1965 and 32.9 percent as of June 1970.

Conclusion. The imports of tuners (of a type used in consumer electronic products) from Japan, sold at LTFV, have suppressed and depressed prices for comparable tuners sold in the United States, have caused substantial price disruptions in a highly price sensitive market, and have been a factor in causing virtually all U.S. producers of such tuners to either go into offshore production of such tuners in an effort to remain price competitive with the subject imports or to buy tuners from foreign sources. Accordingly, we determine that an industry in the United States is being injured by reason of such LTFV imports.

Supplementary statement of Commissioner Clubb. At the hearing on this matter I raised the question of whether there was a domestic industry which could be injured by LTFV sales of imported tuners.

The Antidumping Act can be invoked only when "an industry in the United States is being or is likely to be injured, or is prevented from being established."

Since a domestic producer ceases to be a part of "an industry in the United States" when he moves his production facilities abroad, Potassium Chloride from Canada AA1921-58-60 (November 1969), it can be argued that the Antidumping Act does not protect a domestic industry which has moved all, or almost all, of its production facilities to another country, leaving only a sales organization in the United States. My question at the hearing was prompted by testimony and other evidence which suggested that this might be the case in the tuner industry.

Subsequent investigation reveals that this troublesome question need not be decided in this case, however, since sufficient production of tuners remains in the United States to invoke the Antidumping Act. Although many domestic plants have closed, at least six remain in operation producing more than one-fourth of all the tuners used in the United States. Moreover, several companies continue to produce tuner parts in the United States which are sent abroad for assembly. These interests, too, are injured by the imports of tuners at LTFV. Accordingly, it is clear that there is "an industry in the United States" which has been injured by LTFV imports of tuners.

Finally, it should be recorded that the Commission was greatly assisted in its consideration of this case by the excel-

lent briefs of counsel for the importers and domestic producers.

By direction of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[F.R. Doc. 70-15010; Filed, Nov. 5, 1970; 8:51 a.m.]

[TEA-W-29]

WORKER'S PETITION FOR DETERMINATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISTANCE

Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers of Factory E, International Silver Co., Meriden, Conn., the U.S. Tariff Commission, on November 2, 1970, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with stainless steel and silver-plated table holloware produced at Factory E, International Silver Co., Meriden, Conn., are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such manufacturing company.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: November 3, 1970.

By order of the Commission:

[SEAL] KENNETH R. MASON, *Secretary.*

[F.R. Doc. 70-14987; Filed, Nov. 5, 1970; 8:49 a.m.]

[TEA-W-30]

WORKER'S PETITION FOR DETERMINATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISTANCE

Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers of Factories C, H, and L, International Silver Co., located in the Meriden-Wallingford area of Connecticut, the U.S. Tariff Commission, on November 2, 1970, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with stainless steel flatware of the type produced in said Factories C, H, and L of the International Silver Co., are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such manufacturing company.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: November 3, 1970.

By order of the Commission:

[SEAL] KENNETH R. MASON, *Secretary.*

[F.R. Doc. 70-14988; Filed, Nov. 5, 1970; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 186]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 3, 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 30383 (Sub-No. 5 TA), filed October 29, 1970. Applicant: JOSEPH F. WHELAN CO., INC., 439 West 54th Street, New York, N.Y. 10019. Applicant's representative: Burstein, 30 Church Street, New York, N.Y. 10007. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are dealt in by grocery stores, between Moonachie, N.J., on the one hand, and, on the other, New York, N.Y., under continuing contract with Kellogg Sales Co., for 150 days. Supporting shipper: Kellogg Co., Battle Creek, Mich. 49016, Mr. Richard R. Walters, General Traffic Manager. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 59150 (Sub-No. 56 TA), filed October 29, 1970. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Box 47, Station G, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and flooring*, from the plantsite of Birmingham Forest Products, Inc., at Cordova, Ala., to points in Florida, Georgia, North Carolina, and South Carolina, for 180 days. Supporting shipper: U.S. Plywood-Champion Papers, Inc., 777 Third Avenue, New York, N.Y. District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 123407 (Sub-No. 74 TA), filed October 29, 1970. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. 55404. Applicant's representative: Robert W. Sawyer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and flooring*, from the plantsite of Birmingham Forest Products, Inc., at Cordova, Ala., to points in Illinois, Michigan, and Wisconsin, for 180 days. Supporting Shipper: U.S. Plywood-Champion Papers Inc., 777 Third Avenue, New York, N.Y. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 125433 (Sub-No. 21 TA), filed October 29, 1970. Applicant: F-B TRUCK LINE COMPANY, 1891 West 2100 South Street, Salt Lake City, Utah 84119. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed automobile bodies, scrap automobile engine blocks, and scrap automobile transmissions*, from points in Utah to National City, Calif., for 180 days. Supporting shipper: Scrap Disposal, Inc., No. 10 South 10th West Street, Salt Lake City, Utah 84104 (Alex Polesetsky, Manager). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 125758 (Sub-No. 1 TA), filed October 29, 1970. Applicant: STANLEY V. MAKJUT & FRANCIS F. ROGERS,

a partnership, doing business as MOBILE AIR TRANSPORT, 776 C Watervliet Shaker Road, Latham, N.Y. 12110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (usual exceptions), having a prior or subsequent movement by air, between points in Albany, Rensselaer, and Schenectady Counties, N.Y., on the one hand, and, on the other, Newark Airport, Newark, N.J., John F. Kennedy International Airport, N.Y., and La Guardia Airport, N.Y., for 150 days. Supporting shippers: General Electric Co. Distribution Services, Scotia, N.Y. 12302. General Electric Co., 1 River Road, Gas Turbine Department, Schenectady, N.Y. 12305. Van Winkle Trucking, Inc., 1040 Troy-Schenectady Road, Latham, N.Y. Fleming Joffe, Ltd., 311 West State Street, Johnstown, N.Y. 12095. Wits Air Cargo Service, Box 3805, Seattle, Wash. 98134. Albany Felt Co., Broadway, Albany, N.Y. 12201. Send protests to: Charles F. Jacobs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Albany, N.Y. 12207.

No. MC 133294 (Sub-No. 4 TA), filed October 30, 1970. Applicant: ECONOLINE EXPRESS, INC., 70 North Montgomery Street, San Jose, Calif. 95110. Applicant's representative: John G. Lyons, 1418 Mills Tower, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except household goods and commodities requiring special equipment, between San Francisco International Airport, on the one hand, and, on the other, United Technology Center near Coyote, in Santa Clara County, Calif., for 120 days. Supporting shipper: United Technology Center, Division of United Aircraft Corp., Sunnyvale, Calif. 94088. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 135034 (TA), filed October 29, 1970. Applicant: KAPE EXPRESS, INC., Post Office Box 5773, Toledo, Ohio 43613. Applicant's representative: Paul F. Berry, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Expanded polystyrene boats and plastic boats*, from the plantsite of Snark Products, Inc., at Erie Industrial Park, Erie Township, Ottawa County, Ohio, to points in the United States excluding Alaska and Hawaii and (b) *Plastic Granulars and plastic sheets*, from Jamesburg and Kearney, N.J., Chicago, Ill., and Philadelphia, Pa., to the plantsite of Snark Products, Inc., at Erie Industrial Park, Erie Township, Ottawa County, Ohio, for 180 days. Supporting shipper: Snark Products, Inc., Post Office Box 339, Erie Industrial Park, Port Clinton, Ohio. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

By the Commission.

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

[F.R. Doc. 70-14990; Filed, Nov. 5, 1970; 8:49 a.m.]

[Notice 611]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 3, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72410. By order of October 30, 1970, the Motor Carrier Board approved the transfer to Danback Brothers Drayage Co., a corporation, 2640 Chouteau Avenue, St. Louis, Mo. 63103, of the operating rights in certificate No. MC-62887 issued December 31, 1941, to Marvin Danback, doing business as Danback Bros. Drayage Co., 5711 Finkman Street, St. Louis, Mo. 63109, authorizing the transportation of general commodities, with exceptions, between points in that portion of the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission in 1 M.C.C. 656, located in Missouri.

No. MC-FC-72451. By order of October 30, 1970, the Motor Carrier Board approved the transfer to Seymour Rall Hauling, Inc., a corporation, Williamsport, Pa., of the operating rights in certificate No. MC-40174, issued May 22, 1941, to Seymour Rall, Williamsport, Pa., authorizing the transportation of: Packinghouse products, over irregular routes, from Williamsport, Pa., to points within 75 miles of Williamsport. Seymour Rall III, Rear 510 Fifth Avenue, Williamsport, Pa. 17701, president.

No. MC-FC-72454. By order of October 30, 1970, the Motor Carrier Board approved the transfer of DeFazio Express, Inc., Moosic, Pa., of the operating rights in certificates Nos. MC-44302, MC-44302 (Sub-No. 1), MC-44302 (Sub-No. 2), and MC-44302 (Sub-No. 3) and those in permits Nos. MC-118570 and MC-118570 (Sub-No. 1) issued August 7, 1964, July 30, 1965, May 20, 1970, December 16, 1968, June 19, 1964, and March 13, 1968, respectively, to Benny DeFazio, Jr., Moosic, Pa., authorizing transportation (a) as a motor common carrier, of machinery, between Scranton, Pa., on the one hand, and, on the other, points in New York and New Jersey; paper and paper products, between Scranton, Pa., on the one hand, and, on the other, Philadelphia, Pa., Watkins Glen, Ludlowville, and New York, N.Y., and Boston, Mass.; paper mill products and supplies, materials, equipment, and machinery used in paper mills, between points in New Jersey, New York, and Connecticut within 25 miles of New York, N.Y., on the one hand, and, on the other, specified points in New Jersey, New York, Pennsylvania, Connecticut, and Massachusetts; household goods, between Allentown, Pa., on the one hand, and, on the other, points in that part of New York on and south of U.S. Highway 6, and points in New Jersey; petroleum products, in containers, from Carteret, N.J., to Allentown, Pa., and paper and paper products, from the plantsite of Swanee Paper Corp. in Ransom Township, Lackawanna County, Pa., to points in Massachusetts (except Boston, Mass., and points in its commercial zone) and Connecticut (except points within 25 miles of New York, N.Y.), and (b) as a motor contract carrier, of cinders, screenings, and slag, from points in Foster and Hazle Townships (Luzerne County), Pa., to Lyndhurst and East Orange, N.J.; and coconut oil, coconut oil products, lard substitutes or compounds, glycerine, stearine, toilet preparations, soap products, jute products, empty bags and wooden tubes, and groceries, from and to specified points in New Jersey, Pennsylvania, New York, and Connecticut under continuing contract with Proctor & Gamble Distributing Co., Cincinnati, Ohio. *Dual operations were approved*. Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101, attorney for applicants.

No. MC-FC-72462. By order of October 30, 1970, the Motor Carrier Board approved the transfer to George Hennessy, Pluckemin, N.J., of the operating rights in certificate No. MC-129495 issued June 24, 1968 to Holiday Horse Pullman, Inc., Warrenton, Va., authorizing the transportation of horses, other than livestock, and equipment, paraphernalia incidental to the transportation, care and display of such horses, between points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and between points in the above-specified States and the United States-Canada boundary line at Rouses Point, N.Y. Francis W. McInerby, Suit 502, Solar Building, 1000 16th Street NW., Washington, D.C. 20036, attorney for applicants.

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

[F.R. Doc. 70-14991; Filed, Nov. 5, 1970; 8:49 a.m.]

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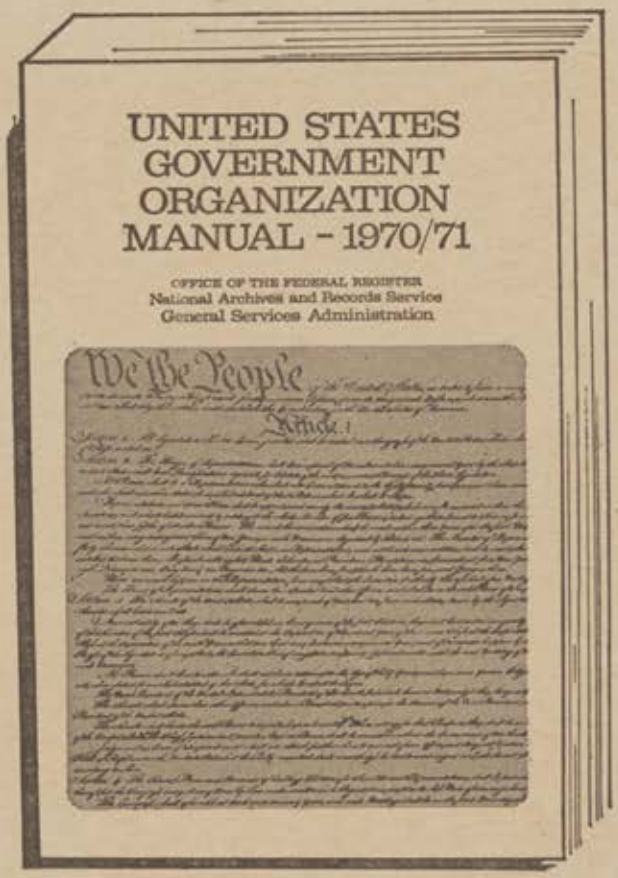

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