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PART 1464—TOBACCO

Subpart—Tobacco Loan Program

VIRGINIA FIRE-CURED TOBACCO, 1970 CROP; CORRECTION

In F.R. Doc. 70-14657 appearing at page 16910 in the issue for Tuesday, November 3, 1970, in the table of § 1464.17, the advance rate of "40.25" for "C4F" under "Length 44" should read "50.25".

Effective date: Date of filing with the Office of the Federal Register.

Signed at Washington, D.C., on November 18, 1970.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 70-15801; Filed, Nov. 23, 1970; 8:49 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 9, Amdt. 8]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business Retail Motor Vehicle Dealers for Purpose of SBA Loans

On October 15, 1970, there was published in the FEDERAL REGISTER (35 F.R. 16185) a notice that the Small Business Administration proposed to amend Part 121 of Chapter I of Title 13 of the Code of Federal Regulations by increasing to $5 million annual sales and receipts, the definition of a small business retail motor vehicle dealer (new and used cars) and a small business retail motor vehicle dealer (used cars only).

Interested parties were given 15 days in which to submit written statements of facts, opinions, or arguments concerning the proposal.

After consideration of all relevant matter in connection with the proposal, it has been determined to adopt the size standards as proposed. Accordingly, the amendment set forth below is hereby adopted.

Schedule D of Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby further amended by revising the size standard for Industry No. 5511, Motor Vehicle Dealers (New and Used Cars) and Industry No. 5521, Motor Vehicle Dealers (Used Cars Only) to read as follows:

Industry or subindustry code	Industry, subindustry or class of products	Annual sales size standard (maximum) in millions
5511	Motor vehicle dealers (new and used cars).	5.0
5521	Motor vehicle dealers (used cars only).	5.0

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Dated: November 17, 1970.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 70-15748; Filed, Nov. 23, 1970; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Releases Nos. 33-5097, 34-9011, 35-16877, 39-282, IC-6222, IAA-275]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Delegation of Certain Functions to Certain Staff Officials

The Securities and Exchange Commission has amended its rules, under which certain functions of the Commission have been delegated to Directors of Divisions and certain other staff officials.

The amendments delegate to the Chief Hearing Examiner, a position recently created by the Commission, certain of the functions heretofore delegated to the Secretary and other functions not heretofore delegated and in effect relieve the Secretary of any of the functions to be performed by the Chief Hearing Examiner.

Under these amendments, the Chief Hearing Examiner has been delegated the authority to fix the time and place for hearing after a proceeding has been authorized; to designate hearing examiners; to postpone or adjourn hearings or otherwise adjust the date for commencement of hearings or to advance or cancel such hearings, if necessary; to grant extensions of time within which to file papers; to permit the filing of briefs exceeding 60 pages in length; to extend the time within which initial decisions are to be filed with the Secretary by hearing examiners designated to prepare such; and, to issue subpoenas in the event the hearing examiner is unavailable. The last grant of authority is new, as is the authority to cancel hearings, if necessary.

The Chief Hearing Examiner, under the new rules, may subdelegate his authority, in his absence, to such examiner or examiners as he may designate. The Chairman may always designate someone else to perform the functions of the Chief Hearing Examiner in his absence. It is made clear that the functions delegated to the Chief Hearing Examiner are to be performed only with respect to proceedings conducted before a hearing examiner. The Secretary retains authority with respect to proceedings before the Commission.

Commission actions. The Commission hereby amends Part 200 of Chapter II of Title 17 of the Code of Federal Regulations by revising § 200.30-5 and by adding a new § 200.30-8, reading as set forth below.

§ 200.30-5 Delegation of authority to Secretary of the Commission.

Pursuant to the provisions of Public Law No. 87-592, 76 Stat. 394 (15 U.S.C. 78d-1), the Securities and Exchange Commission hereby delegates, until the Commission orders otherwise, the following functions to the Secretary of the Commission to be performed by him or under his direction by such person or persons as may be designated from time to time by the Chairman of the Commission:

(a) With respect to proceedings conducted pursuant to the Securities Act of 1933, 15 U.S.C. 77a et seq., the Securities Exchange Act of 1934, 15 U.S.C. 78a et seq., the Public Utility Holding Company Act of 1935, 15 U.S.C. 79a et seq., the Trust Indenture Act of 1939, 15 U.S.C. 77aaa et seq., the Investment Company Act of 1940, 15 U.S.C. 80a-1 et seq., and the Investment Advisers Act of 1940, 15 U.S.C. 80b-1 et seq.:

(1) To fix the time and place for hearings and oral arguments before the Commission pursuant to Rule 21(a) of the Commission's rules of practice, § 201.21 (a) of this chapter;

(2) In appropriate cases to extend and reallocate the time prescribed in Rule 21(b) of the Commission's rules of practice, § 201.21(b) of this chapter;

(3) To postpone or adjourn hearings or otherwise adjust the date for commencement of hearings before the Commission pursuant to Rule 13 of the Commission's rules of practice, § 201.13 of this chapter, and to advance such hearings;

(4) To grant extensions of time within which to file papers before the Commission pursuant to Rule 13 of the Commission's rules of practice, § 201.13 of this chapter;

(5) To permit the filing of briefs with the Commission exceeding 60 pages in length, pursuant to Rule 22(d) of the

Commission's rules of practice, § 201.22 (d) of this chapter;

(6) To certify records of proceedings upon which are entered orders the subject of review in courts of appeals pursuant to section 9 of the Securities Act of 1933, 15 U.S.C. 77i, section 25 of the Securities Exchange Act of 1934, 15 U.S.C. 78y, section 24 of the Public Utility Holding Company Act of 1935, 15 U.S.C. 79x, section 322(a) of the Trust Indenture Act of 1939, 15 U.S.C. 77vvv, section 43 of the Investment Company Act of 1940, 15 U.S.C. 80a–42, and section 213 of the Investment Advisers Act of 1940, 15 U.S.C. 80b–13;

(7) To order the making of private investigations pursuant to section 21(a) of the Securities Exchange Act of 1934, on the request of the Division of Corporation Finance or the Division of Corporate Regulation, with respect to proxy contests subject to section 14 of that Act and Regulation 14A thereunder (§ 240.–14a–1 et seq. of this chapter), and tender offers filed pursuant to section 14(d) of the Act.

(b) Notwithstanding anything in the foregoing, in any case in which the Secretary of the Commission believes it appropriate he may submit the matter to the Commission.

§ 200.30–8 Delegation of authority to Chief Hearing Examiner.

Pursuant to the provisions of Public Law No. 87–592, 76 Stat. 394 (15 U.S.C. 78d–1), the Securities and Exchange Commission hereby delegates, until the Commission orders otherwise, the following functions to the Chief Hearing Examiner or to such hearing examiner or examiners as may be designated by the Chief Hearing Examiner in his absence, or as otherwise designated by the Chairman of the Commission in the absence of the Chief Hearing Examiner:

(a) With respect to proceedings conducted before a hearing examiner, pursuant to the Securities Act of 1933, 15 U.S.C. 77a et seq., the Securities Exchange Act of 1934, 15 U.S.C. 78a et seq., the Public Utility Holding Company Act of 1935, 15 U.S.C. 79a et seq., the Trust Indenture Act of 1939, 15 U.S.C. 77aaa et seq., the Investment Company Act of 1940, 15 U.S.C. 80a-1 et seq., and the Investment Advisers Act of the 1940 15 U.S.C. 80b–1 et seq.:

(1) After a proceeding has been authorized, to fix the time and place for hearing pursuant to Rule 6(b) of the Commission's rules of practice, § 201.6(b) of this chapter and Rule 11(a) of the Commission's rules of practice, § 201.11 (a) of this chapter;

(2) To designate hearing examiners pursuant to Rule 11(b) of the Commission's rules of practice, § 201.11(b) of this chapter;

(3) To postpone or adjourn hearings or otherwise adjust the date for commencement of hearings pursuant to Rule 13 of the Commission's rules of practice, § 201.13 of this chapter or to advance or cancel such hearings, if necessary;

(4) To grant extensions of time within which to file papers pursuant to Rule 13 of the Commission's rules of practice, § 201.13 of this chapter;

(5) To permit the filing of briefs exceeding 60 papers in length, pursuant to Rule 22(d) of the Commission's rules of practice, § 201.22(d) of this chapter.

(6) To extend the time within which initial decisions are to be filed with the Secretary by hearing examiners designated to prepare such, pursuant to Rule 16(f) of the Commission's rules of practice, § 201.16(f) of this chapter;

(7) In the event the hearing examiner is unavailable to issue subpoenas requiring the attendance and testimony of witnesses and subpoenas requiring the production of documentary or other tangible evidence at any designated place of hearing upon request therefor by any party, pursuant to Rule 14(b) of the Commission's rules of practice, § 201.14 (b) of this chapter.

(b) Notwithstanding anything in the foregoing, in any case in which the Chief Hearing Examiner believes it appropriate he may submit the matter to the Commission.

The Commission finds that the foregoing amendment involves matters of agency organization, procedure or practice and that notice and public procedure pursuant to 5 U.S.C. 553 are not required.

Accordingly, the foregoing action, which is taken pursuant to Public Law No. 87–592, 76 Stat. 394 (15 U.S.C. 78d–1), shall become effective November 2, 1970.

(Sec. 4(b), 48 Stat. 885, sec. 1106(a), 63 Stat. 972, 15 U.S.C. 78d; sec. 1, 76 Stat. 394, 15 U.S.C. 78d–1; secs. 19, 209, 48 Stat. 85, 908 15 U.S.C. 77s; sec. 23(a), 48 Stat. 901, sec. 8, 49 Stat. 1379, 15 U.S.C. 78w; sec. 20, 49 Stat. 833, 15 U.S.C. 79t; sec. 319, 53 Stat. 1173, 15 U.S.C. 77sss; sec. 38, 54 Stat. 841, 15 U.S.C. 80a–37; sec. 211, 54 Stat. 855, sec. 14, 74 Stat. 888, 15 U.S.C. 80b–11)

By the Commission, November 2, 1970.

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

[F.R. Doc. 70–15789; Filed, Nov. 23, 1970; 8:48 a.m.]

[Release No. 33–5102]

PART 231 — INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Definitive Guide Relating to Disclosure in Prospectus of Registrant's Business Address and Telephone Number

The Securities and Exchange Commission has authorized publication of the following registration guide which sets forth the policy of the Commission's Division of Corporation Finance of requiring disclosure in prospectuses under the Securities Act of 1933 of the address and telephone number of the registrant's principal executive offices. The registrant's address is given in the registration statement but is frequently omitted from the prospectus. The registrant's telephone number is seldom given in either the registration statement or prospectus.

Complaints have been received from time to time that investors, prospective investors and State regulatory authorities, because of the lack of this information, are unable to communicate conveniently with the registrant either by mail or by telephone. Henceforth, it will be the policy of the Division of Corporation Finance to require the disclosure of this information in all prospectuses. Because of the minimal character of the requirement the new guide is not being published for comment prior to its announcement.

The text of the guide follows:

58. *Disclosure in prospectus of registrant's address and telephone number.* There should be set forth prominently in the forepart of every prospectus the complete mailing address, including zip code, and the telephone number, including area code, of the registrant's principal executive offices.

The foregoing guide is added to the numbered guides published in Securities Act Release 4936 (33 F.R. 18617) and in subsequent releases under that Act.

By the Commission, November 12, 1970.

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

[F.R. Doc. 70–15790; Filed, Nov. 23, 1970; 8:48 a.m.]

[Releases Nos. 33–5103, 34–9016, 39–284]

PART 231 — INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241 — INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 261 — INTERPRETATIVE RELEASES RELATING TO THE TRUST INDENTURE ACT OF 1939 AND GENERAL RULES AND REGULATIONS THEREUNDER

Industrial Revenue Bonds

Commission's statement regarding industrial revenue bonds in view of recent amendments of Securities Act of 1933 and of Securities Exchange Act of 1934.

Section 401 of the Employment Security Amendments of 1970, Public Law No. 91–1037 (hereinafter referred to as "section 401"), signed into law on August 10, 1970, provides for the amendment of section 3(a)(2) of the Securities Act of 1933 and section 3(a)(12) of the Securities Exchange Act of 1934 (which Acts are hereinafter sometimes jointly referred to as "the Acts") to reflect the desire of Congress to exempt from the registration provisions of those Acts certain issues of industrial development (industrial revenue) bonds.

Prior to the amendment, section 3(a)(2) provided that the provisions of the Securities Act of 1933 shall not apply to

"any security issued or guaranteed by * * * any State of the United States, or by any political subdivision of a State * * *." Similar language appears in section 3(a)(12) of the Securities Exchange Act of 1934. However, these sections were qualified by Rule 131 (17 CFR 230.131) under the Securities Act and Rule 3b-5 (17 CFR 240.3b-5) under the Securities Exchange Act, which provide, in effect, that any part of an obligation issued in the name of a government or its instrumentality which is payable from funds generated by a private enterprise will be deemed to consitute a separate security, within the meaning of sections 2(1) of the Securities Act and 3(a)(10) of the Securities Exchange Act. To the extent that industrial revenue bonds constituted such separate securities, it was the position of the Commission that they were not exempt from the registration provisions of the Acts.

Securities Act Releases No. 4921 (33 F.R. 12647) and No. 5055 (35 F.R. 6000) should be referred to for a more detailed discussion of the rules. For purposes of this release, however, it is sufficient to state that it has been the position of the Commission to require registration of "financing plans in which any part of the principal and/or interest on a bond, note, debenture or evidence of indebtedness issued in the name of a government or its instrumentality is payable from payments which are to be made under a lease, sale or loan arrangement by private enterprise for property or money to be used by industrial or commercial enterprises."

Section 401 would, in practical effect, exempt from the registration requirements of the Acts, any issue of industrial revenue bonds issued for certain specified purposes or issued in the face amount of $1 million or less or, in certain cases, $5 million or less. The text of section 401 is as follows:

SEC. 401. *Exemption of certain industrial development bonds from registration, etc., requirements.* (a) Section 3(a) of the Securities Act of 1933 (15 U.S.C. 77c) (relating to exempted securities) is amended by adding at the end of paragraph (2) the following: "or any security which is an industrial development bond (as defined in section 103(c)(2) of the Internal Revenue Code of 1954) the interest on which is excludable from gross income under section 103(a)(1) of such Code if, by reason of the application of paragraph (4) or (6) of section 103(c) of such Code (determined as if paragraphs (4)(A), (5), and (7) were not included in such section 103(c)), paragraph (1) of such section 103(c) does not apply to such security;"

(b) Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c) (relating to exempted securities) is amended by inserting after "any municipal corporate instrumentality of one or more States;" in paragraph (12) the following: "or any security which is an industrial development bond (as defined in section 103(c)(2) of the Internal Revenue Code of 1954) the interest on which is excludable from gross income under section 103(a)(1) of such Code if, by reason of the application of paragraph (4) or (6) of section 103(c) of such Code (determined as if paragraphs (4)(A), (5), and (7) were not included in such section 103(c)), paragraph (1) of such section 103(c) does not apply to such security;"

(c) The amendments made by this section shall apply with respect to securities sold after January 1, 1970.

Section 103(a)(1) of the Internal Revenue Code of 1954 (the "Code"), provides that interest on the obligations of a State, Territory, or possession of the United States, or any political subdivision of any of the foregoing, or of the District of Columbia, shall not be included in gross income. Section 103(c)(1) of the Code states that section 103(a)(1) will not apply to industrial development bonds, the proceeds of which are to be used in carrying on the trade or business of any person other than a governmental unit or eleemosynary institution, if payment of the principal or interest on such bonds is secured in whole or in major part by, among other things, any interest in property used or to be used in a trade or business. The typical industrial development bond is issued nominally by a political subdivision of the State for purposes of financing a specific industrial project, owned by the State initially but leased to a specific private company. Payment of principal and interest on the bonds is derived from the application of lease payments received from the private company. The principal exceptions to the applicability of section 103(c)(1), with its rule that interest on industrial development bonds is includable in gross income, can be found in paragraphs 4 and 6 of section 103(c) of the Code. Paragraph 4 provides for the exclusion from gross income of interest on industrial revenue bonds, substantially all of the proceeds of which are to be used to provide sports facilities, convention or trade show facilities, airports, docks, wharves, mass commuting facilities, parking facilities, or storage or training facilities directly relating to any of the foregoing, as well as sewage or solid waste disposal facilities or facilities for the local furnishing of electrical energy, gas, or water, and air and water pollution control facilities. (Subsection (A) of paragraph 4, relating to residential real property for family units, is specifically excluded from the operation of section 401.)

Section 401 thus removes from the registration requirements of the Acts, industrial development bonds, substantially all of the proceeds of which are to be used to provide any of the above listed facilities, with the one exception noted. No limitations are put on the size of the industrial development bond issues used to finance such purposes. It should be noted that, to the extent that a specific exception is carved out of section 103(c)(4), relating to industrial development bond issues to provide residential real property for family units, it is the position of the Commission that it will continue to treat these industrial development bond issues in the same manner as it has in the past. With respect to such issues, the Commission's powers have not been altered by the enactment of section 401.

Paragraph 6 of section 103(c) provides that section 103(a)(1) shall apply or, more precisely, that section 103(c)(1) shall not apply, to any obligation issued as part of an issue the aggregate face amount of which does not exceed $1 million and substantially all of the proceeds of which are to be used for the acquisition, construction or improvement of land or property of a character subject to the depreciation allowance or to redeem part or all of a prior issue which was issued for such purposes. At the election of the issuer, the $1 million figure may be increased to $5 million. In computing the face amount limitation, prior and outstanding issues (other than issues which are to be redeemed from the proceeds of the later issue) the proceeds of which are or will be used for the same general facility, are taken into account in determining the aggregate face amount of such later issue. Also, capital expenditures paid or incurred during the 6-year period beginning 3 years before the date of an issue and ending 3 years after such date will enter into the computation of the aggregate face amount of such issue.

The primary result which will ensue from the reference in section 401 to paragraph 6 of section 103(c) of the Code, is that industrial development bond issues in a face amount not exceeding $5 million will not require registration under the Acts. It may generally be said that, so long as interest on an industrial development bond issue is excludable from gross income by virtue of the operation of section 103(c)(6), the issue itself will be exempt from the registration requirements of the Acts. A close analysis of section 103 of the Code should, however, be made in the case of any particular industrial development bond issue, to determine its eligibility for such tax exemption. Any issue, the face amount of which is in excess of $5 million, and which is not otherwise exempted, will continue to be subject to all previously applicable provisions of the Acts and rules thereunder.

Continued reference should be made to Securities Act Releases No. 4921 and No. 5055, as it is the position of the Commission that such releases remain in full force and effect as to any industrial development bond issue, the face amount of which exceeds $5 million (*Provided*, That such issue is not of a character enumerated in subsections (B) through (F), inclusive, of section 103(c)(4) of the Code, which issues are excluded regardless of the dollar amount), and to all other industrial development bond issues not specifically excluded from the provisions of either Act by section 401. It should be further emphasized that the antifraud provisions of section 17 of the Securities Act and section 10(b) of the Securities Exchange Act continue to apply to all securities covered by section 401, notwithstanding the possible exclusion of any of such securities from the operation of other provisions of either Act.

Section 401 contains no reference to the Trust Indenture Act of 1939. Section 304(a)(4) of the Trust Indenture Act provides as follows:

SEC. 304. (a) The provisions of this title shall not apply to any of the following securities:

* * * * *

(4) any security exempted from the provisions of the Securities Act of 1933, as heretofore amended, by paragraph (2), (3), (4), (5), (6), (7), (8), or (11) of subsection 3(a) thereof;

Because of the words "as heretofore amended" in section 304(a)(4), securities exempted from the provisions of the Securities Act of 1933 by amendments to that Act subsequent to 1939 are not exempt from the provisions of the Trust Indenture Act. Accordingly, section 304 (a)(4) does not provide an exemption for industrial development bonds covered by section 401 even though that section amends section 3(a)(2) of the Securities Act of 1933. (It should be noted, parenthetically, that the word "heretofore," as it refers to amendments of the Securities Act of 1933, was erroneously omitted from section 304(a)(4) as it appears in the United States Code.)

There would appear to be little point, in light of the policy considerations underlying the enactment of section 401, in releasing municipalities from the obligations of registering certain issues of industrial revenue bonds under the Securities Act of 1933 or the Securities Exchange Act of 1934, while still requiring the filing and qualification of trust indentures covering those same bond issues under the Trust Indenture Act of 1939. With this in mind, the Commission has attempted to follow the intent of Congress in this matter. Accordingly, the Commission has determined that it will not take action against any issuer of industrial revenue bonds, the registration of which under the Securities Act of 1933 or the Securities Exchange Act of 1934 is no longer required by virtue of the amendments contained in section 401, if such issuer should offer for public sale any such issue of industrial revenue bonds, without filing or qualifying under the Trust Indenture Act of 1939, the trust indenture covering such bonds.

Notwithstanding the position herein expressed by the Commission with regard to certain issues of industrial revenue bonds, the antifraud provisions of sections 323 and 324 of the Trust Indenture Act of 1939 shall continue in full force and effect. Moreover, as to those issues of industrial revenue bonds not specifically excluded from the provisions of the Securities Act of 1933 and the Securities Exchange Act of 1934 by section 401, all provisions of the Trust Indenture Act of 1939 remain in full force and effect.

By the Commission, November 6, 1970.

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

[F.R. Doc. 70-15792; Filed, Nov. 23, 1970; 8:48 a.m.]

[Release No. 33-5100]

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

Registration of Securities of Certain Issuers To Be Offered for Cash

The Securities and Exchange Commission has adopted certain amendments to Form S-7 (17 CFR 239.26) under the Securities Act of 1933. This form is a short form which may be used for registration of securities to be offered to the public for cash by certain companies having established records of earnings and stability of management and business.

The adoption of the amendments operate to broaden the availability of Form S-7 and are a part of a program which includes improvement in the disclosure required in reports under the Securities Exchange Act of 1934.

Heretofore, in order to use the form the registrant, among other things, must have been subject to and complied with the requirements of sections 13 and 14 of the Securities Exchange Act of 1934 for a period of at least 5 fiscal years. This period has been reduced to 3 fiscal years.

One of the previous conditions to use of Form S-7 was that the registrant had been engaged in business of substantially the same general character since the beginning of its last 5 fiscal years. This requirement has been deleted and an instruction has been added to Item 5 of the form which calls for information with respect to the business done and intended to be done by the registrant and its subsidiaries. The instruction provides that if the registrant has not been engaged in business of the same general character since the beginning of its last 5 fiscal years, information shall be furnished as to material changes which have occurred in the general character of the business during that period.

Another previous condition to use of the form was that a majority of the existing board of directors of the registrant must have been directors of the registrant during each of the last 3 fiscal years. This provision has been amended to require that a majority of the existing board must have been directors of the registrant or a predecessor during each of the last 3 fiscal years. This permits use of the form in certain situations where a registrant has succeeded to another company and has added directors of the other company to its own board.

A third previous condition to the use of the form was that the registrant and its consolidated subsidiaries had sales or gross revenues of at least $50 million for the last fiscal year and a net income of at least $2,500,000 for such fiscal year and $1 million for each of the preceding 4 fiscal years. This provision has been amended to delete the requirement with respect to sales or gross revenues and to provide that the registrant must have had a net income, after taxes but before extraordinary items, of at least $500,000 for each of the last 5 fiscal years.

Since the form no longer requires that the registrant must have had sales or gross revenues of at least $50 million for the last fiscal year, the amended form provides that a registrant not having sales or gross revenues in excess of that amount may use a 15 percent test, rather than a 10 percent test, in determining the lines of business and classes of products for which certain information must be furnished separately. This provision conforms the requirements of Form S-7 with those of Forms S-1 (17 CFR 239.11) and 10 (17 CFR 249.210) in this respect.

Item 6 of the form has been amended to require a source and application of funds statement for each fiscal year or other period for which an income statement is required. Instruction 4 to Item 6 was also amended to require the registrant to furnish as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless such computation is clearly set forth in answer to the item.

The amended Form S-7 includes certain additional changes of relatively minor importance. These changes, which relate principally to the financial instructions, conform the language of Form S-7 to that of the recently revised Forms 10 and 10-K (17 CFR 249.310).

Copies of the amended Form S-7 have been filed as part of this document with the Office of Federal Register and may be obtained from the Securities and Exchange Commission, Washington, D.C. 20549.

The foregoing amendments shall apply to registration statements filed on Form S-7 after December 31, 1970, except that any registrant which meets the requirements of the amended rule as to the use of the form may, at its option, file a registration statement in conformity with the amended provisions of the form prior to that date.

By the Commission, November 12, 1970.

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

[F.R. Doc. 70-15791; Filed, Nov. 23, 1970; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 70-242]

PART 12—SPECIAL CLASSES OF MERCHANDISE

Importations of Fish and Wildlife

The Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior, pursuant to the authority of Public Law 91-135; 83 Stat. 275 ("Endangered Species Conservation Act of 1969"), has added a new Part 17 to Title 50, CFR. The purpose of the new

regulations is to govern the importation and transportation of fish and wildlife primarily, including endangered fish and wildlife, implementing the Endangered Species Conservation Act of 1969 (16 U.S.C. 668cc), The Black Bass Act, as amended (16 U.S.C. 851 et seq.), and The Lacey Act, as amended (18 U.S.C. 43 and 44). The regulations of Part 17, Title 50, CFR, became effective on June 3, 1970. However, § 17.3 *Importation at designated ports* and § 17.4 *Importation of fish or wildlife—Inspection and documentation*, became effective on August 3, 1970.

To conform the Customs Regulations to the regulations of the Bureau of Sport Fisheries and Wildlife as relating to importations, the Customs Regulations, are amended as follows:

The centerhead preceding § 12.26 is amended to read: "Fish, Wildlife, and Insects".

The heading for § 12.26, the last two sentences in paragraph (a) (1) and (3) are revised; (a) (5) is added; and paragraphs (g) and (i) are revised to read as follows:

§ 12.26 Importations of wild animals, fish, amphibians, reptiles, mollusks, and crustaceans; prohibited and endangered species; designated ports of entry; permits required.

(a) (1) * * * If any such prohibited specimen is imported, or if any specie or subspecie of other live or dead fish or wildlife, including any parts, products, or eggs thereof, appearing on the Endangered Species List published by the Bureau of Sport Fisheries and Wildlife, is imported, Customs release of the prohibited specimen or endangered fish or wildlife shall be refused unless there has been issued and presented in connection with entry a proper Bureau of Sport Fisheries and Wildlife permit authorizing the import transaction. In the absence of such permit, injurious specimens prohibited entry shall be required to be immediately exported or destroyed. Changes in injurious species and endangered species or subspecies which are prohibited or restricted importation may be published from time to time in 50 CFR Part 13—Importation of Wildlife or Eggs Thereof or in Part 17—Conservation of Endangered Species and Other Fish or Wildlife. Unreleased species or subspecies of live or dead endangered fish or wildlife, including parts, products, or eggs thereof, shall remain under detention subject to seizure and delivery to an appropriate regional director or other agent of the Bureau of Sport Fisheries and Wildlife for disposition as appropriate pursuant to 50 CFR Part 17.

* * * * *

(3) A Declaration for the Importation of Fish or Wildlife on Bureau of Sport Fisheries and Wildlife Form 3–177 available through Customs ports of entry shall be required to be filed for each importation of any fish or dead body thereof or fish egg and of any wild mammal, wild bird, amphibian, reptile, mollusk, or crustacean or dead body or egg thereof, unless the importation is one excepted by 50 CFR 17.4(d) from the requirement of Form 3–177. Such declaration on Form 3–177 shall be filed by the importer or his agent with the appropriate Customs officer at the port of entry where actual examination and inspection for clearance and release occurs, and shall show, for each species or subspecies imported, the common and scientific names, number, country of origin, whether or not on the Endangered Species List in 50 CFR Part 17, Appendix A, and whether or not subject to laws or regulations in any foreign country regarding its taking, transportation, or sale.

* * * * *

(5) Customs entry for consumption or bonded warehousing of fish and wildlife, as defined in 50 CFR 17.2 (e) and (f), intended for importation into the United States, or admission into a foreign trade zone, shall be filed at a port of entry among those designated for Customs entry in 50 CFR Part 17, Appendix B. However, Customs entry for consumption or bonded warehousing of shipments subject to emergency diversion or otherwise authorized under regulations or by permit issued by the Bureau of Sport Fisheries and Wildlife pursuant to 50 CFR Part 17, Appendices B and C, may be filed for examination and release at the ports of entry so named or permitted, but no consumption or bonded warehouse entry shall be filed or accepted at an undesignated port for any endangered specie or subspecie permitted importation pursuant to 50 CFR 17.12 except in the case of an emergency diversion of live endangered fish or wildlife accepted for such entry in accordance with item 2(b) of 50 CFR Part 17 Appendix B. Importations of fish and wildlife subject to regulations of the Bureau of Sport Fisheries and Wildlife which arrive from abroad at any place in the United States not designated as an authorized port for Customs entry, unless occurring under conditions or circumstances in which Customs entry for consumption or bonded warehousing and final clearance has been authorized by Bureau of Sport Fisheries and Wildlife regulations or permit, may be entered only for immediate transportation without appraisement for movement under Customs bond to one of the designated ports of entry. Customs entry, release, and delivery of any shipment of shellfish and fishery products defined in 50 CFR 17.2(j) imported for commercial purposes is authorized at any port of entry, except insofar as such items include any species or subspecies which appears on the Endangered Species List in 50 CFR Part 17, Appendix A.

* * * * *

(g) All import shipments of fish and wildlife subject to regulations or permit requirements of the Bureau of Sport Fisheries and Wildlife, published pursuant to the Endangered Species Conservation Act of 1969, 16 U.S.C. 668cc, or other statutory authority, shall be subject to examination or inspection by that agency's officer serving the port of entry, for determination as to permissible release or such other disposition as he may direct. Customs officers performing examinations of such fish and wildlife in accordance with regulations of the Bureau of Sport Fisheries and Wildlife in 50 CFR Part 10 and Parts 13–17, shall release shipments only upon submission by the importer of evidence sufficient to establish compliance with those regulations, any applicable permit requirements, and compliance with applicable identification and package or container marking requirements as specified by 50 CFR 17.6(a) and 17.9. In case of doubt as to whether fish, birds, or other wildlife belong to prohibited or endangered species or subspecies or whether an entry permit is required, or in case of suspicion on the part of officers of the Customs that the species sought to be entered are prohibited or endangered species or subspecies imported under other names or descriptions, the importation shall be refused Customs release, and the importer shall be responsible for concluding arrangements acceptable to the regional director or other agent of the Bureau of Sport Fisheries and Wildlife for proper handling, custody, and care, at the importer's expense and risk, of the unreleased fish, birds, or other wildlife. No Customs disposition of the importation shall be concluded pending the termination by the Bureau of Sports Fisheries and Wildlife of the true nature of the species or subspecies. In case of refusal or neglect of the importer or consignee, or agent of either, to have the identity so established, final disposition of the importation shall be required as determined by the Bureau of Sport Fisheries and Wildlife. In addition to Bureau of Sport Fisheries and Wildlife Form 3–177, required to be filed as prescribed in 50 CFR 17.4 upon entry of importations of fish and wildlife, entrants shall present appropriate foreign export permits, other acceptable foreign documentary evidence of lawful taking, transportation, or sale, or appropriate American consular certificates upon importation of fish and wildlife species or subspecies subject to such documentation requirements of 50 CFR 17.4 (c) and (d).

* * * * *

(i) The privilege of entry for immediate transportation granted by section 552, Tariff Act of 1930, shall not be allowed for importations of fish, birds, or other wildlife which are confirmed at the port of first arrival or discharge to be injurious prohibited species, or which require permits issued prior to importation, or which are subject to quarantine regulations or inspection at the ports of first arrival or discharge or other specified place of veterinary inspection. However, entry for immediate transportation properly is allowed for any importation of fish, birds, or other wildlife which at the place of first arrival or discharge is not confirmed to be an injurious prohibited specie and which, following compliance with any applicable quarantine regulations or required veterinary inspection, is being transported by means of an in-bond movement to a port of entry designated in 50 CFR Part 17, Appendix B, for Customs entry (see paragraphs (a) and (b) of this section). Ports of designated entry, inspection, quarantine, and related enforcement procedures covering certain animals and poultry and certain

animal and poultry products imported into the United States are regulated by requirements and standards prescribed in regulations of the Secretary of Agriculture, Department of Agriculture (see 9 CFR Parts 92–96; 19 CFR 12.8 and 12.24).

* * * * *

Section 12.28 is amended to read as follows:

§ 12.28 Importation of wild mammals and birds in violation of foreign law.

(a) No imported wild mammal or bird, or part or product thereof, shall be released from Customs custody, except as permitted under § 12.26(1) relating to an in-bond movement to a port designated for wildlife entry, if the district director of Customs has knowledge of a foreign law or regulation obliging enforcement of section 527(a), Tariff Act of 1930 (19 U.S.C. 1527(a)), unless the importation is an excepted transaction entitled to entry under the provisions of section 527(c) of the Tariff Act or, in connection with the entry, there is presented documentation in either manner specified in 50 CFR 17.4(c) (1) or (2) required for import transactions subject to foreign laws or regulations regarding taking, transportation, or sale of wildlife including wild mammals and birds or parts or products thereof (see § 12.26).

(80 Stat. 379, 62 Stat. 687, as amended, R.S. 251, secs. 527, 624, 46 Stat. 741; 5 U.S.C. 301, 18 U.S.C. 42, 19 U.S.C. 66, 1527, 1624)

As the foregoing amendments principally conform pertinent provisions of the Customs Regulations to currently effective regulations (50 CFR Part 17) adopted by the Bureau of Sport Fisheries and Wildlife on corresponding subject matter (35 F.R. 8491; 8736; 8941; 12121; 14932), it is found that notice and public procedure under 5 U.S.C. 553 in the promulgation of these regulations is unnecessary and for the same reason good cause is found for making them effective upon the date of publication in the FEDERAL REGISTER.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: November 9, 1970.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-15797; Filed, Nov. 23, 1970; 8:49 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 0B2557) filed by Imperial Chemical Industries Ltd., Dyestuffs Division, Post Office Box 42, Hexagon House, Blackley, Manchester M9 3DA, England, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of dicetyl thiodipropionate as an antioxidant in polymers used in the manufacture of articles for food-contact use.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended by alphabetically inserting in the list of substances the subject item, as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) List of substances:

	Limitations
* * *	* * *
Dicetyl thiodipropionate having a melting point of 59°–62° C. as determined by ASTM Method E-324 and a saponification value in the range 176–183 as determined by ASTM Method D-1962.	The concentration of this additive and any other permitted antioxidants in the finished food-contact article shall not exceed a total of 0.5 milligram per square inch of food-contact surface.
* * *	* * *

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

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

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

Dated: October 22, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-15765; Filed, Nov. 23, 1970; 8:46 a.m.]

PART 121—FOOD ADDITIVES

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

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs having evaluated the data in a petition (FAP 0B2542) filed by Geigy Chemical Corp., Ardsley, N.Y. 10502, and other relevant material, concludes that § 121.2566 should be amended to provide for the additional safe use of 2(2'-hydroxy-5'-methylphenyl)benzotriazole as an antioxidant and/or stabilizer in polystyrene that complies with § 121.2510 and that is limited to use in contact with dry food of type VIII described in table 1 of § 121.2526(c).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended by revising the subject item to read as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) List of substances:

	Limitations
* * *	* * *
2(2'-Hydroxy-5'-methylphenyl)benzotriazole meeting the following specification: Melting point 126°–132° C.	For use only: 1. As component of nonfood articles complying with § 121.2591. 2. At levels not to exceed 0.25 percent by weight of rigid polyvinyl chloride and/or rigid vinyl chloride copolymers complying with § 121.2521. 3. In polystyrene that complies with § 121.2510 and that is limited to use in contact with dry food of type VIII described in table 1 of § 121.2526(c).
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order

deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

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

Dated: October 5, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-15766; Filed, Nov. 23, 1970; 8:46 a.m.]

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Propiopromazine Hydrochloride

The Commissioner of Food and Drugs has evaluated a new animal drug application (41-665V) filed by Diamond Laboratories, Inc., proposing the safe and effective use of propiopromazine hydrochloride chewable tablets in dogs. The application is approved.

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

§ 135c.12 Propiopromazine hydrochloride.

(a) *Chemical name.* 1-Propanone, 1-[10-[3-(dimethylamino) propyl] phenothiazin-2-yl]-, monohydrochloride.

(b) *Specifications.* The drug is administered in a chewable tablet containing 10 or 20 milligrams of propiopromazine hydrochloride.

(c) *Sponsor.* Diamond Laboratories, Inc., Post Office Box 863, Des Moines, IA 50304.

(d) *Conditions of use.* (1) The drug is intended for oral administration to dogs as a tranquilizer. It is used as an aid in handling difficult, excited, and unruly dogs, and in controlling excessive kennel barking, car sickness, and severe dermatitis. It is also indicated for use in minor surgery and prior to routine examinations, laboratory procedures, and diagnostic procedures.

(2) It is administered at the rate of 0.5 to 2 milligrams of propiopromazine hydrochloride per pound of body weight once or twice daily depending upon the degree of tranquilization desired.

NOTE: Not for use with organophosphates and/or procaine hydrochloride, as phenothiazine may potentiate the toxicity of organophosphates and the activity of procaine hydrochloride. Overdosage may produce significant depression.

(3) For use only by or on the order of a licensed veterinarian.

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

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

Dated: November 10, 1970.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[F.R. Doc. 70-15767; Filed, Nov. 23, 1970; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas; Correction

In recent amendments to the List of Flood Hazard Areas, 24 CFR 1915.3, published at 35 F.R. 14215, September 9, 1970, and 35 F.R. 14928-14929, September 25, 1970, certain effective dates were incorrectly listed. Accordingly, on page 14215 the two effective dates for Oldsmar and Daytona Beach locations, Pinellas and Volusia Counties, Fla., are changed to read September 8, 1970. The effective dates for the 12 locations in the States of Florida, Minnesota, New Jersey, and Texas, listed on page 14929 are changed to read September 25, 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 21, 1970.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 70-15774; Filed, Nov. 23, 1970; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7075]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Replacement of Property Involuntarily Converted Within a 2-Year Period

On July 30, 1970, and August 6, 1970, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under sections 381 and 1033 of the Internal Revenue Code of 1954 to reflect the changes made by section 915 of the Tax Reform Act of 1969 (83 Stat. 723) was published in the FEDERAL REGISTER (35 F.R. 12211 and 12544). No objection to the rules proposed having been received during the 30-day period prescribed in the notice, the regulations as proposed are hereby adopted.

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

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

Approved: November 17, 1970.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 381 and 1033 of the Internal Revenue Code of 1954 to section 915 of the Tax Reform Act of 1969 (83 Stat. 723), such regulations are amended as follows:

PARAGRAPH 1. Section 1.381(c)(13)-1 is amended by revising paragraph (c)(2) and (3) to read as follows:

§ 1.381(c)(13)-1 Involuntary conversions.

* * * * *

(c) *Conversion into money or dissimilar property when disposition occurs after December 31, 1950.* * * *

(2) *Replacement period.* The period during which the purchase of similar property or stock must be made in order to prevent the recognition of gain on the involuntary conversion terminates 2 years (or, in the case of a disposition occurring before Dec. 31, 1969, 1 year) after the close of the first taxable year in which any part of the gain upon the conversion is realized, or at the close of such later date as may be designated pursuant to an application of the taxpayer. See paragraph (c)(3) of § 1.1033(a)-2. Therefore, if, in a case to which this subparagraph applies, the first taxable year in which gain is realized is the taxable year of the distributor or transferor corporation ending with the close of the date of distribution or transfer, the acquiring corporation will have a maximum of only 2 years (or, in the case of a disposition occurring before Dec. 31, 1969, 1 year) after that date in which to purchase the similar property or stock, unless an extension of time has been granted upon application by the distributor, transferor, or acquiring corporation within the time prescribed. See paragraph (a) of § 1.381(b)-1 as to the termination of the taxable year of the distributor or transferor corporation. See paragraph (c)(3) of § 1.1033(a)-2 as to applications to extend the period within which to replace the converted property. In addition to the information otherwise required under paragraph (c)(3) of § 1.1033(a)-2, the application shall contain sufficient detail in connection with the distribution or transfer to establish

that section 381(c)(13) applies to the involuntary conversion involved.

(37 *Examples.* The application of this paragraph may be illustrated by the following examples:

Example (1). A and B Corporations compute their taxable income on the basis of the calendar year, and both corporations use the cash method of accounting. During 1970 property of A Corporation is destroyed by fire, and in January 1971, A Corporation receives $15,000 from an insurance company as compensation for its loss of property. The adjusted basis of the property on the date of destruction is $10,000; as a consequence, A Corporation realizes a gain of $5,000 on the involuntary conversion. On June 30, 1971, B Corporation acquires all of the assets of A Corporation in a reorganization to which section 381(a) applies. In accordance with paragraph (c)(2) of § 1.1033(a)-2, A Corporation reports in its return for the short taxable year ending June 30, 1971, all the details in connection with the involuntary conversion but does not include the realized gain in gross income, thereby electing to have the gain recognized only to the extent provided in section 1033(a)(3). On June 15, 1973, B Corporation purchases for $20,000 property which is similar or related in service or use of the property previously destroyed. In its return for 1973, B Corporation reports all of the details in connection with its replacement of the property, as required by paragraph (c)(2) of § 1.1033(a)-2. As a result of this replacement by B Corporation, none of the gain realized by A Corporation is recognized. The replacement property which is purchased by B Corporation has a basis to that corporation of $15,000 on the date of its purchase, that is, the cost of such property ($20,000) decreased by the amount of gain not recognized to A Corporation on the involuntary conversion ($5,000).

Example (2). Assume the same facts as in example (1), except that B Corporation does not purchase similar property on or before June 30, 1973, and does not apply on or before that date (in accordance with paragraph (c)(3) of § 1.1033(a)-2) for an extension of time in which to make a replacement. In such event, the gain realized by A Corporation is recognized to that corporation for its taxable year ending June 30, 1971. A Corporation's tax liability for such taxable year must be recomputed in accordance with paragraph (c)(2) of § 1.1033(a)-2 in order to reflect this additional income.

Example (3). Assume the same facts as in example (1), except that the property of A Corporation is destroyed in 1968, A Corporation receives the $15,000 from an insurance company in January 1969, B Corporation acquires all of the assets of A Corporation on June 30, 1969, and A Corporation's return is filed for the short taxable year ending June 30, 1969. B Corporation would have to purchase property which is similiar or related in service or use to the property previously destroyed by June 30, 1970, in order to take advantage of the provisions of section 1033.

Example (4). M and N Corporations compute their taxable income on the basis of the calendar year, and both corporations use the cash method of accounting. During 1970, property of M Corporation is destroyed by fire. The adjusted basis of the property on the date of destruction is $10,000. The property is insured against loss by fire, but the insurance claim is not satisfied on or before June 30, 1971, the date on which N Corporation acquires all of the assets (including the insurance claim) of M Corporation in a reorganization to which section 381(a) applies. On September 1, 1972, N Corporation receives $15,000 from the insurance company as compensation for the fire loss suffered by M Corporation. Upon receipt of the insurance proceeds, N Corporation realizes a gain of $5,000 upon the involuntary conversion; however, in its return for 1972, N Corporation elects under the provisions of paragraph (c)(2) of § 1.1033(a)-2 to have the gain recognized only to the extent provided by section 1033(a)(3). On December 30, 1974, N Corporation purchases for $20,000 property which is similar or related in service or use to the property previously destroyed in the hands of M Corporation. As a result of this replacement by N Corporation, none of the gain realized by N Corporation in 1972 is recognized. The replacement property which is purchased by N Corporation has a basis to that corporation of $15,000 on the date of its purchase, that is, the cost of such property ($20,000) decreased by the amount of gain not recognized to N Corporation on the involuntary conversion ($5,000).

Example (5). R and S Corporations compute their taxable income on the basis of the calendar year, and both corporations use the cash method of accounting. During 1970 property of R Corporation is destroyed by fire. The adjusted basis of the property on the date of destruction is $10,000. In anticipation of taking the benefit of section 1033(a)(3), R Corporation purchases for $20,000 on June 1, 1971, property which is similar or related in service or use to the destroyed property. In its return for 1971, R Corporation reports all of the details in connection with the replacement of the property, as required by paragraph (c)(2) of § 1.1033(a)-2. The property destroyed in 1970 is insured against loss by fire, but the insurance claim is not satisfied on or before March 1, 1972, the date on which S Corporation acquires all of the assets (including the insurance claim) of R Corporation in a reorganization to which section 381(a) applies. On October 1, 1972, S Corporation receives $12,000 from the insurance company as compensation for the fire loss suffered by R Corporation. Upon receipt of the insurance proceeds, S Corporation realizes a gain of $2,000 upon the involuntary conversion; however, in its return for 1972, S Corporation elects under the provisions of paragraph (c)(2) of § 1.1033(a)-2 to have the gain recognized only to the extent provided by section 1033(a)(3). As a result of the replacement by R Corporation, none of the gain realized by S Corporation in 1972 is recognized. Assuming there are no adjustments for depreciation, the replacement property has a basis on October 1, 1972, of $18,000, that is, the cost of such property ($20,000) decreased by the amount of gain not recognized to S Corporation on the involuntary conversion ($2,000).

* * * * *

PAR. 2. Section 1.1033(a) is amended by revising section 1033(a)(3)(B)(1) and the historical note to read as follows:

§ 1.1033(a) Statutory provisions; involuntary conversions; general rule.

Sec. 1033. *Involuntary conversions*—(a) *General rule.* * * *

(3) *Conversion into money where disposition occurred after 1950.* * * *

(B) *Period within which property must be replaced.* * * *

(i) Two years after the close of the first taxable year in which any part of the gain upon the conversion is realized, or

* * * * *

(Sec. 1033(a) as amended by sec. 45, Technical Amendments Act 1958 (72 Stat. 1641); sec. 915 Tax Reform Act 1969 (83 Stat. 723))

PAR. 3. Section 1.1033(a)-2 is amended by revising so much of paragraph (c)(3) thereof as precedes subdivision (i), to read as follows:

§ 1.1033(a)-2 Involuntary conversion where disposition of the converted property occurred after December 31, 1950.

* * * * *

(c) *Conversion into money or dissimilar property.* * * *

(3) The period referred to in subparagraphs (1) and (2) of this paragraph is the period of time commencin with the date of the disposition of the converted property, or the date of the beginning of the threat or imminence of requisition or condemnation of the converted property, whichever is earlier, and ending 2 years (or, in the case of a disposition occurring before Dec. 31, 1969, 1 year) after the close of the first taxable year in which any part of the gain upon the conversion is realized, or at the close of such later date as may be designated pursuant to an application of the taxpayer. Such application shall be made prior to the expiration of 2 years (or, in the case of a disposition occurring before Dec. 31, 1969, 1 year) after the close of the first taxable year in which any part of the gain from the conversion is realized, unless the taxpayer can show to the satisfaction of the district director—

* * * * *

[F.R. Doc. 70-15729; Filed, Nov. 23, 1970; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

SUBCHAPTER A—GENERAL MANAGEMENT (1000)

[Circular No. 2279]

PART 1850—HEARINGS PROCEDURES

Subpart 1852—Contest and Protest Proceedings

MISCELLANEOUS AMENDMENTS

On page 13887 of the FEDERAL REGISTER of September 2, 1970, there was published a notice and text of a proposed amendment to Part 1850 of Title 43, Code of Federal Regulations. The purpose of the amendment is to relieve the United States of certain procedural requirements in Government contest proceedings. The proposed revisions would eliminate the requirement for furnishing the age of each heir of deceased entrymen in the complaint, clarify the effect of an answer by a contestee before dismissal, and provide specifically in Government contests for summary dismissal of contest complaints only as to any contestees not served.

Interested persons were given 30 days within which to submit comments, suggestions, or objections to the proposed amendment. No comments were received.

The proposed amendment is hereby adopted without change, and is set forth

below. This amendment shall become effective on publication in the FEDERAL REGISTER.

WALTER J. HICKEL,
Secretary of the Interior.

NOVEMBER 16, 1970.

1. In paragraph (a)(1) of § 1852.1-4, delete the words "including the age of each heir of any deceased entryman," so § 1852.1-4(a)(1) will read as follows:

§ 1852.1-4 Complaints.

* * * * *

(a) * * *

(1) The name and address of each party interested.

* * * * *

2. In paragraph (a) of § 1852.1-5, add the words "as to such answering contestee" to the last sentence so that sentence will read as follows:

§ 1852.1-5 Service.

* * * * *

(a) *Summary dismissal; waiver of defect in service.* If a complaint when filed does not meet all the requirements of § 1852.1-4 (a) and (c), or if the complaint is not served upon each contestee as required by this section, the complaint will be summarily dismissed by the manager and no answer need be filed. However, where prior to the summary dismissal of a complaint a contestee answers without questioning the service or proof of service of the complaint, any defect in service will be deemed waived as to such answering contestee.

* * * * *

3. In § 1852.2-2, renumber the present paragraphs (b) through (i) to read (c) through (j) respectively, and add a new paragraph (b) to read as follows:

§ 1852.2-2 Proceedings in Government contests.

* * * * *

(b) A Government contest complaint will not be insufficient and subject to dismissal for failure to name all parties interested, or for failure to serve every party who has been named.

* * * * *

[F.R. Doc. 70-15781; Filed, Nov. 23, 1970; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XVIII—Office of Civil Defense, Office of the Secretary of the Army

PART 1807—CONTRIBUTIONS FOR CIVIL DEFENSE PERSONNEL AND ADMINISTRATIVE EXPENSES

Conditions of Contributions

In § 1807.6, the second sentence of paragraph (c) is revised. As amended, paragraph (c) of § 1807.6 reads as follows:

§ 1807.6 Conditions of contributions.

* * * * *

(c) *Merit system requirements.* All civil defense employees (except those specifically exempted in OCD guidance material) of a State or political subdivision must be employed under an approved merit system of personnel administration. Except in specific cases where the holding of elective office is approved under procedures and criteria set forth in OCD guidance material, OCD will make no contribution toward any salary, wages, supplementary compensation, or personnel benefits for any person who holds an elective office.

* * * * *

(64 Stat. 1255, 72 Stat. 533, 50 U.S.C. App. 2253, 2286; Reorg. Plan No. 1 of 1958, as amended, 72 Stat. 1799-1801, 23 F.R. 4991; E.O. 10952, as amended, 26 F.R. 6577; Establishment of the Office of Civil Defense and Delegation of Authority Regarding Civil Defense Functions, published 10 April 1964, 29 F.R. 5017)

Effective date. This amendment is effective immediately.

Dated: November 10, 1970.

JOHN E. DAVIS,
Director of Civil Defense.

[F.R. Doc. 70-15763; Filed, Nov. 23, 1970; 8:46 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER A—PROCEDURES APPLICABLE TO THE PUBLIC

[CGFR 69-106a]

PART 2—VESSEL INSPECTIONS

Reports of Hazardous Materials Incidents

Correction

In F.R. Doc. 70-14708 appearing at page 16832 in the issue of Saturday, October 31, 1970, under § 2.20-70(d), the line reading "Telephone number ------" appearing above subparagraph 26 of paragraph G of the form should be transposed to follow subparagraph 27.

Proposed Rule Making

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[21 CFR Part 320]

DEPRESSANT AND STIMULANT DRUGS

Chlordiazepoxide and Its Salts and Diazepam; Proposed Supplemental Findings of Fact

In the matter of listing chlordiazepoxide and its salts and diazepam as drugs subject to control under the Drug Abuse Control Amendments of 1965:

A tentative order in this matter was published in the FEDERAL REGISTER of May 21, 1969 (34 F.R. 7968). Hoffmann-La Roche Inc., of Nutley, N.J., (Respondent), submitted exceptions to the finding of fact and conclusions of law in the tentative order, and oral argument on these exceptions was heard on November 5, 1969, before the Director of the Bureau of Narcotics and Dangerous Drugs. At that time, the Director decided that the record should be updated in the areas of diversion and illegal use of these drugs. Further discussion on this matter was held on February 27, 1970.

Pursuant to a joint recommendation made to the Director by counsel for the Government and counsel for Respondent dated April 1, 1970, an order was published in the FEDERAL REGISTER of April 8, 1970 (35 F.R. 5695), calling for a supplemental hearing. Under the terms of the order establishing the supplemental hearing and in accordance with the joint recommendation of counsel, the scope of the supplemental hearing was limited to evidence bearing on the use of Librium or Valium in conjunction with, or related to, the abuse of other drugs, including rebuttal evidence from Respondent bearing on whether such abuse occurred, its nature, frequency, relevancy and significance. Mr. Edgar A. Buttle was appointed as hearing examiner by the U.S. Civil Service Commission.

As indicated in the joint recommendation, the presentation by the Government of other evidence of abuse, together with Respondent's rebuttal evidence, would have inordinately protracted the hearings. Additionally, for the most part, such evidence would have been cumulative; that is, showing a continuation of circumstances existing at the time of the prior hearing in 1966. As a consequence, evidence relating to intentional overdoses and attempted suicides; evidence concerning suicides and other deaths in which the drugs played a significant role; reports of audits of retail drugstores detailing significant shortages which could not be legitimately accounted for; and police reports showing instances in which the drugs were discovered by police during their investigation of drug and other criminal offenses suggesting use and distribution outside of the legitimate channels, were neither to be presented nor rebutted by either side inasmuch as essentially the same type of evidence had already been adduced at the prior hearing.

Following a prehearing conference on April 13, 1970, the supplemental hearings began on April 22, 1970, and concluded on June 15, 1970. During this period there were 14 days of hearings, the transcript of which covers 986 pages. Six witnesses were called by the Government. Eighteen witnesses were called and four articles from the medical literature were introduced by Respondent. A posthearing conference was held July 6, 1970, and oral arguments on proposed findings of fact were held on September 21, 22, and 28, 1970.

Hearing Examiner Buttle submitted to the Director a report dated November 6, 1970, and entitled Supplemental Report of Findings and Conclusions Re Potential for Abuse of Librium and Valium Used Conjunctively With Other Drugs. This report contained numerous Findings of Fact, Conclusions of Fact, Conclusions of Law and a Decisional Recommendation. The Decisional Recommendation stated that "[I]t is recommended that this Supplemental Report including Findings and Conclusions relative to the potentiality for abuse emanating from the conjunctive use of Librium and Valium with other drugs be adopted as corroborative of the original Findings and Conclusions of this Hearing Examiner dated April 7, 1967, indicative of such potentiality, and that an order shall issue herein to this effect."

On the basis of the Supplemental Report and in accordance with the order placing limitations on the scope of the hearing, and the attendant facts and circumstance leading up to that order, including the joint recommendation of counsel, it is proposed that the following supplemental findings be made. These proposed findings are directly related to the defined scope of the supplemental hearing inasmuch as they relate to the use of Librium or Valium in conjunction with, or related to, the abuse of other drugs:

1. The evidence indicates that individuals who abuse or misuse drugs sometimes use Librium or Valium in what are apparently self-medication efforts to "crash" [1] from amphetamine intoxication [Longergan Tr. SL-8 [2] through SL-12, SL-17; "Mr. X" Tr. SX-8-9, SX-12, SX-21-23; Beckett Tr. S-123, S-125-126, S-129-130; Ungerleider Tr. S-155; D. Smith Tr. S-384-385, S-391-392, S-401; Strong Tr. S-479, S-488-489; Rosenfeld Tr. S-863-864], to alleviate the untoward effects of LSD and other hallucinogens [Lonergan Tr. SL-8, SL-10-14, SL-16-17, SL-24; "Mr. X" Tr. SX-12, SX-21-23, SX-47; Berson Tr. S-34, S-36-37; Atwell Tr. S-61; L. Smith Tr. S-76-79, S-81-82, S-84-85; Beckett S-124, S-128; Ungerleider Tr. S-155; D. Smith Tr. S-400-401; Rosenfeld Tr. S-863-864], and for other self-medication purposes, or otherwise take Librium or Valium in conjunction with other drugs ["Mr. X" Tr. SX-22-23; Berson Tr. S-24-27, S-43; Rosenfeld Tr. S-857, S-860-861].

2. The evidence also indicates that some individuals within the illicit drug scene, who are not professional medically trained personnel, administer or give Librium to friends and acquaintances to aid them in recovering from the unpleasant effects of drug abuse ["Mr. X" Tr. SX-13, SX-30-32; Berson Tr. S-34, S-36-37; Atwell Tr. S-61-64, S-69] and for other self-medication purposes [Berson Tr. S-24, S-26; L. Smith Tr. S-76].

3. The evidence indicates that sometimes this self-medication and nonprofessional administration of Librium and Valium is done without proper medical supervision and not pursuant to sound medical advice [Berson Tr. S-34; Atwell Tr. S-61-64; L. Smith Tr. S-77; Beckett Tr. S-123, S-127; Ungerleider Tr. S-155; D. Smith Tr. S-391].

4. Within the medical community, self-medication with Librium, Valium, and other prescription drugs is generally considered an unsafe and undesirable practice [Ungerleider Tr. S-180; Greenberg Tr. S-228, S-230-231; Miller Tr. S-343-347; Myerson Tr. S-369; D. Smith Tr. S-404; Kiev Tr. S-437; Strong Tr. S-487; Cahn Tr. S-588; Jones Tr. S-756-757; Rosenfeld Tr. S-867].

5. The evidence does not establish that Librium and Valium are preponderantly the drugs of choice for self-medication purposes by drug abusers. The medical experts generally attribute this to the drugs' ineffectiveness relative to other drugs or other methods of treatment [Ungerleider Tr. S-149, S-160-161; Hollister Tr. S-264, S-281-283; Miller Tr.

[1] The term "crash" has the connotation among the members of the drug scene of mitigating either the effects of symptoms of certain hallucinogens or central nervous system stimulants, most notably LSD and the various amphetamine derivatives. [See Tr. S-79-80 for a drug abuser's definition.]

[2] The transcript of the supplemental hearing which began on Apr. 22, 1970, was numbered consecutively from 1 through 879, with two exceptions: Testimony of Government witness Thomas Lonergan, taken on Apr. 28, 1970, was numbered 1 through 59, and the testimony of Government witness "Mr. X," taken on May 7, 1970, was numbered 1 through 48. Accordingly, references to the testimony of witness Lonergan and "Mr. X," will be prefixed by the letters "SL" and "SX", respectively.

S-328, S-329, S-331; Myerson Tr. S-357-359; Kiev Tr. S-418; Cahn Tr. S-573-575; Jones Tr. S-724, S-726-727], even though some medical experts are of the opinion that in some instances the drugs are effective in the treatment of drug crisis [Ungerleider Ex. R-S2; Hollister Tr. S-264-265; Miller Tr. S-328-329; Myerson S-359-361; D. Smith Tr. S-386-387, Strong Tr. S-477-478; Cahn Tr. S-578-579; Jones Tr. S-757-758], and to the fact that the drugs are not as pleasurable to take as the more popular drugs such as heroin or the barbiturates. [Miller Tr. S-330, S-334-335; Myerson Tr. S-359, S-361; Kiev Tr. S-417, S-428; Strong Tr. S-477; Cahn Tr. S-559-562, S-572-573, S-580; Jones Tr. S-735-736; Rosenfeld Tr. S-863-864].

6. The evidence also indicates, however, that the patterns of drug abuse in the United States, including the misuse of drugs for self-medication, while generally falling into definable patterns [Ungerleider Tr. S-142, S-145-147, S-151; Greenberg Tr. S-220-221; Hollister Tr. S-286-287, S-327, S-353; D. Smith Tr. S-381-383; Kiev Tr. S-415-416; Kirkland Tr. S-452-454; Strong Tr. S-475-476; Cahn Tr. S-555; Bellizzi Tr. S-559-600; Roose Tr. S-62-653; Moss Tr. S-673-674; Jones Tr. S-722-723; Dole Tr. S-833] are cyclical and changing [Ungerleider Tr. S-149-151; Greenberg Tr. S-220; Hollister Tr. S-286; D. Smith Tr. S-383; Kiev Tr. S-415-416; Strong Tr. S-476; Jones Tr. S-722-723].

7. The evidence indicates that the sources of Librium and Valium for the purposes of self-medication or nonprofessional administration are from (1) legitimate prescriptions, either prescribed for the individual or for someone else [Lonergan Tr. SL-21; Berson Tr. S-24, S-43; L. Smith Tr. S-82; Beckett Tr. S-123-124, S-130-131; D. Smith Tr. S-388], (2) forged prescriptions [Beckett Tr. S-125; D. Smith Tr. S-388], or (3) suppliers of illicit drugs [Lonergan Tr. SL-9-11, SL-23-24; "Mr. X" Tr. SX-14, SX-16, SX-29; L. Smith Tr. S-78-82, S-87], and other sources ["Mr. X" Tr. SX-9, SX-14, SX-45; Berson Tr. S-23, S-26; Atwell Tr. S-61, S-63, S-68; Beckett Tr. S-126; D. Smith Tr. S-389, S-397]. The evidence further indicates that Librium and Valium are transferred among individuals within the drug-abusing subculture [Lonergan Tr. SL-16, SL-25; "Mr. X" Tr. SX-9, SX-11, SX-14-16, SX-24, SX-45; Berson Tr. S-24, S-26, S-43; Atwell S-61-63; L. Smith Tr. S-81; Beckett Tr. S-126; D. Smith Tr. S-388, S-397].

In accordance with the Decisional Recommendation made by Hearing Examiner Buttle in the Supplemental Report, these findings of fact are supplemental to, and corroborative of, the Proposed Findings of Fact and Conclusions and Tentative Order published in the FEDERAL REGISTER of May 21, 1969 (34 F.R. 7968).

On November 9, 1970, Respondent, through its attorneys, filed with the Director a motion to disqualify the attorneys assigned to the Bureau's Office of Chief Counsel from participating or advising in the formulation of any order, motion, or decision relating to this matter. Respondent alleged as a basis for its motion that the matter was adjudicative rather than rule making in nature. This motion was denied as lacking merit on November 17, 1970, and Respondent's attorneys were so advised. A similar motion was denied by the Commissioner of Food and Drugs, Department of Health, Education, and Welfare, on April 28, 1967, while this matter was pending before the Food and Drug Administration.

Any interested person whose appearance was filed at the hearing may, within 30 days from the date of publication of the proposed supplemental findings in the FEDERAL REGISTER, file with the Office of the Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, 1405 I Street NW., Washington, DC 20537, written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed supplemental findings of fact, and shall contain specific references to the pages of the transcript of testimony or to the exhibits on which the exceptions are based. Exceptions and accompanying briefs should be submitted in quintuplicate.

Upon due consideration of the exceptions to the proposed supplemental findings of fact, if any, the supplemental findings of fact, as amended to reflect any meritorious exceptions, will be incorporated with the Proposed Findings of Fact and Conclusions and Tentative Order appearing in the FEDERAL REGISTER of May 21, 1969 (34 F.R. 7968), also amended to reflect meritorious exceptions, and will be published in the FEDERAL REGISTER as the final findings of fact and conclusions and final order.

Dated: November 19, 1970.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[F.R. Doc. 70-15762; Filed, Nov. 23, 1970; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

National Highway Safety Bureau

[49 CFR Part 571]

[Dockets Nos. 1-9 and 1-10; Notice 3]

EXTERIOR PROTECTION ON PASSENGER CARS

Proposed Motor Vehicle Safety Standard

The purpose of this notice is to propose a new motor vehicle safety standard that would require passenger cars to have front and rear surfaces that will prevent low-speed collisions from impairing the safe operation of vehicle systems, and that will reduce the frequency of override or underride in higher speed collisions. An advance notice of proposed rule making was issued on October 14, 1967 (32 F.R. 14278), that established dockets to receive comments on the height of motor vehicle bumpers, Docket No. 1-9, and on bumper effectiveness, Docket No. 1-10. These dockets were treated together at a public meeting held April 2, 1970 (35 F.R. 3176).

Two primary safety considerations underlie the proposed standard. The first is that many accidents of the parking lot variety impair the safety but not the mobility of the involved vehicles. A vehicle driven without proper lights, or with leaks in its fuel, exhaust, or cooling systems is a hazard. Similarly, a hood or trunk with a damaged latch may spring up to block the driver's vision, and a defective door latch may either open unexpectedly or fail to open in an emergency. The proposed standard requires that each of these systems be protected from damage in a series of low-speed test impacts.

The second consideration is that in higher speed collisions the tendency of a bumper to override another or to ride under or over a guardrail creates hazards for vehicle occupants. Vehicles with interlocking bumpers block traffic and expose their occupants to considerable danger, particularly if they attempt to get out to unlock the bumpers. By overriding or underriding a guardrail, a bumper may strike a supporting post, or similar fixed object, with serious consequences for the vehicle and its occupants. To reduce such occurrences, the proposed standard would require passenger cars to pass a test designed to insure greater uniformity in bumper height and to eliminate extreme bumper configurations that make override or underride likely. The proposed standard is expected to provide a basis for future standards dealing with the absorption of energy by the vehicle structure at higher speeds.

The proposed standard provides that both the basic protection to a vehicle's systems afforded by its front and rear surfaces and the resistance of these surfaces to override and underride would be measured by a series of impacts by a test device. The weight of this test device would be equal to the weight of the tested vehicle. On the side facing the vehicle the test device would have a plane surface with a low steel ridge running transversely across it. The test device would be suspended by means that would keep the plane surface vertical, such as a structure in the shape of a parallelogram. Each specified vehicle system would have to meet the standard's requirements after a series of 16 impacts at 5 miles per hour with the centerline of the ridge at heights ranging from 14 to 20 inches above the ground. Six of these impacts, three each at front and rear, would be longitudinal impacts at a height of 20 inches. Six more, also divided between front and rear, would be longitudinal impacts at a height between 14 and 20 inches. The remaining four impacts would consist of an impact at each of the vehicle's corners at an angle of 45° to the vehicle's longitudinal centerline.

During the series of impacts the vehicle would not be permitted to touch the

test device except on its impact ridge. Any contact with the vertical plane surface, or, in the tests at a height of 20 inches, with a forward surface 3 inches nearer the vehicle and 4 inches above the centerline of the ridge, would constitute a failure of the standard. This requirement is the means by which the standard would govern a vehicle's override and underride characteristics.

Recent legislative activity at the State level concerning vehicle bumpers has raised questions concerning the extent to which this Federal standard would preempt State laws on the subject. Section 103(d) of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392 (d)), requires any State standard dealing with the same aspect of performance as the Federal standard to be identical to the Federal standard to the extent that it regulates the same vehicles. As stated in the purpose and scope section of the proposed standard, this proposal would establish requirements for the impact resistance and the configuration of front and rear vehicle surfaces, and any State standard dealing with those aspects of performance would be under the restrictions of section 103(d) described above.

Proposed effective date: August 1, 1972.

In consideration of the above, it is proposed that a standard on exterior protection be issued as set forth below. Comments are invited on the proposal, particularly on the leadtime required for compliance. Comments should identify the docket number and be submitted to: Docket Section, National Highway Safety Bureau, Room 4223, 400 Seventh Street SW., Washington, DC 20591. It is requested, but not required, that 10 copies be submitted.

All comments received before the close of business on January 25, 1971, will be considered, and will be available for examination in the Rules Docket at the above address 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 rule making 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 rule making. 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 rule making 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 November 13, 1970.

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

§ 571.21 Federal motor vehicle safety standards.

* * * * *

EXTERIOR PROTECTION—PASSENGER CARS

S1. *Purpose and scope.* This standard establishes requirements for the impact resistance and the configuration of front and rear vehicle surfaces, to prevent low-speed collisions from impairing the safe operation of specified vehicle systems, and to reduce the frequency of override or underride in higher speed collisions.

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

S3. *Definition.*

"Vehicle corner" means the part of a vehicle contacted by a vertical plane that is tangent to the vehicle and at an angle of 45° to the vehicle's longitudinal centerline.

S4. *Requirements.* The vehicle shall meet the following requirements during and after impact by a pendulum-type test device at 7½ feet per second in accordance with the conditions of S5 and the procedures of S6.

S4.1 The vehicle shall not touch the test device except on the impact ridge shown in Figures 1 and 2.

S4.2 Each lamp or reflective device shall be free of cracks and shall comply with the applicable visibility requirements of section S4.3.1.1 of Motor Vehicle Safety Standard No. 108. The aim of each headlamp shall be adjustable in accordance with the applicable requirements of Standard No. 108.

S4.3 The latching systems of the vehicle's hood, trunk, and doors shall be operable in the normal manner.

S4.4 The vehicle's fuel and cooling systems shall have no leaks or constricted fluid passages and all sealing devices and caps shall be operable in the normal manner.

S4.5 The vehicle's exhaust system shall have no constrictions or open joints.

S5. *Conditions.* The vehicle shall meet the requirements of S4 under the following conditions.

S5.1 *General.*

S5.1.1 The vehicle is at empty weight plus maximum capacity of all fluids necessary for operation of the vehicle.

S5.1.2 The vehicle is at rest on a level, rigid concrete surface.

S5.1.3 The front wheels are parallel to the vehicle's longitudinal centerline.

S5.1.4 Tires are inflated to the vehicle manufacturer's recommended pressure for the specified loading condition.

S5.1.5 Brakes are disengaged and the transmission is in neutral.

S5.2 *Test device.* The tests specified in S6 are conducted with a test device having the following characteristics.

S5.2.1 The test device consists of a block with one side contoured as specified in Figure 1 or Figure 2 with the impact ridge made of hardened steel.

S5.2.2 With plane A vertical, the impact line shown in Figures 1 and 2 is horizontal at the same height as the test device's center of percussion.

S5.2.3 The weight of the test device and supporting structure is equal to the weight of the tested vehicle.

S6. *Test procedures.* Each vehicle shall meet the requirements of S4 when impacted in accordance with S6.1 and S6.2.

S6.1 *Longitudinal impact test procedures.* Impact the vehicle's front surface and its rear surface three times each with the impact line at a height of 20 inches, and three times each with the impact line at any height between 20 inches and 14 inches, in accordance with the following procedure.

S6.1.1 For impacts at a height of 20 inches, place the test device shown in Figure 1 so that plane A is vertical and the impact line is horizontal at the specified height.

S6.1.2 For impacts at a height between 20 inches and 14 inches, place the test device shown in Figure 2 so that plane A is vertical and the impact line is horizontal at a height within the range.

S6.1.3 Align the vehicle so that a point between the vehicle corners touches, but does not move, the test device, with the vehicle's longitudinal centerline perpendicular to the plane that includes plane A of the test device.

S6.1.4 Move the test device away from the vehicle, then release it so that plane A remains vertical from release until the onset of rebound, and the arc described by any point on the impact line is constant, with a radius of not less than 11 feet, and lies in a plane parallel to the vertical plane through the vehicle's longitudinal centerline.

S6.1.5 Impact the vehicle at 7½ feet per second.

S6.2 *Corner impact test procedure.* Impact a front corner and a rear corner of the vehicle once each with the impact line at a height of 20 inches and impact the other front corner and the other rear corner once each with the impact line at any height between 20 inches and 14 inches in accordance with the following procedure.

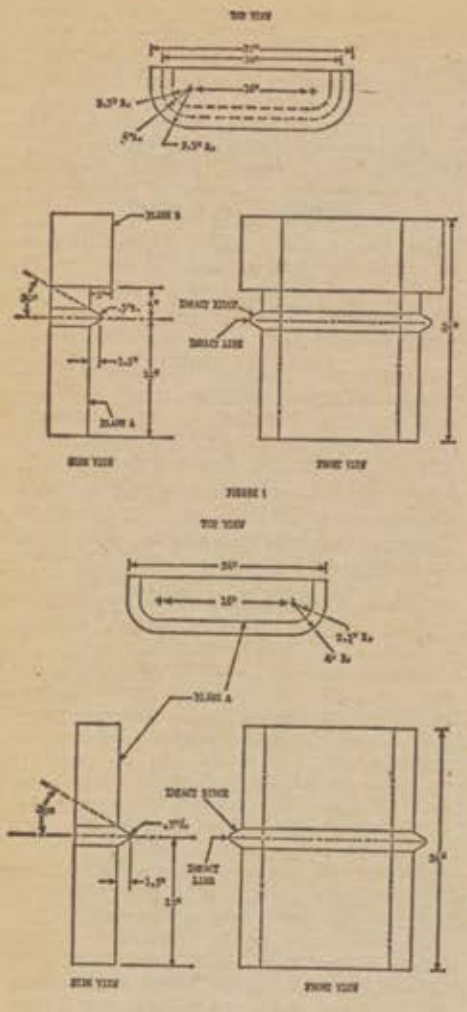
S6.2.1 For an impact at a height of 20 inches, place the test device shown in Figure 1 so that plane A is vertical and the impact line is horizontal at the specified height.

S6.2.2 For an impact at a height between 20 inches and 14 inches, place the test device shown in Figure 2 so that plane A is vertical and the impact line is horizontal at a height within the range.

S6.2.3 Align the vehicle so that a vehicle corner touches, but does not move, the test device, with plane A of the test device at an angle of 45° to the vertical plane through the vehicle's longitudinal centerline.

S6.2.4 Move the test device away from the vehicle, then release it so that plane A remains vertical from release until the onset of rebound, and the arc described by any point on the impact line is constant, with a radius of not less than 11 feet, and lies in a vertical plane passing through the vehicle corner at an angle of 45° to the vertical plane through the vehicle's longitudinal centerline.

S6.2.5 Impact the vehicle at 7½ feet per second.



[F.R. Doc. 70-15704; Filed, Nov. 23, 1970; 8:45 a.m.]

[49 CFR Part 571]

[Docket No. 69-2; Notice 4]

VEHICLE POWER REQUIREMENTS; TRUCKS AND BUSES

Proposed Motor Vehicle Safety Standard; Extension of Time for Comments

A notice of a proposed motor vehicle safety standard on vehicle power requirements for trucks and buses of over 10,000 pounds gross vehicle weight rating was published on August 22, 1970 (35 F.R. 13469), with a closing date for comments of November 19, 1970. The American Trucking Associations, Inc., Boyertown Auto Body Works, Inc., and the Truck Body and Equipment Association, Inc., have requested an extension of time to submit comments to this docket, in order to complete investigation and submit information pertaining to the proposal. In response to these requests, the closing date for comments on the August 22 notice is hereby extended to December 21, 1970.

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act (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 November 19, 1970.

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

[F.R. Doc. 70-15775; Filed, Nov. 23, 1970; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 221, 399]

[Docket No. 22630; EDR-190B, PSDR-27B]

GROUP FARES ON SCHEDULED SERVICES

Supplemental Notice of Proposed Rule Making

NOVEMBER 19, 1970.

The Board, by circulation of notice of proposed rule making EDR-190, PSDR-27, dated October 6, 1970, and publication at 35 F.R. 16006, gave notice that it had under consideration proposed amendments to (1) Part 221 which would require that tariffs for group fares specify the rules applicable to such fares, and (2) Part 399 which would provide that the conditions related to group fares other than inclusive tour basing fares shall conform to the Board's regulations governing pro rata charters. Comments were to be filed on or before November 9, 1970, and reply comments thereto on or before November 24, 1970. Pursuant to the request of counsel for a number of scheduled air carriers, the Board by EDR-190A/PSDR-27A dated November 5, 1970, extended the time for filing initial comments to November 13, 1970.

Counsel for National Air Carrier Association (NACA) have now requested an extension of time for filing of reply comments to December 4, 1970, on the ground that the extension of time already granted for the filing of initial comments and the incidence of the Thanksgiving weekend making communication with all of the NACA carriers difficult during that period necessitates the extension requested. NACA counsel advise that counsel for the trunkline carriers have no objection to the requested extension.

The undersigned finds that good cause has been shown for granting the requested extension. Accordingly, pursuant to the authority delegated in § 385.20(d) of the Board's organization regulations, the undersigned hereby extends the time for submitting reply comments to December 4, 1970.

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

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel, Rules and Rates.

[F.R. Doc. 70-15803; Filed, Nov. 23, 1970; 8:49 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 154, 157, 250]

[Docket No. R-393]

EXEMPTION OF SMALL PRODUCERS FROM REGULATION

Notice of Conference

NOVEMBER 18, 1970.

Take notice that on December 8, 1970, a conference will be held pursuant to the notice of proposed rule making issued July 23, 1970 (35 F.R. 12220), in Docket No. R-393 in response to the requests of certain parties. The conference will be held at 10:00 a.m. in a Hearing Room (to be posted) in the Federal Power Commission, 441 G Street NW., Washington, DC.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-15751; Filed, Nov. 23, 1970; 8:45 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 502]

PACKAGING AND LABELING

"Economy Size," "Giant Size," "Family Size," and Similar Size Representations; Opportunity To Submit Written Views

Section 5(c) of the Fair Packaging and Labeling Act (Public Law 89-755) states that "whenever the promulgating authority determines that regulations containing prohibitions or requirements other than those prescribed by section 4 are necessary to prevent the deception of consumers or to facilitate value comparisons as to any consumer commodity, such authority shall promulgate with respect to that commodity regulations effective to * * * (2) regulate the placement upon any package containing any commodity, or upon any label affixed to such commodity, or any printed matter stating or representing by implication * * * that a retail sale price advantage is accorded to purchasers thereof by reason of the size of that package or the quantity of its contents."

Accordingly, the Commission, pursuant to the authority under sections 5 and 6 of the Fair Packaging and Labeling Act (sections 5, 6, 80 Stat. 1298, 1299, 1300; 15 U.S.C. 1454, 1455), proposes the following regulations which are deemed necessary to prevent the deception of consumers and to facilitate value comparisons as to consumer commodities subject to the regulatory authority of the Commission as provided in section 5(a) of that Act.

Any interested person may, within 60 days from the date of this publication in the FEDERAL REGISTER, file with the Secretary, Federal Trade Commission, Washington, D.C. 20580, written data, views, or arguments on this proposal.

"ECONOMY SIZE"; "GIANT SIZE"; "FAMILY SIZE"; AND SIMILAR SIZE REPRESENTATIONS

§ 502.6 Terms defined.

As used in §§ 502.6 through 502.8, unless the context otherwise specifically requires:

(a) The term "economy size" means any printed matter consisting of the words "economy size," "economy pack," "budget pack," "bargain size," "value size," or words of similar import placed upon any package containing any consumer commodity or placed upon any label affixed to such commodity, stating or representing directly or by implication that a retail sale price advantage is accorded the purchaser thereof by reason of the size of that package or the quantity of its contents. The term as hereinafter employed applies to any representation of size such as "Giant," "Family," "Large," King Size," "Jumbo," etc.

(b) The term "regular price" means the price at which a consumer commodity is openly and actively sold in the regular course of business, without any reduced price promotion.

§ 502.7 Prohibited acts, labeling requirements.

(a) The package or label of a consumer commodity may not have imprinted thereon an "economy size" representation unless:

(1) The packager or labeler at the same time offers the same brand of that commodity in at least one other packaged size or labeled form.

(2) The packager or labeler offers only one packaged or labeled form of that brand of commodity labeled with an "economy size" representation.

(3) The packager or labeler sells the commodity labeled with an "economy size" representation (either to the trade in the event such commodity is not sold at retail by the packager or labeler, or to the public in the event such commodity is sold at retail by the packager or labeler), at a price per unit of weight, volume, measure, or count which is substantially reduced[1] from the regular price of all other packaged or labeled units of the same brand of that commodity.

(b) A packager or labeler should not continue to make an "economy size" package available in any circumstances where he knows that it is used as an instrumentality for deception, e.g., where the retailer charges a price which does not pass on to the consumer the substantial reduction in cost per unit initially granted by the packager or labeler. Nothing in this section, however, should be construed to authorize or condone the illegal setting or policing of retail prices by a packager or labeler in situations where he does not sell to the public.

(c) An "economy size" representation may not be used in any manner or in any circumstances so as to mislead or deceive consumers.

§ 502.8 Invoices.

A packager or labeler who sponsors an "economy size" package shall prepare and maintain invoices or other records showing compliance with paragraph (a) of § 502.7. The invoices or other records required by this section shall be open to inspection by duly authorized representatives of this Commission and shall be retained for 3 years.

Issued: November 17, 1970.

By direction of the Commission.

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

[F.R. Doc. 70-15747; Filed, Nov. 23, 1970; 8:45 a.m.]

[1] The Commission specifically solicits comments as to what constitutes a substantial reduction for the purposes of this subparagraph.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 70-241]

APPRAISEMENT

Evidence That an Export Selling Price Between Related Parties Fairly Reflected Market Values

NOVEMBER 13, 1970.

In the case of "F. W. Myers & Co., Inc. v. United States," the U.S. Customs Court held, in a decision dated December 11, 1969, published as A.R.D. 264, that the sale price of the merchandise undergoing appraisement fairly reflected the market value because that price was arrived at by bona fide negotiations between the parties and included all costs of production and a profit.

In reaching that decision, the court held that plaintiff did not have the burden of accounting for the difference between the involved manufacturer's export price to the United States and other manufacturers' prices for home consumption, and that evidence of the selling price of merchandise manufactured and sold in the United States could be relevant on the question of whether negotiations between related parties were in good faith. The court cited the case of "United States v. Acme Steel Company, C.A.D. 841" (1964) as authority for its conclusion that the export selling price fairly reflected the market value.

The Bureau believes that the facts in the Acme case are distinguishable from the Myers case and does not agree with the court's opinion. While no appeal from the decision in A.R.D. 264 is contemplated, further judicial proceedings on the principles involved will be sought at an appropriate opportunity.

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

[F.R. Doc. 70-15795; Filed, Nov. 23, 1970; 8:49 a.m.]

[T.D. 70-246]

TETRAHYDROFURAN

Approval of Practice of Classification

Approval of practice of classification of tetrahydrofuran not derived from benzenoid sources under the provision for other organic compounds * * * other in item 429.95, Tariff Schedules of the United States (TSUS). Complaint of domestic producer of tetrahydrofuran under section 516(b), Tariff Act of 1930, as amended.

In a letter of January 27, 1969, pursuant to the provisions of section 516(b), Tariff Act of 1930, as amended, E. I. du Pont de Nemours & Co., which identified itself as a domestic manufacturer of tetrahydrofuran, protested the Bureau ruling contained in T.D. 68-292(9), which classified tetrahydrofuran, if not derived from benzenoid sources, under the provision for other organic compounds: Other in item 429.95, TSUS. The domestic manufacturer believed that the product was more specifically provided for under the provision for epoxides and halogenated epoxides: Other in item 428.88, TSUS, or the provision for ethers of polyhydric alcohols: Other in item 428.46, TSUS.

The domestic manufacturer was advised that in view of T.D. 68-292(9), an established and uniform practice did exist to classify such a product in item 429.95, TSUS. Subsequently, the domestic manufacturer filed a complaint against the rate of duty assessed, submitted that the merchandise should be classifiable in item 428.46, TSUS, and stated that it intended to protest the classification pursuant to section 516(b), Tariff Act of 1930, as amended.

The domestic manufacturer was informed that its complaint had been considered and that the Bureau remained of the opinion that the practice of classifying the above-described tetrahydrofuran under item 429.95, TSUS, is correct.

In accordance with the provisions of section 516(b), Tariff Act of 1930, as amended, notice is hereby given that the named domestic manufacturer has given the notice contemplated by the statute that it desires to protest the classification of tetrahydrofuran not derived from benzenoid sources. However, under section 516(b), Tariff Act of 1930, as amended, the practice will be continued so long as no decision of the U.S. Customs Court or the U.S. Court of Customs and Patent Appeals not in harmony with with decision is published.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: November 16, 1970.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-15796; Filed, Nov. 23, 1970; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F-12450]

ALASKA

Notice of Proposed Classification of Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18), and the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management, the public lands described in paragraphs 2 and 3. As used herein "public lands" means any lands not withdrawn or reserved for a Federal use or purpose.

Publication of this notice will not affect valid existing rights or the determination and protection of the rights of the Native Aleuts, Eskimos, and Indians of Alaska.

Publication of this notice has the effect of segregating the public lands described from appropriation as noted in paragraph 2.

The lands shall remain open to all other applicable forms of use and appropriation, including the mining laws, except as provided in paragraphs 3 and 4.

Except as provided in paragraph 4, all of the lands shall remain open to selections by the State of Alaska.

2. The public domain lands affected are located in Northern Alaska and aggregate approximately 24,455,000 acres.

The lands proposed to be classified are described as follows and are shown on maps on file in the Fairbanks District and Land Office, 516 Second Avenue, Fairbanks, AK 99701, and the Bureau of Land Management, State Office, 555 Cordova Street, Anchorage, AK 99501.

(a) The following described lands, comprising southern foothill portions of the Brooks Mountain Range, are segregated from appropriation under the Agricultural Land Laws, 43 CFR Subpart 2567 (48 U.S.C. 371-380); the Trade and Manufacturing Site Law, 43 CFR Subpart 2562 (48 U.S.C. 461); and the Headquarters Site Law, 43 CFR 2563.1 (48 U.S.C. 461) but not the Homesite Law, 43 CFR 2563.2 (48 U.S.C. 461).

BLOCK I

FAIRBANKS MERIDIAN

Protracted Descriptions

Tps. 22 to 25 N., Rs. 1 and 2 E.
Tps. 22 to 25 N., R. 1 W.
Tps. 21 to 25 N., Rs. 2 to 5 W.
Tps. 20 to 24 N., Rs. 6 to 9 W.
Tps. 17 to 24 N., Rs. 10 to 13 W.
Tps. 17 to 27 N., Rs. 14 and 15 W.
Tps. 15 to 27 N., Rs. 16 to 21 W.
Tps. 15 to 24 N., Rs. 22 to 25 W.
Tps. 15 and 16 N., R. 26 W.

KATEEL RIVER MERIDIAN

Protracted Descriptions

Tps. 14 to 17 N., R. 23 E.
Tps. 13 to 17 N., R. 24 E.
Tps. 9 to 17 N., R. 25 E.
Tps. 8 to 17 N., Rs. 26 and 27 E.
T. 8 N., R. 28 E.

The areas described, including both public and nonpublic lands, aggregate approximately 5,967,360 acres.

(b) The following described lands, comprising mountainous portions of the Brooks Mountain Range, are segregated from appropriation under the Agricultural Land Laws, 43 CFR Subpart 2567

(48 U.S.C. 371–380); the Trade and Manufacturing Site Act, 43 CFR Subpart 2562 (48 U.S.C. 461); the Headquarters Site Law, 43 CFR 2563.1 (48 U.S.C. 461); the Homesite Law, 43 CFR 2563.2 (48 U.S.C. 461); the General Allotment and Native Acts, 43 CFR Subparts 2530 and 2561 (48 U.S.C. 357–357b, 25 U.S.C. 334) and Townsites, 43 CFR Subparts 2564 and 2565 (48 U.S.C. 355–355d).

BLOCK II

FAIRBANKS MERIDIAN

Protracted Descriptions

Tps. 26 to 37 N., R. 1 E.
Tps. 26 to 28 N., R. 2 E., excluding those portions within the Venetie Indian Reservation.
Tps. 29 to 37 N., R. 2 E.
Tps. 26 to 37 N., Rs. 1 to 5 W.
Tps. 25 to 37 N., Rs. 6 to 13 W.
Tps. 28 to 37 N., Rs. 14 to 21 W.
Tps. 25 to 37 N., Rs. 22 to 24 W.
Tps. 25 to 28 N., R. 25 W.

KATEEL RIVER MERIDIAN

Protracted Descriptions

Tps. 14 to 30 N., R. 12 E.
Tps. 31 and 32 N., R. 12 E., excluding those portions within Naval Petroleum Reserve No. 4.
Tps. 14 to 29 N., R. 13 E.
Tps. 30 and 31 N., R. 13 E., excluding those portions within Naval Petroleum Reserve No. 4.
Tps. 14 to 29 N., R. 14 E.
Tps. 30 to 34 N., R. 14 E., excluding those portions within Naval Petroleum Reserve No. 4.
Tps. 14 to 34 N., Rs. 15 to 22 E.
Tps. 18 to 34 N., Rs. 23 to 25 E.
Tps. 18 to 32 N., R. 26 E.
Tps. 18 to 20 N., R. 27 E.

UMIAT MERIDIAN

Protracted Descriptions

Tps. 9 to 17 S., Rs. 1 to 5 W.
Tps. 9 to 12 S., Rs. 6 to 15 W.
Tps. 9 to 12 S., R. 16 W., excluding those portions within Naval Petroleum Reserve No. 4.
Tps. 9 to 17 S., Rs. 1 to 19 E.
Tps. 13 to 17 S., R. 20 E.

The areas described, including both public and nonpublic lands, aggregate approximately 18,498,500 acres.

3. (a) The following described lands surround prominent scenic lakes in the Brooks Mountain Range, and are within Block II, noted in foregoing paragraph 2(b).

The lands are designated Block II A, consisting of Tracts 1 through 16. The lands are segregated from all forms of appropriation or sale under the public land laws, including the Mining Laws, 43 CFR Part 3800 (30 U.S.C. Ch. 2), except selections by the State of Alaska, 43 CFR Subpart 2627 (72 Stat. 339). For purposes of State selection, each tract is considered the smallest compact area.

BLOCK II A

KATEEL RIVER MERIDIAN

Protracted Descriptions

Tract 1:
T. 27 N., R. 12 E.,
Secs. 1 to 25, inclusive.
T. 28 N., R. 12 E.,
Secs. 31 to 36, inclusive.

Tract 2:
T. 17 N., R. 14 E., E½.
T. 18 N., R. 14 E., E½.
T. 17 N., R. 15 E., W½.
T. 18 N., R. 15 E., W½.

Tract 3:
T. 17 N., R. 17 E.,
Secs. 1, 2, 11, and 12.
T. 17 N., R. 18 E.,
Secs. 5 to 8, inclusive.
T. 18 N., R. 16 E.,
Secs. 13 to 15, inclusive;
Secs. 22 to 24, inclusive.
T. 18 N., R. 17 E.,
Secs. 13 to 26, inclusive;
Secs. 35 and 36.
T. 18 N., R. 18 E.,
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.

Tract 4.

UMIAT MERIDIAN

Protracted Description

T. 12 S., R. 11 W.,
Secs. 16 to 21, inclusive;
Secs. 28 to 30, inclusive.
T. 12 S., R. 12 W.,
Secs. 13 to 17, inclusive;
Secs. 20 to 29, inclusive.

KATEEL RIVER MERIDIAN

Protracted Descriptions

T. 34 N., R. 18 E.,
Secs. 7 to 24, inclusive.
T. 34 N., R. 19 E.,
Secs. 7 and 8;
Secs. 17 to 20, inclusive.

Tract 5.

UMIAT MERIDIAN

Protracted Descriptions

T. 12 S., R. 3 W.,
Secs. 19 to 36, inclusive.
T. 12 S., R. 4 W.,
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 13 S., R. 3 W.,
Secs. 1 to 34, inclusive.
T. 13 S., R. 4 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 14 S., R. 3 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 31, inclusive.
T. 14 S., R. 4 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 15 S., R. 4 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 19 to 34, inclusive.
T. 15 S., R. 5 W.,
Secs. 23 to 26, inclusive;
Secs. 34 to 36, inclusive.
T. 16 S., R. 4 W.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 16 S., R. 5 W.

KATEEL RIVER MERIDIAN

Protracted Descriptions

T. 30 N., R. 25 E.,
Secs. 1 and 12.
T. 30 N., R. 26 E.,
Secs. 6 and 7.
T. 31 N., R. 25 E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 31 N., R. 26 E.,
Secs. 6, 7, 18, 19, 30, and 31.

UMIAT MERIDIAN

Protracted Descriptions

Tract 6:
T. 12 S., R. 1 E.,
Secs. 24, 25, and 36.
T. 12 S., R. 2 E.,
Secs. 19 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 13 S., R. 1 E.,
Secs. 1 and 12.
T. 13 S., R. 2 E.,
Secs. 2 to 11, inclusive.

Tract 7:
T. 11 S., R. 3 E.,
Secs. 25, 26, 35, and 36.
T. 11 S., R. 4 E.,
Secs. 28 to 34, inclusive.
T. 12 S., R. 3 E.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive.
T. 12 S., R. 4 E.,
Secs. 3 to 18, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 12 S., R. 5 E.,
Secs. 8 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 13 S., R. 4 E.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive.
T. 13 S., R. 5 E.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 30, inclusive.

Tract 8:
T. 12 S., R. 6 E., E½.
T. 12 S., R. 7 E., W½.

Tract 9:
T. 11 S., R. 9 E.,
Secs. 34, 35, and 36.
T. 11 S., R. 10 E.,
Secs. 31 and 32.
T. 12 S., R. 9 E., E½.
T. 12 S., R. 10 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.

Tract 10:
T. 11 S., R. 11 E.,
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 11 S., R. 12 E.,
Secs. 7 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 12 S., R. 11 E.,
Secs. 1 to 3, inclusive;
Secs. 10 to 12, inclusive;
Secs. 13 to 15, inclusive.
T. 12 S., R. 12 E.,
Secs. 3 to 10, inclusive;
Secs. 15 to 18, inclusive.

Tract 11:
T. 9 S., R. 15 E., E½.
T. 9 S., R. 16 E., W½.

FAIRBANKS MERIDIAN

Protracted Description

Tract 12:
T. 36 N., R. 22 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive.
T. 36 N., R. 23 W.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 23 and 24.
T. 37 N., R. 22 W.

Tract 13:
T. 34 N., R. 21 W.,
Secs. 9 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.

Tract 14:
T. 30 N., R. 18 W.,
Secs. 2 to 11, inclusive.
T. 31 N., R. 18 W.,
Sec. 3, excluding those portions east of a line 50 feet east of the east shore of Wild Lake;
Secs. 4 to 9, inclusive;
Sec. 10, excluding those portions east of a line 50 feet east of the east shore of Wild Lake;
Sec. 15, excluding those portions east of a line 50 feet east of the east shore of Wild Lake;
Secs. 16 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 32 N., R. 18 W.,
Secs. 25 to 36, inclusive.
Tract 15:
T. 31 N., R. 7 W.
T. 31 N., R. 8 W.,
Secs. 1 to 18, inclusive;
Secs. 19 and 20, excluding those portions south of a line 50 feet south of the south shore of Big Lake;
Secs. 21 to 27, inclusive;
Secs. 28 and 29, excluding those portions south of a line 50 feet south of the south shore of Big Lake.
T. 31 N., R. 9 W.,
Secs. 1, 2, 11, and 12;
Secs. 13 and 24, excluding those portions south of a line 50 feet south of the south shore of Big Lake.
T. 32 N., R. 7 W., S½.
Tract 16:
T. 30 N., R. 5 W.,
Secs. 1 to 6, inclusive.
T. 31 N., R. 4 W.,
Secs. 3 to 10, inclusive;
Secs. 15 to 18, inclusive;
Sec. 19, including those portions east of a line 50 feet east of the east shore of Chandalar Lake.
Sec. 30, excluding those portions east of a line 50 feet east of the east shore of Chandalar Lake.
T. 31 N., R. 5 W.,
Secs. 1 and 2;
Secs. 7 to 36, inclusive.
T. 32 N., R. 4 W.,
Secs. 19 to 22, inclusive;
Secs. 27 to 34.
T. 32 N., R. 5 W.,
Secs. 23 to 26, inclusive;
Secs. 35 and 36.

The areas described, including both public and nonpublic lands, aggregate approximately 596,000 acres.

4. (b) The following described lands are located within Block II, as noted in foregoing paragraph 2(b). These lands contain the headwaters of the Noatak, Kobuk, and Alatna Rivers and are designated Block IIB.

The lands are segregated from all forms of appropriation or sale under the public land laws including the Mining Laws, 43 CFR Part 3800 (30 U.S.C. Ch. 2), and selections by the State of Alaska, 43 CFR Subpart 2627 (72 Stat. 339).

BLOCK IIB

FAIRBANKS MERIDIAN

Protracted Descriptions

T. 27 N., R. 25 W.
T. 28 N., R. 25 W.
T. 29 N., R. 24 W.
T. 30 N., R 24 W.
T. 31 N., R. 24 W.,
Secs. 7 and 8;
Secs. 17 to 21, inclusive;
Secs. 26 to 36, inclusive.

KATEEL RIVER MERIDIAN

Protracted Descriptions

T. 18 N., R. 18 E.,
Secs. 1 to 3, inclusive;
Secs. 10 to 14, inclusive;
Secs. 23 to 25, inclusive;
Sec. 36.
T. 18 N., Rs. 19 to 22 E.
T. 19 N., R. 18 E.,
Secs. 1 to 6, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 19 N., Rs. 19 to 22 E.
T. 20 N., R. 17 E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 20 N., Rs. 18 to 27 E.
T. 21 N., R. 16 E.,
Secs. 1 to 5, inclusive;
Secs. 8 to 12, inclusive.
T. 21 N., R. 17 E.,
Secs. 1 to 18, inclusive;
Secs. 23 to 25, inclusive;
Sec. 36.
T. 21 N., Rs. 18 to 26 E.
T. 22 N., R. 16 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 22 N., Rs. 17 to 26 E.
T. 23 N., R. 14 E.,
Secs. 1 to 5, inclusive;
Secs. 11 to 14, inclusive;
Secs. 23 and 24.
T. 23 N., R. 15 E.,
Secs. 1 to 10, inclusive;
Secs. 17 to 19, inclusive.
T. 23 N., R. 16 E.,
Secs. 1 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 33 to 36, inclusive.
T. 23 N., Rs. 17 to 26 E.
T. 24 N., R. 14 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 19 to 36, inclusive.
T. 24 N., Rs. 15 to 26 E.
T. 25 N., Rs. 14 to 26 E.
T. 26 N., R. 14 E.,
Secs. 1 and 2;
Secs. 10 to 16, inclusive;
Secs. 21 to 29, inclusive;
Secs. 31 to 36, inclusive.
T. 26 N., Rs. 15 to 24 E.
T. 26 N., R. 25 E.,
Sec. 7;
Secs. 16 to 36, inclusive.
T. 26 N., R. 26 E.,
Secs. 31 to 33, inclusive.
T. 27 N., R. 15 E.,
Secs. 1 to 5, inclusive;
Secs. 8 to 17, inclusive;
Secs. 19 to 36, inclusive.
T. 27 N., Rs. 16 to 24 E.
T. 28 N., R. 15 E.,
Sec. 1;
Secs. 12 to 14, inclusive;
Secs. 22 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 28 N., Rs. 16 to 18 E.
T. 28 N., R. 19 E.,
Secs. 2 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 35, inclusive.
T. 28 N., R. 21 E.,
Secs. 1 to 4, inclusive;
Secs. 8 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 28 N., R. 22 and 23 E.
T. 28 N., R. 24 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 22, inclusive;
Secs. 26 to 35, inclusive.
T. 29 N., R. 15 E.,
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 29 N., Rs. 16 and 17 E.
T. 29 N., R. 18 E.,
Secs. 5 to 8, inclusive;
Secs. 15 to 36, inclusive.
T. 29 N., R. 19 E.,
Sec. 19;
Secs. 28 to 33, inclusive.
T. 29 N., R. 21 E.,
Secs. 35 and 36.
T. 29 N., R. 22 E.,
Secs. 19 to 36, inclusive.
T. 29 N., R. 23 E.,
Secs. 19 to 22, inclusive;
Secs. 26 to 35, inclusive.
T. 30 N., R. 16 E.,
Secs. 13 to 15, inclusive;
Secs. 22 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 30 N., R. 17 E.,
Secs. 13 to 36, inclusive.
T. 30 N., R. 18 E.,
Secs. 30 to 32, inclusive.

The areas described, including both public and nonpublic lands, aggregate approximately 2,604,480 acres.

4. All persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Fairbanks District Manager, Bureau of Land Management.

5. Public hearings will be held at times and places which will be announced.

M. A. GRATTAN,
Acting State Director.

NOVEMBER 13, 1970.

[F.R. Doc. 70-15785; Filed, Nov. 23, 1970; 8:48 a.m.]

[Serial No. 4943]

NEVADA

Notice of Offering of Land for Sale

NOVEMBER 16, 1970.

Notice is hereby given that under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421–1427), 43 CFR Part 2720, and pursuant to an application from the city of Wells, Nev., the Secretary of the Interior will offer for sale the following tract of land:

MOUNT DIABLO, MERIDIAN

T. 37 N., R. 62 E.,
Sec. 3, N½NE¼NE¼, E½NE¼NW¼NE¼.

The area described contains 25 acres. The land is within the city limits and is planned for use as a dump site.

It is the intention of the Secretary to enter into an agreement with the city of Wells to permit the city to purchase the land at its fair market value, $875. The city will also be required to pay for the publication of the notice of this offering.

The land will be sold subject to all valid existing rights. Reservation will be made to the United States for rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the

public land laws, including the general mining laws.

Any adverse claimants should file their claims or objections with the undersigned within 30 days of the filing of this notice.

A. JOHN HILLSAMER,
Acting Land Office Manager.

[F.R. Doc. 70-15782; Filed, Nov. 23, 1970; 8:48 a.m.]

[Utah 5695]

UTAH

Provisional Notice of Offering of Land for Sale

With the provisions noted below, notice is hereby given that, pursuant to the Act of September 19, 1964 (78 Stat. 988), and pursuant to an application by Box Elder County, Utah, the Secretary of the Interior intends to offer the following lands for sale:

SALT LAKE MERIDIAN, UTAH

T. 6 N., R. 9 W.
Sec. 20, S½SW¼SW¼, S½SE¼SW¼;
Sec. 21, S½SW¼SW¼, S½SE¼SW¼;
Sec. 22, lots 5, 6, and 12;
Sec. 27, NW¼NW¼;
Sec. 28, N½NE¼, SW¼NE¼, NW¼, N½SW¼, NW¼SE¼;
Sec. 29, W½;
Sec. 30, E½NE¼NE¼, SE¼NE¼, SE¼, E½SW¼;
Sec. 31, all.

The lands described aggregate 1,828.05 acres.

The lands were classified by Bureau motion as suitable for transfer from Federal ownership to facilitate industrial development and use.

Box Elder County is in the process of formulating zoning regulations. When an ordinance is passed, the lands described above will be zoned for industrial use. The land, however, cannot be sold until after adequate zoning regulations are adopted by Box Elder County and only those lands actually needed for an industrial site and related facilities will be sold.

The lands are located on the west side of the Great Salt Lake at Lakeside which is about 55 miles northwest of Grantsville, Utah.

After adequate zoning regulations are adopted, it is the intention of the Secretary of the Interior either to enter into an agreement with the authorized county officials to permit Box Elder County to purchase that portion of the lands needed for industrial development at the then appraised fair market value, or to offer such lands for competitive bids.

Any patent resulting from sale of the land will be issued under the Act of September 19, 1964, supra, and shall contain a reservation to the United States of rights-of-way for ditches and canals under the Act of August 30, 1890 (43 U.S.C. sec. 945), and of all mineral deposits which shall thereupon be withdrawn from appropriation under the public land laws, including the mining and mineral leasing laws. The land will be sold subject to all valid existing rights and reservations for rights-of-way.

R. D. NIELSON,
State Director.

[F.R. Doc. 70-15783; Filed, Nov. 23, 1970; 8:48 a.m.]

[Utah 8997]

UTAH

Provisional Notice of Offering of Land for Sale

With the provisions noted below, notice is hereby given that, pursuant to the Act of September 19, 1964 (78 Stat. 988), and pursuant to an application by Box Elder County, Utah, the Secretary of Interior intends to offer the following lands for sale:

SALT LAKE MERIDIAN, UTAH

T. 6 N., R. 11 W.,
Sec. 3, S½;
Sec. 4, S½;
Sec. 5, E½SE¼;
Sec. 8, E½E½;
Sec. 9, all;
Sec. 10, all;
Sec. 11, lots 1, 2, W½SW¼;
Sec. 14, N½NW¼;
Sec. 15, N½N½.

The lands described aggregate 2,505.20 acres.

The lands were classified by Bureau motion as suitable for transfer from Federal ownership to facilitate industrial development and use.

Box Elder County is in the process of formulating zoning regulations. When an ordinance is passed, the lands described above will be zoned for industrial use. The land, however, cannot be sold until after adequate zoning regulations are adopted by Box Elder County and only those lands actually needed for an industrial site and related facilities will be sold.

The lands are located on the west side of the Great Salt Lake at the southern end of the Hogup Mountains which is about 45 miles southeast of Park Valley, Utah.

After the adequate zoning regulations are adopted, it is the intention of the Secretary of the Interior to enter into an agreement with the authorized county officials to permit Box Elder County to purchase that portion of the lands needed for industrial development at the then appraised fair market value, or to offer such lands for competitive bids.

Any patent resulting from sale of this land will be issued under the Act of September 19, 1964, supra, and shall contain a reservation to the United States of rights-of-way for ditches and canals under the Act of August 30, 1890 (43 U.S.C. sec. 945), and of all mineral deposits which shall thereupon be withdrawn from appropriation under the public land laws, including the mining and mineral leasing laws. The land will be sold subject to all valid existing rights and reservations for rights-of-way.

R. D. NIELSON,
State Director.

[F.R. Doc. 70-15784; Filed, Nov. 23, 1970; 8:48 a.m.]

Oil Import Administration

[Oil Import Administration Bulletin No. 6]

WESTERN HEMISPHERE ETHANE, PROPANE, AND BUTANE

Imports Into Districts I–IV and District V

Section 1A(f) of Proclamation 3279 (24 F.R. 1781), as amended (see particularly Proclamation 4018) (35 F.R. 16357), provides that:

On and after October 1, 1970, ethane, propane, and butane produced in the Western Hemisphere from Western Hemisphere crude oil or natural gas may be imported into the United States without reducing the quantities of crude oil, unfinished oils, or finished products that may be imported into the United States under the provisions of Section 1, Section 1A, and Section 2 of this proclamation.

An officer of the importing company proposing to import ethane, propane, or butane from Western Hemisphere sources shall certify to the appropriate Custom's officers at the port of entry, that the shipment tendered for entry without an allocation or license, was produced in the Western Hemisphere and that the ethane, propane, or butane was derived solely from Western Hemisphere crude oil or natural gas.

All importers making certification to the Custom's officers for entry of ethane, propane, or butane for the purpose of exempting such material from allocations and license shall maintain records by which representatives of the Oil Import Administration may verify such certifications.

Custom's officers are requested to submit monthly to the Oil Import Administration a report of the quantities of exempt ethane, propane, or butane which were imported during the preceding month. Such reports should be made available to the Oil Import Administration within 15 days following the month in which the imports were made.

RALPH W. SNYDER, Jr.,
Acting Administrator,
Oil Import Administration.

NOVEMBER 20, 1970.

[F.R. Doc. 70-15830; Filed, Nov. 20, 1970; 12:40 p.m.]

[Oil Import Administration Bulletin No. 7]

CANADIAN NATURAL GAS LIQUIDS

Imports Into Districts I–IV

The third paragraph of Oil Import Administration Bulletin No. 5 (35 F.R. 17676) is amended to read as follows:

All natural gas liquids that are tendered by importers to U.S. Customs for

entry into the United States without allocation or license must be consistent with the general physical characteristics outlined above. Accordingly, no hydrocarbons other than natural gas liquids which are derived from Canadian natural gas, except those that are inevitably mixed in small quantities with natural gas liquids at the interface in the pipeline or in tank bottoms, will be deemed to be natural gas liquids for the purpose of identifying material that may be imported without allocation and license.

All other provisions of Oil Import Administration Bulletin No. 5 remain unchanged.

RALPH W. SNYDER, Jr.,
Acting Administrator,
Oil Import Administration.

NOVEMBER 19, 1970.

[F.R. Doc. 70-15831; Filed, Nov. 20, 1970; 12:40 p.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[Docket No. SH-290]

SUGARBEETS

Notice of Hearings on Wages and Prices and Designation of Presiding Officers

Pursuant to the authority contained in subsections (c)(1) and (c)(2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that public hearings will be held as follows:

At Detroit, Mich., on December 7, 1970, in the Shelby Room of the Pick-Fort Shelby Hotel, beginning at 9:30 a.m.;

At Moorhead, Minn., on December 9, 1970, in the Minnesota Room of the Holiday Inn, Highways 75 and I-94, beginning at 9:30 a.m.;

At Richland, Wash., on December 11, 1970, in the Isabella Meeting Room of the Rivershore Inn, beginning at 9:30 a.m.;

At San Francisco, Calif., on December 14, 1970, in Room 14216, Federal Building, 450 Golden Gate Avenue, beginning at 9:30 a.m.;

At San Antonio, Tex., on December 14, 1970, in the John F. Kennedy High School Auditorium, 1922 South General McMullen Drive, beginning at 9:30 a.m.;

At Denver, Colo., on December 16, 1970, in Room 269, U.S. Post Office, 1823 Stout Street, beginning at 9:30 a.m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Administrator, Agricultural Stabilization and Conservation Service, in determining (1) pursuant to the provisions of section 301(c)(1) of the Act, whether the wage rates established for sugar beet fieldworkers in the wage determination which became effective April 27, 1970 (35 F.R. 6268), continue to be fair under existing circumstances, or whether such determination should be amended; and (2) pursuant to the provisions of section 301(c)(2) of the Act, fair and reasonable prices for the 1971 crop of sugar beets to be paid, under purchase or toll agreements, by producers who process sugar beets grown by other producers and who apply for payments under the Act.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

The hearings, after being called to order at the times and places mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearings by the presiding officers.

T. O. Murphy, R. R. Stansberry, C. F. Denny, J. E. Agnew, and T. M. Popp are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Signed at Washington, D.C., on November 18, 1970.

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

[F.R. Doc. 70-15802; Filed, Nov. 23, 1970; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

ANNUAL SURVEYS IN MANUFACTURING AREA

Notice of Determination

In conformity with title 13, United States Code, sections 181, 224, and 225 and due notice having been published on October 10, 1970 (35 F.R. 16011), I have determined that annual data to be derived from the surveys listed below are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public and industry and are not publicly available from nongovernmental or other Government sources.

Report forms in most instances furnishing data on shipments and/or production and in some instances on stocks, unfilled orders, orders booked, consumption, etc., will be required of all or a sample of establishments engaged in the production of the items covered by the following list of surveys. The surveys have been arranged under major group headings shown in the revised Standard Industrial Classification Manual (1967 edition) promulgated by the Office of Management and Budget for the use of Federal statistical agencies.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Stocks of wool.
Cotton and synthetic woven goods finished.
Narrow fabrics.
Knit cloth.
Woolen and worsted machinery activity.
Yarn production.
Rugs, carpets, and carpeting.

MAJOR GROUP 23—APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

Gloves and mittens.
Apparel.
Brassieres, corsets, and allied garments.
Sheets, pillowcases, and towels.

MAJOR GROUP 24—LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE

Hardwood plywood.
Softwood plywood.
Lumber.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Pulp, and detailed grades of paper and board.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Sulfuric acid.
Industrial gases.
Inorganic chemicals.
Pharmaceutical preparations, except biologicals.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Plastics products.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers (by method of construction).

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Consumer, scientific, technical, and industrial glassware.
Fibrous glass.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Commercial steel forgings.
Steel mill products.
Insulated wire and cable.
Magnesium mill products.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Steel power boilers.
Heating and cooking equipment.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Fans, blowers, and unit heaters.
Internal combustion engines.
Tractors.
Farm machines and equipment.
Mining machinery and equipment.
Air-conditioning and refrigeration equipment.
Office, computing, and accounting machines.
Pumps and compressors.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Radios, television, and phonographs.
Motors and generators.
Wiring devices and supplies.
Switchgear, switchboard apparatus, relays, and industrial controls.
Selected electronic and associated products.
Electric housewares and fans.
Electric lighting fixtures.
Major household appliances.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft propellers.

MAJOR GROUP 38—PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS: PHOTOGRAPHIC AND OPTICAL GOODS: WATCHES AND CLOCKS

Selected instruments and related products.
Atomic energy products and services.

The following list of surveys represents annual counterparts of monthly and quarterly surveys and will cover only those establishments which are not canvassed or do not report in the more frequent survey. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the monthly and quarterly reports except for construction machinery which will additionally call for data on shipments of power cranes and shovels, concrete mixers, and attachments for contractors' off-highway type tractors. Also, reports on manmade fiber, silk, woolen, and worsted fabrics, on finishing plants, and on piece goods inventories listed below will call for information relating to the monthly fluctuations of stocks and unfilled orders for woven fabrics in addition to the annual production data.

MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS

Flour milling products.
Confectionery products.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Manmade fiber, silk, woolen, and worsted fabrics.
Finishing plant report—broad woven fabrics.
Piece goods inventories and orders.
Broad woven goods (cotton, wool, silk, and synthetic).
Consumption of wool and other fibers, and production of tops and noils.

MAJOR GROUP 25—FURNITURE AND FIXTURES

Mattresses and bedsprings.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Consumers of wood pulp.
Converted flexible packaging products.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Superphosphates.
Paint, varnish, and lacquer.

MAJOR GROUP 29—PETROLEUM REFINING AND RELATED INDUSTRIES

Asphalt and tar roofing and siding products.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Plastics bottles.
Rubber.
Thermoplastics pipe, tube, and fittings.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers.

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Flat glass.
Glass containers.
Refractories.
Clay construction products.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Nonferrous castings.
Iron and steel foundries.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS, EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Plumbing fixtures.
Steel shipping barrels, drums, and pails.
Closures for containers.
Metal cans.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Construction machinery.
Metalworking machinery.
Typewriters.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Electric lamps.
Fluorescent lamp ballasts.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft engines.
Complete aircraft.
Backlog of orders for aircraft, space vehicles, missiles, engines, and selected parts.
Truck trailers.

The Annual Survey of Manufacturers will be conducted and will call for general statistical data such as employment, payroll, man-hours, capital expenditures, cost of materials consumed, gross book value of fixed assets, rental payments, supplemental labor costs, etc., in addition to information on value of products shipped and quantity data for selected classes of products. This survey, while conducted on a sample basis will cover all manufacturing industries. Data on employment, payrolls, and inventories for auxiliary establishments of manufacturing companies such as central administrative offices, manufacturers' sales branches, warehouses, etc. will be included, as well as data on plants under construction but not in operation.

A survey of research and development costs will be conducted also. The data to be obtained will be limited to total research and development costs of work performed by the company, total cost of research and development work performed for the Federal Government, and, for comparative purposes, total net sales and receipts, and total employment of the company.

In addition, a survey on shipments to, or receipts for work done for, Federal Government agencies and their contractors and suppliers is planned. This survey has been conducted annually since 1966. It is designed to provide information on the impact of Federal procurement on selected industries and on the economy of States, standard metropolitan statistical areas, and geographic regions.

The report forms will be furnished to firms included in these surveys and additional copies are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that annual surveys be conducted for the purpose of collecting the data hereinabove described.

Dated: November 10, 1970.

GEORGE H. BROWN,
Director, Bureau of the Census.

[F.R. Doc. 70-15755; Filed, Nov. 23, 1970; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

OFFICE OF EDUCATION

Statement of Organization, Functions, and Delegations of Authority

Part 6 (Office of Education) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (35 F.R. 6085, dated Apr. 14, 1970) is hereby supplemented by an additional item. A new paragraph is added to read as follows:

46. Assistance to desegregating local educational agencies under the Emergency School Assistance Program, for which appropriations were made by Public Law 91-380, including that portion of the program carried out under Title II of the Economic Opportunity Act of 1964 (pursuant to authority delegated to the Secretary), except authority delegated to the Secretary under section 242 of that Act.

Dated: November 13, 1970.

SOL ELSON,
Acting Assistant Secretary for Administration.

[F.R. Doc. 70-15757; Filed, Nov. 23, 1970; 8:46 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR HOUSING ASSISTANCE, NEW YORK REGIONAL OFFICE

Designation

The officials appointed to the following listed positions in the New York Regional Office are hereby designated to serve as Acting Assistant Regional Administrator for Housing Assistance, New York Regional Office, during the absence of the Assistant Regional Administrator for Housing Assistance, with all the powers, functions and duties redelegated or assigned to the Assistant Regional Administrator for Housing Assistance: *Provided*, That no official is authorized to serve as Acting Assistant Regional Administrator for Housing Assistance unless all other officials whose titles precede his in this designation are unable to act by reason of absence or a vacancy in the position:

1. Director, Production Division.
2. Tenant Services Coordinator (Irving B. Baker).

This designation supersedes the designation effective April 19, 1969 (34 F.R. 6708, Apr. 19, 1969).

(Delegation effective May 4, 1962, 27 F.R. 4319; Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective date. This designation shall be effective as of July 30, 1970.

S. WILLIAM GREEN,
Regional Administrator,
New York Regional Office.

[F.R. Doc. 70-15773; Filed, Nov. 23, 1970; 8:47 a.m.]

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR RENEWAL ASSISTANCE, NEW YORK REGIONAL OFFICE

Designation

The officials appointed to the following-listed positions in the New York Regional Office are hereby designated to serve as Acting Assistant Regional Administrator for Renewal Assistance, New York Regional Office, during the absence of the Assistant Regional Administrator for Renewal Assistance, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Renewal Assistance: *Provided*, That no official is authorized to serve as Acting Assistant Regional Administrator for Renewal Assistance, unless all other officials whose titles precede his in this designation are unable to act by reason of absence:

1. Assistant to the Director, Field Service Division.

2. Area Coordinator (Margaret M. Myerson).

The designation effective September 4, 1969 (34 F.R. 14394, Sept. 13, 1969) is hereby revoked.

(Delegation effective May 4, 1962, 27 F.R. 4319; Dept. Interim Order II 31 F.R. 815, Jan. 21, 1966)

Effective as of the 27th day of July 1970.

S. WILLIAM GREEN,
Regional Administrator,
New York Regional Office.

[F.R. Doc. 70-15772; Filed, Nov. 23, 1970; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

TRAFFIC CONTROL DEVICES

Notice of Determination of Applicability of Highway Safety Program Standard to Federally Administered Areas

Notice is hereby given that, in accordance with the provisions of section 402(a) of title 23, United States Code, the Federal Highway Administrator, pursuant to authority delegated to him, hereby determines that Highway Safety Program Standard 13 (Traffic Control Devices) (23 CFR 204.4) is applicable to highways open to public travel in federally administered areas where a Federal department or agency controls the highways or supervises traffic operations.

Effective date. This notice shall be effective upon publication in the FEDERAL REGISTER.

F. C. TURNER,
Federal Highway Administrator.

NOVEMBER 18, 1970.

[F.R. Doc. 70-15716; Filed, Nov. 23, 1970; 8:45 a.m.]

Hazardous Materials Regulations Board

[Docket No. HM-38; Amdt. 179-4]

CERTAIN RESTRICTIONS ON NEW TANK CARS USED TO TRANSPORT HAZARDOUS MATERIALS

Petitions for Reconsideration

On September 9, 1970, the Hazardous Materials Regulations Board of the Department of Transportation published Docket No. HM-38; Amendment No. 179-4 (35 F.R. 14216) restricting the gross weight and volume capacity of, and requiring interlocking couplers on, all new tank cars used to transport hazardous materials.

The Board subsequently has received several timely petitions for reconsideration pursuant to the provisions of § 170.35 of the Hazardous Materials Regulations. The points raised by petitioners and the Board's responses follow.

One petition noted that the preamble to the amendment for the first time made certain information public in justification of the rule. Petitioner contended that the public did not have an opportunity to comment upon this information and data. Information appearing in the preamble that had not appeared in the notice (34 F.R. 19353) was offered in response to specific comments made on that notice. It did not form the primary basis of the Board's decision in HM-38. The Board is of the opinion that to offer an opportunity for public comment on all information offered in response to specific comments on the notice of proposed rule making could give rise to an impractical and unnecessary dialog.

It was also pointed out that the Federal Railroad Safety Act of 1970, 84 Stat. 971, has been enacted subsequent to the publication of the notice, and that this Act grants more comprehensive regulatory authority to the Department of Transportation in the field of railroad safety. While this new legislation may enable the Department to cope more effectively with the breadth of problems involved with today's railroads, the enactment in itself does not lead the Board to alter the conclusions expressed in HM-38.

A petitioner cited a recently completed study made for the U.S. Coast Guard by the National Academy of Sciences, relating to the factors involved in cargo size limitations. The Board is aware of the study, but as it was directed to bulk shipments by water and involved dimensions and transportation factors not encountered in tank car service, it was considered to be inapplicable to the subject matter of HM-38.

It is contended that Docket No. HM-60, Request for Public Advice on Speed Restriction on Tank Cars (35 F.R. 16180), is a proceeding interconnected with the issues involved in HM-38, and that therefore the public ought to have the opportunity to comment on the integrated package of regulations. Docket No. HM-60 is limited in its applicability to DOT Specifications 112A and 114A tank cars transporting liquefied flammable gases and, in the Board's opinion, is not so related to the matters involved in HM-38 as to require delay of the effective date of the amendment.

Apparent confusion was noted regarding the term "built", as it appears in the amendment. The Board believes this term to be one of common usage in the tank car construction industry, and that it is reflected in the "built" date presently stenciled on all tank cars. For the sake of clarity, the Board may initiate rule making to provide a comprehensive definition of the term "built", but the Board is not of the opinion that sufficient confusion exists at the present time to warrant extension of the effective date of HM-38.

Docket No. HM-38 requires installation of "approved" interlocking automatic couplers, but petitioners noted that as yet, no couplers had received approval from the Federal Railroad Administrator. On November 13, 1970, the Board published Docket No. HM-38; Amendment No. 179-5 (35 F.R. 17418), amending new § 179.14 to list those interlocking couplers approved as of that date. In order to provide adequate time to assure compliance with the new section, the amendment also extended the date for required installation of approved couplers to January 1, 1971.

Certain research is being conducted to further analyze difficulties encountered in tank car operations, but the Board is of the opinion that it is not in the public interest to defer the effective date of HM-38 to await receipt of tangible results from those studies. If such research reveals evidence in addition or contrary to the present conclusions of the Board, appropriate rule-making proceedings may be initiated at that time.

The Board concludes that, except for the above-noted amendment to § 179.14, the petitions for reconsideration of HM-38 should be and are hereby denied.

(Secs. 831-835, Title 18, United States Code; sec. 9, Department of Transportation, Act, 49 U.S.C. 1657)

Issued in Washington, D.C., on November 18, 1970.

CARL V. LYON,
Acting Administrator,
Federal Railroad Administration.

[F.R. Doc. 70-15759; Filed, Nov. 23, 1970; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22776; Order 70-11-76]

AMERICAN AIRLINES, INC., AND TRANS WORLD AIRLINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of November 1970.

By tariff revisions[1] marked to become effective November 22, 1970, American Airlines, Inc. (American), proposes to revise its tariff provisions concerning the seating configuration of its B-707/720 aircraft in coach service to provide for four, five, or six seats abreast, instead of of the present 6 seats abreast only. Effective November 27, 1970, Trans World Airlines, Inc. (TWA), proposes to match American's proposal with respect to its B-707 aircraft.

Allegheny Airlines, Inc. (Allegheny), Continental Air Lines, Inc. (Continental), Delta Air Lines, Inc. (Delta), Mohawk Airlines, Inc. (Mohawk), North Central Airlines, Inc. (North Central), and United Air Lines, Inc. (United), have filed complaints against the proposal, and request investigation and suspension of the subject tariffs.

American's justification is based principally on considerations of competitive necessity, contending that it is losing substantial traffic and revenues as a result of diversion to competitors offering five-abreast coach service. The carrier indicates that it does not now own any five-abreast seats that would be suitable for installation in the coach section of its B-707/720 aircraft, and that acquisition of new coach seats would involve an expenditure of up to $6 million. Accordingly, American states that it is contemplating installation of four-abreast units it presently has on hand, and notes that if this were done in half the cabin the overall utilization of the coach compartment would equate to a five-abreast configuration.

Each of the complainants alleges that American's proposal is another stage in a rapidly intensifying seat war among trunkline carriers, and states that the proposal is uneconomic, unjustified, and discriminatory, as well as prejudicial to coach passengers who would pay the same coach fare albeit being seated in widely differing accommodations in the same compartment. The complainants further point to the fact that even American admits the short-comings of the proposal.

Upon consideration of the tariff proposals, the complaints and answers thereto and other relevant matters, the Board finds that the proposals of American and TWA for four-abreast coach seating may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. The Board further concludes that the tariffs in question should be suspended pending investigation.

Although American alludes to the probability of refitting only a portion of the coach compartment, its tariff does not impose any such limitation. In fact, as the proposal is filed, the carrier would be free to configure the entire coach cabin with four-abreast seating. There can be little doubt that this would be an uneconomic utilization of space at the present level of coach fares.

On the other hand, American is presently faced with more comfortable seating arrangements being operated by its major competitors, either five-abreast or a fold down center console.[2] In light of current circumstances, we would be reluctant to foreclose American from meeting the service competition within reasonable limits, pending completion of Phase 6 of the fare investigation. Moreover, present excessive capacity should mitigate against any material effect upon costs during the relatively short period remaining until decision in that proceeding.

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

It is ordered, That:

1. An investigation is instituted to determine whether the provision "4 seats abreast" applicable to B-707 and B-720 type aircraft for seating configurations Coach—Other Than Deluxe Night Coach, Economy, and Night Coach on 24th and 25th Revised Pages 7 and applicable to B-707 type aircraft for seating configurations Coach, Economy, Economy Class, Thrift Class, Night Coach, and Jet Commuter on 31st and 32d Revised Pages 34 of Airline Tariff Publishers, Inc., Agent's CAB No. 65 and rules, regulations, or practices affecting such provision, are or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful provision, and rules, regulations, and practices affecting such provision;

2. Pending hearing and decision by the Board, the provision "4 seats abreast" applicable to B-707 and B-720 type aircraft for seating configurations Coach—Other Than Deluxe Night Coach Economy, and Night Coach on 24th and 25th Revised Pages 7 and applicable to B-707 type aircraft for seating configurations Coach, Economy, Economy Class, Thrift Class, Night Coach, and Jet Commuter on 31st and 32d Revised Pages 34 of Airline Tariff Publishers, Inc., Agent's CAB No. 65 is suspended and its use deferred to and including February 19, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints of Allegheny Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Mohawk Airlines, Inc., North Central Airlines, Inc., and United Air Lines, Inc., in Dockets 22712, 22704, 22717, 22695, 22735 and 22714 are hereby dismissed;

4. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariffs indicated in paragraph 1 above, and served upon Allegheny Airlines, Inc., American Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Mohawk Airlines, Inc., North Central Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

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

[F.R. Doc. 70-15804; Filed, Nov. 23, 1970; 8:49 a.m.]

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 65.

[2] The effective tariffs of TWA and UAL provide five-abreast seating since the 180-day period following the Board's suspension of their earlier proposals (Order 70-1-63) has elapsed.

[Docket No. 22713]

COMPAGNIE NATIONALE DE TRANSPORTS AERIENS ROYAL AIR MAROC

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on November 30, 1970, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner John E. Faulk.

Dated at Washington, D.C., November 18, 1970.

[SEAL] THOMAS L. WRENN, *Chief Examiner.*

[F.R. Doc. 70-15806; Filed, Nov. 23, 1970; 8:49 a.m.]

[Docket No. 22748; Order 70-11-75]

EXECUTIVE AIRLINES, INC.

Order Granting Exemption During Strike Emergency

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of November 1970.

On November 12, 1970, Executive Airlines, Inc. (Executive),[1] filed an application, Docket No. 22748, requesting an emergency temporary exemption from §§ 298.21(a) and 298.22(a) of the Board's economic regulations to the extent necessary to enable Executive to

[1] Executive is a commuter air carrier which operates de Havilland Twin Otter and Beech Queenaire aircraft (all under 12,500 pounds) pursuant to Part 298 of the Board's economic regulations in both the Boston-Worcester-Keene-Albany and Boston-Lebanon-Montpelier-Burlington markets.

operate its Hansa Jet [2] in scheduled service between Boston, Mass., on the one hand, and Albany, N.Y., and Burlington, Vt., on the other hand, on a nonstop and intermediate-stop basis, only until the current strike against Mohawk Airlines, Inc. (Mohawk), is settled and Mohawk's service is resumed in these markets.

In light of the unusual circumstances surrounding the nature of the instant application, we are taking action pursuant to rule 410 of the rules of practice without awaiting the filing of answers or replies thereto.[3]

Upon consideration of the application and all other available facts, we have decided to exempt Executive from §§ 298.21(a) and 298.22(a) of the Board's economic regulations to the extent necessary to enable Executive to operate its Hansa Jet, N-380EX, in scheduled service as requested pending the settlement of the Mohawk strike.[4]

After the Mohawk strike, Executive instituted nonstop service in addition to its usual one- and two-stop service in both markets with all its available equipment (Twin Otters and Beech Queenaires) to meet the additional traffic demands caused by the strike. [5] In spite of the full utilization of its fleet, Executive states it cannot currently accommodate this additional traffic. The temporary exemption would permit Executive to operate its largest (12-seat) aircraft to help alleviate the inconvenience caused to the traveling public as a result of the strike. Further, the addition of the larger jet, on a temporary basis, in these markets will assure that adequate capacity remains available to Executive's regular passengers to and from Boston.

Accordingly, the Board concludes that the enforcement of the provisions of section 401 of the Act, the applicable Board regulations thereunder and §§ 298.21(a) and 298.22(a) of the Board's economic regulations, to the extent that they would otherwise prevent the service authorized herein, would be an undue burden on Executive by reason of the limited extent of and unusual circumstances affecting its operations and is not in the public interest.

Accordingly, it is ordered, That: 1. Executive Airlines, Inc., be and it hereby is exempted from the terms and provisions of section 401 of the Federal Aviation Act of 1958, as amended, the applicable Board regulations thereunder, and §§298.21(a) and 298.22(a) of the Board's economic regulations to the extent necessary to operate its Hansa Jet, N-380EX, in scheduled, individually-ticketed service between (1) Boston, Mass., and Albany, N.Y., both nonstop and via intermediate stops at Worcester, Mass., and/or Keene, N.H., and (2) Boston, Mass., and Burlington, Vt., both nonstop and via intermediate stops at Lebanon, N.H., and/or Montpelier, Vt.;

2. The authority granted herein shall be effective on the date of issuance of this order and shall continue in effect until such time as Mohawk Airlines, Inc., resumes its Boston-Albany and Boston-Burlington service;

3. In the conduct of this service Executive shall be deemed an "Air Taxi Operator" within the meaning of Part 298 of the economic regulations and shall comply with and be subject to all provisions of said part, including but not limited to the insurance requirements set forth in §§ 298.41—298.45, provided that operation of the services authorized herein shall not preclude Executive from conducting other operations pursuant to said part;

4. The operations authorized herein shall be conducted in accordance with the appropriate safety requirements prescribed by the Administrator of the Federal Aviation Administration pursuant to an operating certificate and specifications issued by the Adminstration;

5. The applicant shall file with the Board's Bureau of Accounts and Statistics, not later than 30 days after the end of each calendar quarter, an operations report showing the total number of passengers transported and the total passenger revenues received on its air taxi services between the hereinabovenamed points; and

6. This order may be amended or revoked at any time in the discretion of the Board without notice or hearing.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-15805; Filed, Nov. 23, 1970; 8:49 a.m.]

[2] A Hansa Jet has a maximum certificated take-off weight in excess of 12,500 pounds and under 27,000 pounds, with a maximum passenger capacity of 12.

[3] We have been advised by letter from Executive that American Airlines, Inc., Allegeheny Airlines, Inc., Eastern Air Lines, Inc., Northeast Airlines, Inc., Trans World Airlines, Inc., Northwest Airlines, Inc., United Air Lines, Inc., and Mohawk do not object to the relief requested by Executive.

[4] Executive currently utilizes its Hansa Jet in planeload charter service pursuant to § 298.21(a) of the Board's economic regulations.

[5] Executive is even using its one reserve aircraft on a full-time basis to meet the increased traffic demands.

FEDERAL POWER COMMISSION

[Docket No. RI71-395 etc.]

CITIES SERVICE OIL 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]

NOVEMBER 10, 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.

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 31, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[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 [2]		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
R171-395..	Cities Service Oil Co.	331	1	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Block 198, Ship Shoal Area, Offshore Louisiana).	$69,750	10-19-70	11-19-70	[3] 11-20-70	18.5	[4] 20.0	
R171-396..	Atlantic Richfield Co.	635	1	do	66,960	10-19-70	11-19-70	[3] 11-20-70	18.5	[4] 20.0	
R171-397..	Essex Royalty Corp.	2	1	Transcontinental Gas Pipeline Corp. (Ship Shoal, Block 230 Field, Offshore Louisiana).	18,070	10-19-70	11-19-70	[3] 11-20-70	18.5	[4] 20.0	
R171-398..	Getty Oil Co.	183	1	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Ship Shoal, Block 198, St. Mary and Terre Benne Parishes, Offshore Louisiana).	66,960	10-23-70	11-23-70	[3] 11-24-70	18.5	[4] 20.0	
R171-399..	Continental Oil Co.	363	1	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Ship Shoal, Block 198, Offshore Louisiana).	69,750	10-23-70	11-23-70	11-24-70	18.5	[4] 20.0	
R171-400..	J. T. Langham and R. J. Beams d.b.a. Labeco.	[5] 1	5	Baca Gas Gathering System, Inc. (Playa Field, Baca County, Colo.).	219	10-15-70	11-15-70	11-16-70	[6] 12.3072	[6] 13.3328	

[1] Pursuant to Paragraph (A) of Opinion No. 546-A.
[2] Pressure base is 15.025 p.s.i.a.
[3] Or 1 day from date of initial delivery, whichever is later.
[4] Converted from contract pressure base at 14.65 p.s.i.a. to 15.025 p.s.i.a.
[5] Contract dated after Sept. 28, 1960, the date of issuance of statement of general policy No. 61-1.

Respondents' increases, with the exception of Langham's increase, involve the proposed sales of third vintage gas-well gas from Offshore Louisiana and were filed pursuant to Opinion No. 546-A. Consistent with prior Commission action taken on similar increases, the proposed increases should be suspended for 1 day from the date of expiration of statutory notice or for 1 day from the date of initial delivery, whichever is later. Thereafter, the proposed rate may be placed in effect subject to refund pending the outcome of Docket No. AR69-1.

Langham's contract 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 ceiling for initial service set forth in the policy statement. In these circumstances it is appropriate to suspend Langham's proposed rate for only 1 day. Good cause, however, has not been shown for granting Langham's request for a retroactive effective date and such request is denied.

[F.R. Doc. 70-15611; Filed, Nov. 23, 1970; 8:45 a.m.]

[Docket No. G-17401 etc.]

MOBIL OIL CORP. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

NOVEMBER 10, 1970.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 4, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-17401 D 9-16-70	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	Texas Gas Transmission Corp., acreage in East Cameron Block 4, South Louisiana.	Assigned	
G-18742 E 8-28-70	Frank O. Elliott, d.b.a. Elliott Oil Co. (Operator) et al. (successor to Elliott Production Co.), Box 1355, Roswell, NM 88201.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	[1] 14.0536	15.025
G-20517 E 8-28-70	do	El Paso Natural Gas Co., Bisti Lower Gallup Field, San Juan County, N. Mex.	[2] 13.0	15.025
C160-469 (C160-430) C 10-12-70 [3]	Robert W. O'Meara (Operator) et al., 208 Richards Bldg., New Orleans, LA 70112.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Caillou Island Field, Terrebonne Parish, La.	18.5	15.025
C161-388 E 8-28-70	Frank O. Elliott, d.b.a. Elliott Oil Co. (Operator) et al. (successor to Sunshine Royalty Co.).	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	[4] 14.0536	15.025
C163-1049 D 10-19-70	Northern Natural Gas Producing Co., Post Office Box 1774, Houston, TX 77001.	do	[5]	
C163-1050 D 10-19-70	do	do	[5]	
C163-1051 D 10-19-70	do	do	[5]	
C164-702 B 9-24-70 [6]	American Natural Gas Production Co., 6910 Fannin St., Suite 301-N Adams Petroleum Center, Houston, TX 77025.	Consolidated Gas Supply Corp., Perry Field, Vermilion Parish, La.	Depleted	
C164-1138 C 10-12-70 [7]	Texaco, Inc. (Operator) et al., Post Office Box 52332, Houston, TX 77052.	El Paso Natural Gas Co., Fuller Gasoline Plant, Scurry County, Tex.	18.1553	14.65
C169-463 1-21-70 [8]	Mary Agnes Power Shay, Post Office Drawer 461, Refugio, TX 78377.	United Gas Pipe Line Co., Circle A Field, Goliad County, Tex.	[9] 13.5	14.65
C169-1197 C 10-19-70	Petroleum, Inc., 300 West Douglas, Wichita, KS 67202.	Arkansas Louisiana Gas Co., South Quinten Field, Pittsburg County, Okla.	16.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI70-944..... E 9-10-70	J. A. Humphrey et al. (successor to John H. Hill), c/o Gordon L. Llewellyn, attorney, 1100 Adolphus Tower, Dallas, TX 75202.	Panhandle Eastern Pipe Line Co., Northwest Six Mile Field, Beaver County, Okla.	[3] 21.55556	14.65
CS67-94..... E 8-28-70	Frank O. Elliott, d.b.a. Elliott Oil Co. (Operator) et al. (successor to Elliott Production Co.).	Permian Basin Area.....		
CI71-342..... (G-5362) (G-11226) F 10-14-70	S & G Oil Co., Inc. (successor to Skelly Oil Co.), 300 McFarlin Bldg., Tulsa, OK 74103.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Greenwood Field, Racs County, Colo.	16.0	14.65
CI71-343..... A 10-19-70	Appalachian Exploration & Development, Inc., 1400 Charleston National Plaza, Post Office Box 1473, Charleston, WV 25325.	Pennzoil United, Inc., Washington District, Boone County, W. Va.	15.0	15.325
CI71-344..... A 10-19-70	B & S Gas & Oil, Inc., c/o M. C. Paterno, agent, Kanawha Valley Bldg., Charleston, WV 25301.	United Fuel Gas Co., acreage in Jackson County, W. Va.	32.0	15.325
CI71-345..... A 10-19-70	Lohmann-Johnson Drilling Co., Inc. (Operator), et al., 320 Indiana Bank Bldg., Evansville, IN 47708.	Texas Gas Transmission Corp., Elk Creek Field, Hopkins County, Ky.	21.0	15.025
CI71-346..... A 10-19-70	Cabot Corp., Post Office Box 1101, Pampa, TX 79065.	Michigan Wisconsin Pipe Line Co., Block 285, Eugene Island Block 273 Field, Offshore Louisiana.	27.0	15.025
CI71-347..... A 10-19-70	Ferguson Oil Co., Inc., Suite 1115, 100 Park Avenue Bldg., Oklahoma City, OK 73102, and Cotton Petroleum Co., 2121 South Columbia, Tulsa, OK 74114.	Lone Star Gas Co., Cruce Field, Stephens County, Okla.	18.0	14.65
CI71-348..... B 10-19-70	Pan American Petroleum Corp., Post Office Box 591, Tulsa, OK 74102.	Northern Natural Gas Co., Ketchum Mountain Field, Irion County, Tex.	Depleted	.....
CI71-350..... B 10-19-70	Mobil Oil Corp.....	Lone Star Gas Co., Penn-Griffith Field, Rusk County, Tex.	[12]	.....
CI71-351..... B 10-20-70	Tenneco Oil Co., Post Office Box 2511, Houston, TX 77001.	United Gas Pipe Line Co., Lafourche Crossing Field, Lafourche Parish, La.	Depleted	.....
CI71-352..... B 10-20-70	Texaco, Inc.....	Texas Eastern Transmission Corp., Holzmark-Wilcox Field, Bee County, Tex.	Depleted	.....
CI71-353..... B 10-21-70	Midhurst Oil Corp., Post Office Box 18095, Oklahoma City, OK 73118.	United Gas Pipe Line Co., Maxie-Pistol Ridge Field, Forrest, Lamar, and Pearl River Counties, Miss.	Depleted	.....
CI71-354..... A 10-21-70	Royal Oil & Gas Corp., Clark Bldg., 115 South Sixth St., Indiana, PA 15701.	United Fuel Gas Co., acreage in Braxton and Gilmer Counties, W. Va.	32.0	15.325
CI71-355..... A 10-21-70	Fairmont Oil Corp., 6 East 43d St., New York, NY 10017.	Michigan Wisconsin Pipe Line Co., Eugene Island Block 285, Eugene Island Block 273 Field, Offshore Louisiana.	27.0	15.025
CI71-356..... A 10-21-70	Patrick Petroleum Co., 1220 Commerce Sq., Charleston, WV 25301.	United Fuel Gas Co., Ravenswood District, Jackson County, W. Va.	32.0	15.325
CI71-357..... A 10-21-70	Tenneco Oil Co.....	Arkansas Louisiana Gas Co., Bonanza Field, Sebastian County, Ark.	16.0	14.65
CI71-358..... A 10-22-70	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Michigan Wisconsin Pipe Line Co., Eugene Island Area, Block 285, Offshore Louisiana.	[13] 27.0	15.025
CI71-359..... A 10-22-70	Lear Petroleum Corp. (Operator) et al., Post Office Box 7312, Amarillo, TX 79109.	Transwestern Pipeline Co., Ivanhoe Field, Beaver County, Okla.	[13] [14] 22.354	14.65
CI71-360..... A 10-22-70	Prenalta Corp. (Operator) et al., Post Office Box 2514, Casper, WY 82601.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Point of Rocks Field, Sweetwater County, Wyo.	[15] 16.0	14.65
CI71-361..... A 10-22-70	Robert M. Hoover, Jr., 1702 Fidelity Bank Bldg., Oklahoma City, OK 73102.	Arkansas Louisiana Gas Co., Buffalo Wallow Field, Hemphill County, Tex.	[15] 20.5	14.65
CI71-362..... A 10-23-70	North Central Oil Corp., 1300 Main St., Suite 1000, Houston, TX 77002.	Natural Gas Pipeline Co. of America, Seven Oaks Area, Polk County, Tex.	[15] 17.0	14.65
CI71-363..... B 10-23-70	Ray Barth.....	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Mary Field, Jim Wells County, Tex.	[16]	.....
CI71-364..... A 10-23-70	Petroleum, Inc. (Operator) et al.....	Northern Natural Gas Co., Northeast Gage Field, Ellis County, Okla.	[15] 20.0	14.65

See footnotes at end of document.

[1] Rate in effect subject to refund in Docket No. RI64-567. Rate includes 1 cent per Mcf minimum guarantee for liquids.
[2] Subsequent increase to 14.03775 cents per Mcf suspended in Docket No. RI64-580 but never made effective.
[3] Adds acreage acquired from Getty Oil Co., Docket No. CI60-430.
[4] Rate in effect subject to refund in Docket No. RI64-568. Rate includes 1 cent per Mcf minimum guarantee for liquids.
[5] Deletes acreage due to relinquishment and assignment.
[6] Original application in Docket No. CI64-702 sought certificate of public convenience and necessity. Applicant now proposes to abandon service previously commenced pursuant to temporary authorization.
[7] Adds additional volumes of gas.
[8] Application to amend certificate to reflect deletion of Tarpon Management Co. as agent.
[9] Application reflects rate of 17.8 cents per Mcf; however, the certificated rate is 13.5 cents per Mcf.
[10] Rate in effect subject to refund in Docket No. RI70-1101. Subject to upward and downward B.t.u. adjustment.
[11] Purchaser proposes to abandon its interstate facilities.
[12] Subject to reduction for compression, if Buyer compresses gas.
[13] Includes 2.354 cents per Mcf tax reimbursement. Contract provides for rate of 26.5 cents per Mcf; however, applicant proposes rate of 20 cents per Mcf plus 2.354-cent tax reimbursement.
[14] Subject to upward and downward B.t.u. adjustment.
[15] Acreage released to landowner.

[F.R. Doc. 70-15612; Filed, Nov. 23, 1970; 8:45 a.m.]

[Docket No. RI71-387 etc.]

V. F. NEUHAUS ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

NOVEMBER 10, 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, DC 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 28, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *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 subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI71-387	V. F. Neuhaus	5	5	Florida Gas Transmission Co. (North Rincon Field, Starr County, Tex., RR. District No. 4).	$5,499	10-19-70	11-20-70	4-20-71	17.074375	18.0788	RI62-526.
	do	6	4	Florida Gas Transmission Co. (Cortez Field, Starr County, Tex., RR. District No. 4).	3,300	10-19-70	11-20-70	4-20-71	17.074375	18.0788	RI62-526.
	do	7	3	Florida Gas Transmission Co. (Solis Lease, Cortez Field, Starr County, Tex., RR. District No. 4).	8,315	10-19-70	11-20-70	4-20-71	15.065625	16.07	RI70-860.
	do	8	9	Florida Gas Transmission Co. (Oblate Field, Hidalgo County, Tex., RR. District No. 4).	1,460	10-19-70	11-20-70	4-20-71	17.0	18.0	RI65-475.
	do	9	13	Florida Gas Transmission Co. (Yzaguirre Field, Starr County, Tex., RR. District No. 4).	9,165	10-19-70	11-20-70	4-20-71	17.074375	18.0788	RI63-411.
RI71-388	Winston Jenkins	1	4	do	4,803	10-20-70	11-20-70	4-20-71	15.0	18.0788	
RI71-389	American Petrofina Co. of Texas.	59	[4] 19	United Gas Pipe Line Co. (Cabeza Creek Area, Goliad County, Tex., RR. District No. 2).	----------	10-23-70	11-23-70	[3] Accepted	----------	----------	--
	do	59	20	do	21,836	10-23-70	11-23-70	4-23-71	14.21424	18.34575	RI-70-130.
RI71-390	Thomas D. Bailey	1	5	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan County, N. Mex., San Juan Basin).	368	10-15-70	11-15-70	4-15-71	[6] [7] 14.2501	[6] [8] 15.2693	RI64-494.
RI71-391	Marathon Oil Co.	91	3	Cascade Natural Gas Corp. (Divide Creek Area, Garfield and Mesa Counties, Colo.).	990	10-21-70	11-21-70	4-21-71	15.0	[9] 16.0	
RI71-392	Aztec Oil & Gas Co.	10	[4] 17	El Paso Natural Gas Co. (Basin Dakota Pool, San Juan County, N. Mex. San Juan Basin).	5,289	10-12-70	11-12-70	4-12-71	13.0	[9] 14.0578	
RI71-393	Hanley Co.	(10)	(11)	El Paso Natural Gas Co. (Spraberry Tread Area, Midland and Glasscock Counties, Tex.) (RR. District No. 8) (Permian Basin).	3,283	10-19-70	11-19-70	4-19-71	14.5	19.3278	
	do	(12)	(14)	do	3,814	10-19-70	11-19-70	4-19-71	14.5	19.3278	
	do	(12)	(15)	do	435	10-19-70	11-19-70	4-19-71	14.5	19.3278	
	do	(12)	(16)	do	212	10-19-70	11-19-70	4-19-71	14.5	19.3278	
	do	(12)	(17)	(Spraberry Trend Area, Glasscock and Reagan Counties, Tex.,) (RR. District Nos. 8 & 7-C) (Permian Basin).	3,693	10-19-70	11-19-70	4-19-71	14.5	19.3278	
	do	(12)	(18)	(Spraberry Trend Area, Reagan County, Tex.) (RR. District No. 7-C) (Permian Basin).	1,738	10-19-70	11-19-70	4-19-71	14.5	19.3278	
	do	(12)	(19)	(Spraberry Trend Area, Upton County, Tex.) (RR. District No. 7-C) (Permian Basin).	1,014	10-19-70	11-19-70	4-19-71	14.5	19.3278	
	do	(12)	(20)	(Spraberry Trend Area, Glasscock County, Tex.) (RR. District No. 8) (Permian Basin).	2,607	10-19-70	11-19-70	4-19-71	14.5	19.3278	
	do	(12)	(21)	El Paso Natural Gas Co. (Spraberry Trend Area, Glasscock and Reagan Counties, Tex.) (RR. Districts Nos. 8 & 7-C). (Permian Basin).	251	10-19-70	11-19-70	4-19-71	14.5	19.3278	
	do	(12)	(22)	(Spraberry Trend Area, Upton County, Tex.) (RR. District No. 7-C) (Permian Basin).	1,062	10-19-70	11-19-70	4-19-71	14.5	19.3278	
	do	(12)	(23)	do	917	10-19-70	11-19-70	4-19-70	14.5	19.3278	
	do	(12)	(24)	do	4,731	10-19-70	11-19-70	4-19-70	14.5	19.3278	
	do	(12)	(25)	(Spraberry Trend Area, Upton and Reagan Counties, Tex.) (RR. District No. 7-C) (Permian Basin).	20,277	10-19-70	11-19-70	4-19-71	14.5	19.3278	
	do	(12)	(26)	(Spraberry Trend Area, Glasscock County, Tex.) (RR. District No. 8) (Permian Basin).	1,545	10-19-70	11-19-70	4-19-71	14.5	19.3278	
	do	(12)	(27)	(Spraberry Trend Area, Reagan County, Tex.) (RR. District No. 7-C) (Permian Basin).	6,035	10-19-70	11-19-70	4-19-71	14.5	19.3278	
	do	(12)	(28)	(Spraberry Trend Area, Upton County, Tex.) (RR. District No. 7-C) (Permian Basin).	463	10-19-70	11-19-70	4-19-71	14.5	19.3278	
RI71-394	Amini Oil Corp.	(13)	(30)	El Paso Natural Gas Co. (Block 1 and 9 Fields, Andrews County, Tex.) (RR. District No. 8) (Permian Basin).	7,459	10-22-70	11-22-70	4-23-71	14.5	16.2760	

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Subject to quality adjustments.
[2] Pursuant to paragraph (A) of Opinion No. 546-A.
[3] Provides among other things for a renegotiated rate of 18.3 cents for the 5-year period commencing on June 19, 1969, with 1-cent increases each 5 years, also provides the right to collect any higher area rate. The amendment is accepted as of Nov. 23, 1970, but not the proposed rate contained therein which is suspended for 5 months.
[4] Letter agreement dated Oct. 6, 1970.
[5] Not used.
[6] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[7] Includes 1-cent minimum guarantee for liquids.
[8] Pertains to sales under Supplements Nos. 13, 14, 15, and 16 only.
[9] Not used.
[10] Not used.
[11] Pressure base is 15.025 p.s.i.a.
[12] No rate schedule on file. Small producer certificate issued in Docket No. CS70-48.
[13] Contract dated Oct. 16, 1954.
[14] Contract dated Apr. 13, 1955.
[15] Contract dated June 12, 1952.
[16] Contract dated July 1, 1952.
[17] Contract dated Nov. 3, 1952.
[18] Contract dated Jan. 13, 1953.
[19] Contract dated Jan. 14, 1957.
[20] Contract dated Dec. 9, 1960.
[21] Contract dated Oct. 3, 1952.
[22] Contract dated Jan. 1, 1962.
[23] Contract dated Oct. 1, 1962.
[24] Contract dated Sept. 30, 1963.
[25] Contract dated Apr. 16, 1954.
[26] Contract dated Feb. 21, 1955.
[27] Contract dated Apr. 12, 1957.
[28] No rate schedule on file under contract dated Mar. 1, 1956. Small producer certificate issued in Docket No. CS68-1.

The proposed increase for Thomas D. Bailey includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. El Paso Natural Gas Co. (purchaser), is expected to protest tax reimbursement part of the proposed rate. In view of the contractual problem presented, the hearing provided with respect to this filing shall concern itself with the contractual basis for the filing as well as the statutory lawfulness of the proposed rate.

Many of the respondents request effective dates for which adequate notice has not been given. Good cause has not been shown for granting any of these requests and they are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 70-15613; Filed, Nov. 23, 1970; 8:45 a.m.]

[Docket No. CP71-124]

EL PASO NATURAL GAS CO.

Notice of Application; Correction

NOVEMBER 10, 1970.

In the notice of application, issued October 30, 1970, and published in the FEDERAL REGISTER November 6, 1970 (35 F.R. 17153), change "$5,800,00" to read "$5,800.00."

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-15752; Filed, Nov. 23, 1970; 8:45 a.m.]

[Docket No. G-669, etc.]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Petition To Amend

NOVEMBER 17, 1970.

Michigan Wisconsin Pipe Line Company, Dockets Nos. G-669, G-2327, G-13246, G-18316, G-20569, CP62-22, CP63-230, CP64-161, CP65-216, CP68-190.

Take notice that on November 9, 1970, Michigan Wisconsin Pipe Line Co. (Petitioner), 1 Woodward Avenue, Detroit, MI 48222, filed in Docket No. G-669 et al., a petition to amend the certificates issued in the subject dockets so that the petitioner may operate its Green Bay System at 975 p.s.i.g. instead of 850 p.s.i.g., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that requirements on its Green Bay System have increased and that the operation of its system at the increased pressure will obviate the necessity for immediate additional looping of the system and will minimize facilities to be added in the future.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 8, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-15753; Filed, Nov. 23, 1970; 8:45 a.m.]

[Docket No. RP71-16]

MIDWESTERN GAS TRANSMISSION CO.

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

NOVEMBER 13, 1970.

On September 30, 1970, Midwestern Gas Transmission Co. (Midwestern) tendered for filing proposed changes in its presently effective FPC Gas Tariff, to become effective November 15, 1970. The rate changes therein proposed would increase charges for jurisdictional sales and services on the Southern System by approximately $19,185,000 per annum based on operations for the 12-month period ended May 31, 1970, and on the Northern System, by approximately $2,600,000 per annum based on the same test period.

Midwestern's filing consists of two alternative sets of revised tariff sheets.[1] The first contains a separate and differing purchased gas adjustment clause for each system.[2] The second set is identical except that it contains no purchased gas adjustment clauses. Midwestern requests waiver of § 154.38(d)(3) of the Commission's regulations under the Natural Gas Act, to the extent necessary, to permit the filing of the aforementioned tariff sheets containing the purchased gas adjustment clauses. Should such permission not be granted, Midwestern requests acceptance of the alternate set of revised tariff sheets, which do not contain a purchased gas adjustment provision.

Midwestern states that the principal reasons for filing the proposed tariff changes are: (1) Increases in the cost of purchased gas for the Southern System resulting from the rate filing of Tennessee Gas Pipeline Co. in Docket No. RP71-6 and, for its Northern System, from the increased contract prices with respect to deliveries from Trans-Canada Pipe Lines Ltd.; (2) the return to normalization accounting for liberalized depreciation in determining Federal income taxes in the cost-of-service; (3) the need for a 9.25 percent rate of return; (4) an increase in the company's composite book depreciation rate on its Southern System from 3.5 percent to 4.25 percent; (5) increases in the cost of materials, supplies, wages, and services; and (6) increases in property, payroll, and State income taxes.

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

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

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

The Commission finds:

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

(1) The Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Midwestern's FPC Gas Tariff, as proposed to be

[1] In place of the presently effective FPC Gas Tariff, 1st Revised Volume No. 1, Midwestern has filed its 2d Revised Volume No. 1.

[2] The tariff sheets setting forth Midwestern's proposed purchased gas adjustment provision and gas supplier refunds provision are set forth on Original Sheets Nos. 5, 38, 81, 82, 83, 84, and 85.

amended herein, and that the proposed tariff sheets listed in footnote (1) above be suspended, and the use thereof be deferred as herein provided, and

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

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held commencing with a prehearing conference on January 19, 1971, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Midwestern's FPC Gas Tariff, as proposed to be amended herein.

(B) Pending such hearing and decision thereon, Midwestern's alternate set of revised tariff sheets not containing a purchased gas adjustment provision described in footnote (1) above are hereby suspended and the use thereof is deferred until April 15, 1971, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Midwestern's set of revised tariff sheets containing a proposed purchased gas adjustment provision are hereby rejected for filing. These tendered tariff sheets may be made a part of the record in this proceeding to be considered, along with any modifications thereof or alternative provisions submitted by the parties or the Commission's staff, as a proposed purchased gas adjustment provision for consideration to be included in Midwestern's tariff.

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

(E) At the hearing on January 19, 1971, Midwestern's prepared testimony (Statement P) filed and served on October 15, 1970, together with its entire rate filing as submitted and served on September 30, 1970, be admitted to the record as Midwestern's complete case-in-chief as provided by § 154.63(e)(1) of the Commission's regulations under the Natural Gas Act, and Order No. 254, 28 FPC 495, subject to appropriate motions, if any, by parties to the proceeding.

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

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 70-15780; Filed, Nov. 23, 1970; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

[Regs. G, T, and U]

OTC MARGIN STOCK

Changes in List

The following changes have been made, effective November 16, 1970, in the List of OTC Margin Stocks, as of July 20, 1970, published in the FEDERAL REGISTER on July 24, 1970.

1. Deletions: (stocks now registered on national securities exchanges) Bolt Beranek and Newman, Inc., no par common; Inexco Oil Co., $0.02 par common; National Semiconductor Corp., common; Newhall Land and Farming Co., The, common; Public Service Company of New Hampshire, $5 par common; Southern Union Gas Co., $1 par common; Winnebago Industries, Inc., $0.50 par common; (issuer acquired by a firm registered on a national securities exchange) Dallas Airmotive, Inc., common.

2. Changes: Continental Mortgage Insurance Co., common, becomes CMI Investment Corp., $2.50 par common; New England Merchants National Bank, $5 par capital, is changed to New England Merchants Co., Inc., $5 par capital; and Tassette, Inc., common, now reads as Tassette, Inc., Class A, common.

Board of Governors of the Federal Reserve System, acting by its Director of the Division of Supervision and Regulation pursuant to delegated authority (12 CFR 265.2(c)(13)), November 16, 1970.

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

[F.R. Doc. 70-15764; Filed, Nov. 23, 1970; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. E-13]

MANDATORY USE OF GSA REQUIREMENTS TYPE CONTRACTS FOR AUTOMATIC DATA PROCESSING EQUIPMENT (ADPE) AND RELATED ITEMS

To heads of Federal agencies.

1. *Purpose.* This regulation prescribes policies and procedures to be followed in purchasing certain ADPE and related items.

2. *Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER.

3. *Expiration date.* This regulation expires July 31, 1971, unless sooner revised or superseded.

4. *Applicability.* The provisions of this regulation apply to all Federal agencies.

5. *Background.* GSA executes requirements type contracts (as defined in FPR 1-3.409(b)) for ADPE and related items whenever it appears that benefits will accrue to the Government (e.g., requirements type contracts for selected punchcard accounting machines (PCAM)). The contracts specify that their use as the primary source for items and services listed therein is mandatory upon Federal agencies. As additional ADPE and related items come under consideration, GSA will provide requirements type contracts for such ADPE and related items where it can be shown that benefits will accrue to the Government through the use of those contracts.

6. *Policy on use of requirements type contracts for ADPE and related items.* Where ADPE or related items are available from GSA requirements type contracts, this source shall be used by all agencies as the primary source to satisfy needs in accordance with the provisions of such contracts. However, when such contract provisions require prior authorization from GSA before placing orders, the agency involved shall notify the General Services Administration (FTP), Washington, D.C. 20406. This will permit GSA to allocate the distribution of available ADPE or related items on such contracts.

7. *Availability of GSA requirements type contracts for ADPE and related items.* Copies of the contracts (not contractors' price lists) are distributed to recipients of the schedule FSC Group 74, Part VI. Additional copies are available from GSA regional offices or from the General Services Administration (FTP), Washington, D.C. 20406 or by calling (703) 557-8500. Additional information concerning use of these contracts may be obtained by writing to the above address.

8. *Effect on other issuances.* This regulation affects FPMR 101-32.403 by requiring agencies to use GSA requirements type contracts for ADPE and related items as the primary source to satisfy their requirements for ADPE and related items prior to the exercise of any delegation of procurement authority provided therein.

Dated: November 18, 1970.

ROBERT L. KUNZIG, *Administrator of General Services.*

[F.R. Doc. 70-15826; Filed, Nov. 23, 1970; 8:50 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PORTUGAL

Entry or Withdrawal From Warehouse for Consumption

NOVEMBER 19, 1970.

On December 16, 1969, there was published in the FEDERAL REGISTER (34 F.R. 19930) a letter dated December 15, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in Portugal and exported

to the United States during the 12-month period beginning January 1, 1970. The levels of restraint established by that letter are subject to adjustment pursuant to paragraph 5 (five) and eighteen (18) of the bilateral cotton textile agreement of March 23, 1967, as amended, September 29, 1967, between the Governments of the United States and Portugal which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent and for the limited carryover of short falls in certain categories to the next agreement year.

Accordingly, at the request of the Government of Portugal and pursuant to the provisions of the bilateral agreement referred to above, there is published below a letter of November 17, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs adjusting the levels of restraint applicable to cotton textiles in Category 60 for the 12-month period which began on January 1, 1970.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226

NOVEMBER 17, 1970.

DEAR MR. COMMISSIONER: On December 15, 1969, the Chairman of the President's Cabinet Textile Advisory Committee, directed you, effective January 1, 1970, to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Portugal and exported to the United States in excess of the designated levels of restraint.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraphs five (5) and eighteen (18) of the bilateral cotton textile agreement of March 23, 1967, as amended September 29, 1967, between the Governments of the United States and Portugal, in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of December 15, 1969, the level of restraint[1] provided in that directive for cotton textile products in Category 60 produced or manufactured in Portugal and exported from Portugal to the United States, for the period beginning January 1, 1970 and extending through December 31, 1970, is hereby amended to be 21,000 dozen, effective as soon as possible.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton textiles and cotton textile products from Portugal have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965–69). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 70-15827; Filed, Nov. 23, 1970; 8:50 a.m.]

[1] This level has not been adjusted to reflect entries made on or after Jan. 1, 1970.

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

FREEMAN COAL MINING CORP.

Application for Renewal Permit; Notice of Opportunity for Public Hearing

Application for a Renewal Permit for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.^{3}) has been accepted for consideration as follows:

(1) ICP Docket No. 11108, Freeman Coal Mining Corp., Orient Mine No. 3, USBM ID No. 11 00600 0, Waltonville, Jefferson County, Ill., Section ID No. 010 (7 West Main South West North).

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 request 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 request for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 7730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

NOVEMBER 19, 1970.

[F.R. Doc. 70-15750; Filed, Nov. 23, 1970; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[24W-2884]

DIGITATOR, INC.

Order Permanently Suspending Exemption

NOVEMBER 18, 1970.

Digitator, Inc. (issuer), 20 Dundalk Avenue, Dundalk, MD, a Maryland corporation, filed with the Commission on November 7, 1968, a notification and offering circular for the purpose of obtaining an exemption from the registration requirement of the Securities Act of 1933 pursuant to section 3(b) thereof and Regulation A thereunder, with respect to a public offering of 150,000 shares of its $0.12 par value common stock at $2 per share.

The Commission on August 21, 1969, issued an order pursuant to Rule 261 of Regulation A temporarily suspending the exemption. The order alleged that the notification and offering circular contained materially misleading statements with respect to, among other things, the promoters and controlling persons of issuer; sales of its unregistered securities; the number of shares beneficially owned by certain officers, directors, promoters, and controlling persons; and the participation of a promoter and/or controlling person in certain legal fees to be paid by the issuer from the proceeds of the offering. It further alleged that the terms and conditions of Regulation A were not complied with in that the issuer failed to disclose, among other things, that Nathan H. Cohen was a promoter or a controlling person or both of issuer and that he was to receive fees from the proceeds of the offering, and the names of all persons to whom the issuer, or its affiliates had issued or sold unregistered securities within 1 year prior to the filing of the notification. It also stated that no Regulation A exemption was available for the issuer under the provisions of Rule 253(c) in that issuer was incorporated more than 1 year prior to the filing herein and has not had a net income from operations of the character in which issuer intends to engage for at least one of its last 2 fiscal years; and that 160,000 shares of issuer's common stock owned by issuer's officers, directors, and promoters are not subject to escrow arrangements, thus causing the aggregate offering price to exceed the $300,000 limitation. The order concluded that the offering, if made, would be in violation of sections 5 and 17 of the Securities Act of 1933 as amended.

At the issuer's request, the matter was setdown for hearing to determine whether to vacate that order or to enter an order permanently suspending the exemption. Subsequently, however, the issuer withdrew its request for a hearing.

It appears in view of the foregoing that it is appropriate in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be permanently suspended.

Accordingly, it is ordered, Pursuant to Rule 261 of Regulation A under the Securities Act of 1933, that the exemption from registration with respect to the above public offering of securities by Digitator, Inc., be, and it hereby is, permanently suspended.

For the Commission, by the Office of Opinions and Review, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-15770; Filed, Nov. 23, 1970; 8:47 a.m.]

[File No. 500-1]

GLOBUS INTERNATIONAL, LTD.

Order Suspending Trading

NOVEMBER 18, 1970.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Globus International, Ltd., a Delaware corporation, and all other securities of Globus International, Ltd., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 19, 1970, through November 28, 1970, both dates inclusive.

By the Commission.

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

[F.R. Doc. 70-15771; Filed, Nov. 23, 1970; 8:47 a.m.]

[812-2819]

INVESTORS DIVERSIFIED SERVICES, INC., AND INVESTORS ACCUMULATION PLAN, INC.

Notice of Application for Exemption

NOVEMBER 18, 1970.

Notice is hereby given that Investors Diversified Service, Inc. (IDS) and its wholly owned subsidiary, Investors Accumulation Plan, Inc. (IAP), Minneapolis, Minn. (collectively, "Applicants"), both Minnesota corporations, have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order of exemption from the provisions of section 27(a)(3) of the Act to permit Applicants to deduct sales load from a newly formed unit investment trust in a manner different from that specified in section 27(a)(3) of the Act. All interested persons are referred to the application on file with the Commission for a full statement of the representations contained therein which are summarized below.

Applicants represent that IAP will serve as Sponsor for IDS Investment Program (Program), a registered unit investment trust which proposes to offer periodic payment plan certificates (Plan) for the accumulation of shares of IDS Growth Fund, Inc. (Fund), a registered, open-end, diversified, management investment company which has filed a Form S-5 Registration Statement under the Securities Act of 1933. IDS will act as investment adviser to and underwriter for Fund, and also will act as underwriter for Program which has filed a Form S-6 Registration Statement under the Securities Act of 1933. Applicants represent that Fund shares will be sold to Program at net asset value.

Applicants state that they propose to deduct a sales charge which ranges from 8.74 percent on the minimum available plan of $3,000 to 4 percent on the maximum available plan of $75,000. In addition to the sales charge, a monthly custodian fee ranging from $0.40 monthly payments of $20 to $0.75 on monthly payments of $40-$500 is to be deducted from each plan payment. Total deductions on the minimum plan including custodian charges, will amount to 10.74 percent of total payments representing 12.03 percent of the net amount invested. Total deductions on the maximum plan, including custodian charges, will amount to 4.15 percent representing 4.33 percent of the net amount invested.

Section 27(a)(3) of the Act, in pertinent part, prohibits the issuance of periodic payment plan certificates by a registered investment company if the amounts deducted as sales load from all payments subsequent to the first 12 months are not proportionately alike.

Applicants state that they propose, in the case of a minimum plan under the Program, to deduct a sales charge at the rate of 20 percent on the first 12 monthly payments, 18 percent on each of the next 24 monthly payments and 5.6 percent of the remaining 114 monthly payments. For a maximum Plan the proposed sales charges will be deducted at the rate of 20 percent on each of the first 12 monthly payments, 9 percent on each of the next 12 monthly payments and 2 percent on the remaining 126 monthly payments. Thus, the deductions for sales load for the third and subsequent years are not proportionately equal to the sales load deductions for the second year. Applicants state that total charges on the minimum periodic payment plan thus would amount to 22 percent of each payment made during the first year, 20 percent of each payment during the second and third years and 7.6 percent of each payment thereafter.

Applicants represent that the effect of the proposed method of deducting the initial sales load is to increase the amount which holders of the proposed periodic payment plans would have invested during the first year, as compared to the amount that would be invested if the first year sales charge which is permitted by section 27(a) were deducted, and that the impact of the proposed larger sales load deductions during the second and third years would be more than offset by this diminished first year charge. Applicants represent that the proposed sales load deductions for the periodic payment plans are wholly beneficial to the investor. Applicants further represent that the exemption requested is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 3, 1970, 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing therein. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, By the Division of Corporate Regulation, pursuant to delegated authority.

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

[F.R. Doc. 70-15768; Filed, Nov. 23, 1970; 8:47 a.m.]

[811-94]

KEYSTONE CUSTODIAN FUNDS, INC., AS TRUSTEE FOR KEYSTONE CUSTODIAN FUND, SERIES B-3

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

NOVEMBER 17, 1970.

Notice is hereby given that Keystone Custodian Funds, Inc. (Applicant), a Delaware corporation, as Trustee for Keystone Custodian Fund, Series B-3 (the "Fund"), 50 Congress Street, Boston, MA 02109, a registered investment company under the Investment Company Act of 1940 (Act) and organized as a common-law trust pursuant to an agreement of trust dated July 15, 1935, as amended from time to time, has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that the Fund has ceased to be an investment company as defined in the Act. All interested persons are referred to

the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Fund's registration statement filed under the Act became effective November 1, 1940. Prior to July 7, 1966, the Fund offered its securities to the public pursuant to that registration statement as amended. On August 1, 1966, pursuant to an application (File No. 812-1879), the Commission issued an order (Investment Company Act Release No. 4657) permiting the Fund to transfer substantially all its assets to Keystone Custodian Fund, Series B-4 (B-4 Fund) in exchange for shares of the B-4 Fund having an aggregate net asset value equal to the value of the assets of the Fund which were acquired by the B-4 Fund. The exchange took place on August 1, 1966, and the Applicant represents that since that date no public offering of its shares has been made by the Fund, nor does it propose to make a public offering. The plan for combining the Fund with the B-4 Fund received approval by a majority of the shareholders after being submitted to them in a proxy statement dated July 1, 1966. The plan established procedures for distributing pro rata to shareholders of the Fund, upon surrender of their share certificates, shares of the B-4 Fund. In addition, shares of the B-4 Fund, including any fractional shares, were credited to the shareholder's account where Fund shares were being held in a Keystone Open Account plan.

The Applicant represents that as of April 30, 1970, 98 shareholders had not surrendered their Fund certificates. This represents 4,095 shares of the 3,439,589 outstanding on June 23, 1966. With regard to these shareholders, a special account has been established at the State Street Bank and Trust Co. into which all undelivered B-4 Fund certificates and all undelivered dividend checks have been deposited, and all future dividend checks will be deposited. In addition there are 29 shareholders holding 1,737 shares in Open Account form who have not responded. These accounts are being handled as B-4 Open Accounts with reinvestments of dividends and distributions in accordance with prior instructions.

Applicant contends that the Fund is not making a public offering of its securities and does not propose to make such a public offering. Furthermore, Applicant contends that the Fund has terminated all business activities and is no longer engaged and does not propose at any time in the future to engage in the business of investing, reinvesting, holding, or trading in securities, and that adequate and appropriate provisions have been made to protect the interests of the Fund shareholders who have not yet surrendered their shares.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 7, 1970 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-15793; Filed, Nov. 23, 1970; 8:49 a.m.]

[812-2814]

RICO ARGENTINE MINING CO.

Notice of Application for Order of Temporary Exemption

NOVEMBER 17, 1970.

Notice is hereby given that Rico Argentine Mining Co. (Applicant), 605 Kearns Building, Salt Lake City, UT 84101, a Utah corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order of the Commission temporarily exempting it from the provisions of section 7 of the Act, until such time as the Commission has acted upon the application under section 3(b)(2) filed by Applicant on September 8, 1970. Applicant, in requesting such temporary exemption, has agreed that Applicant and other persons in their transactions and relations with it shall be subject to all other provisions of the Act and the respective rules and regulations promulgated under each of such provisions as though Applicant were a registered investment company, other than the following: Section 8; subsections (a) and (b)(3) of section 10; section 13(a)(2); subsections (f) and (g) of section 17 (*Provided*, That presently outstanding stock options granted by Applicant to two employees may be exercised); section 18, except subsection (d) thereof (*Provided*, That Applicant will not have outstanding at any time more than two classes of senior security representing indebtedness and more than one class of senior security which is stock); section 20(a); subsections (a) and (b) of section 23 (however, only to the extent of permitting exercise of two existing outstanding stock options previously granted to employees); section 30 and section 31 of the Act, and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations, which are summarized below.

On September 8, 1970, Applicant filed an application pursuant to section 3(b)(2) of the Act for an order of the Commission declaring that it is not an investment company. Section 3(b)(2) provides that the filing of an application thereunder shall exempt the Applicant for a period of 60 days from all provisions of the Act appliable to investment companies as such.

The 60-day period of exemption provided in section 3(b)(2) expired, in Applicant's case, on November 7, 1970. Applicant, which has not registered as an investment company under the Act, has asked that it be exempted as requested until the Commission has acted upon the application under section 3(b)(2) of the Act.

Section 6(c) provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(e) provides that, if, in connection with any order under section 6 exempting any investment company from section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of the Act pertaining to registered investment companies shall be applicable in respect of such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company.

Notice is further given that any interested person may, not later than December 7, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission

should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[F.R. Doc. 70–15794; Filed, Nov. 23, 1970; 8:49 a.m.]

[812–2794]

TRUST FUND SPONSORED BY THE SCHOLARSHIP CLUB, INC.

Notice of Application for Exemption and Amendment of Previous Order

NOVEMBER 17, 1970.

Notice is hereby given that The Scholarship Club, Inc. (Club), sponsor of the Trust Fund Sponsored by the Scholarship Club, Inc. (Fund), 15 East Broward Boulevard, Fort Lauderdale, FL 33301, and Scholarship Services, Inc. (Services) which is Fund's distributor, and Fund (referred to collectively as Applicants) have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order to exempt Applicants from the provisions of section 27(a)(3) of the Act and to allow a sales load to be charged upon the sale of Fund's investment plans (Scholarship Plans) which is greater than the load presently permitted by a current Commission order. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Fund was organized on July 22, 1965, by Club, a nonprofit Florida corporation, for the purpose of administering scholarship plans which would provide funds to be used towards the college education of children designated by investors. The scholarship plans, which investors establish by depositing money on a lump sum or monthly basis in either a federally insured savings bank or a federally insured savings and loan association located in Florida are offered solely to bona fide residents of the State of Florida through Services a separate organization engaged in the selling of the scholarship plans.

On October 25, 1968, the Commission, by order (Investment Company Act Release No. 5524), granted Fund certain exemptions from various sections of the Act, including section 27(a)(3), to the extent necessary to allow Fund to operate as a registered investment company. Pursuant to section 27(a)(3) and the Commission's order, total fees presently paid on each plan are $160 with $112 allocated to Services as sales load and $48 allocated for administrative costs. Under the installment plans now offered the investor makes total payments of $2,660. Payments are made for 11 years at the rate of $40 the first month, and $20 per month thereafter. The sales load is paid by a 20-percent deduction from each monthly payment for the first 2 years for a total of $52 in the first year and $48 in the second year and by a deduction of $12 in the third year at the rate of 5 percent of each monthly payment. Administrative fees are deducted at the rate of 8 percent or $20.80 from the first year's payments and 3 percent or $7.20 from the third year's payments plus $1 to be deducted from the first payment of each year for the remaining 8 years. In a fully paid plan, which is designed to yield approximately the same payments of interest as the periodic plan, the investor pays $1,760 which includes a deposit into his savings account of $1,600 plus the sales and administrative charge of $160. The present aggregate sales load of $112 is divided approximately $50–$55 to the salesman, $15–$20 to the area supervisor, and the remainder to Services.

Applicants request an increase in sales load to $160 per plan, bringing total sales and administrative charges to $208. With respect to installment plans Applicants also request further exemption from section 27(a)(3) to allow the sales load of $160 to be taken monthly from each payment at the rate of 20 percent of such payment for a period of 40 months until the sales load in its entirety has been paid. It is intended that the new aggregate sales load will be divided approximately $75 to the salesman, $40 to the supervisor, and the remainder of approximately $45 to Services.

Section 27(a)(3) of the Act as here relevant, requires the same proportionate deduction of sales load from all payments after the first year.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants state that under the present sales load Services cannot continue to operate without incurring financial losses, and, in fact, has operated since the commencement of sales of the plans at a loss totalling $110,000 for the 6 months ending May 31, 1970.

Applicants represent among other things that Services has advised Club that the present amount of sales load impedes the recruitment of area supervisors and salesmen of the desired caliber; that the market for potential investors is limited as compared to other investment programs; and that because the plans are available in one amount only a salesman does not have the opportunity of receiving a higher commission from any single sale.

Applicants represent that the sales load, as increased, is within the 9 percent maximum specified in section 27(a)(1) of the Act, that Applicant is not deducting the maximum of 50 percent of the first year's payments as sales load which is permitted by section 27(a)(2), that Applicant's payments are greater than the minimum specified in section 27(a)(4), and that the requested exemption is in the public interest and is consistent with the protection of investors and the purposes and policies of the Act.

Applicants state that the State Treasurer of the State of Florida, who under the laws of the State of Florida has regulatory supervision over scholarship plans including jurisdiction to prescribe reasonable commissions and sales loads, has examined the proposed sales loads and the proposed methods of deducting such loads from the payments to be made by investors and has signified his approval. A copy of his letter has been filed as an exhibit to the application.

Applicants consent that should the Commission grant the requested exemption Applicants will file with the Commission annually a statement of the number of scholarship plans which lapsed during each calendar year broken down by years of participation in the plans.

Notice is further given that any interested person may, not later than December 11, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or

upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

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

[F.R. Doc. 70-15769; Filed, Nov. 23, 1970; 8:47 a.m.]

TARIFF COMMISSION

[TEA-W-35]

WORKERS' 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 former workers of three plants of the FMC Corp., American Viscose Division, located at Nitro, W. Va., Parkersburg, W. Va., and Front Royal, Va., the U.S. Tariff Commission, on November 18, 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 rayon staple fiber produced by such corporation, 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 corporation.

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, DC, and at the New York City Office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: November 19, 1970.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[F.R. Doc. 70-15806; Filed, Nov. 23, 1970; 8:50 a.m.]

[TEA-W-36]

WORKERS' PETITION FOR DETERMINATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISTANCE

Notice of Investigation and Hearing

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of R. C. Allen, Inc., Typewriter Division, 300 Seminary Avenue, Woodstock, IL, the U.S. Tariff Commission, on November 18, 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 manual office typewriters produced by such corporation, 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 corporation.

A public hearing in connection with this investigation will be held beginning at 10 a.m., e.s.t., on December 17, 1970, in the Hearing Room, U.S. Tariff Commission Building, Eighth and E Streets NW., Washington, DC. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

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, DC, and at the New York City Office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: November 19, 1970.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[F.R. Doc. 70-15807; Filed, Nov. 23, 1970; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 19, 1970.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42081—*Coarse grains from, to, and between, points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 644), for interested rail carriers. Rates on coarse grains and related articles, in carloads, as described in the application, from, to, and between, points in Texas, over interstate routes through adjoining States.

Grounds for relief—Revision in carload minimum weights.

Tariff—Supplement 223 to Texas-Louisiana Freight Bureau, agent, tariff ICC 1012.

By the Commission.

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

[F.R. Doc. 70-15788; Filed, Nov. 23, 1970; 8:48 a.m.]

[Notice 196]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 19, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 107295 (Sub-No. 471 TA), filed November 16, 1970. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ventilators, ventilator parts, ventilator equipment, ventilator systems, and accessories* used in the installation thereof, from the plantsite and warehouse facilities of Penn Ventilator Co., at Tabor City, N.C., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, West Virginia, and Wisconsin, and between the plantsite of Penn Ventilator Co., at Tabor City, N.C., and Philadelphia Pa, for 180 days. Supporting shipper: Penn Ventilator Co. Inc., 11th Street and Alleghany Avenue, Philadelphia, PA 19140. Send protests to: Harold Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 109324 (Sub-No. 22 TA), filed November 16, 1970. Applicant: GARRISON MOTOR FREIGHT, INC., Post Office Box 969, Harrison, AR 72601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, in tank vehicles, and those requiring special equipment, between Berryville and Gateway, AR, over U.S. Highway 62, serving all intermediate

points. NOTE: Applicant intends to tack with its present MC 109324 at Little Rock, AR; Memphis, TN; Springfield, St. Louis, and Kansas City, MO; for 180 days. Supporting shippers: Clio's Inc., 44 Spring Street, Eureka Springs, AR 72632; Builders Supply Co., Highway 62 East, Eureka Springs, AR 72632; BOp Field No. 22, Garrison Motor Freight, Inc., Post Office Box 969, Harrison, AR 72601; W. O. Perkins & Son Lumber Co., Inc., Eureka Springs, AR 72632; Walker Brothers Department Store, 35 North Main, Eureka Springs, AR 72632; Modern Motors, 60 South Main, Eureka Springs, AR 72632; The Episcopal Book Club, Hillspeak, Eureka Springs, AR 72632; Eureka Drug Co., Eureka Springs, AR 72632. Send protests to: District Supervisor William H. Land, Jr., 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 110525 (Sub-No. 988 TA), filed November 16, 1970. Applicant: CHEMICAL LEAMAN TANK, LINE, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adipic acid*, dry, in bulk, in tank vehicles, from Hopewell, Va., to Natrium, W. Va., for 180 days. Supporting shipper: Allied Chemical Corp., Post Office Box 365, Morristown, NJ 07960. Send protests to: Peter R. Gruman, District Supervisor, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, PA 19106.

No. MC 111397 (Sub-No. 94 TA), filed November 16, 1970. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, KY 42001. Applicant's representative: Herbert S. Melton, Jr., Box 1407, Avondale Station, Paducah, KY 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry calcium chloride*, from Paducah, Ky., to points in Kentucky, restricted to shipments having a prior rail movement, for 180 days. Supporting shipper: Dow Chemical Co., 2030 Dow Center, Midland, MI 48640 (Mr. George J. Vandenberg, Traffic Manager). Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 390 Federal Building, 167 North Main Street, Memphis, TN 38103.

No. MC 113666 (Sub-No. 48 TA), filed November 16, 1970. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: Daniel R. Smetanick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea and ammonium nitrate*, in bags, from ports of entry on the United States-Canada international boundary at Ogdensburg and Alexandria Bay, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. Return of *refused or rejected material and shipping containers. Calcium carbide*, in bulk, in tank vehicles, from ports of entry on the United States-Canada international boundary at Champlain, N.Y., to points in New Jersey, for 180 days. Supporting shippers: Brockville Chemical Industries, Ltd., Suite 2340, 1 Place Ville Marie, Montreal 113, PQ Canada. Gulf Oil Canada Limited, No. 1 Place Ville Marie, Montreal 113, PQ Canada. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 115826 (Sub-No. 209 TA), filed November 16, 1970. Applicant: W. J. DIGBY, INC., 1960 31st Street, Post Office Box 5088, Terminal Annex, Denver, CO 80217. Applicant's representative: Robert R. Digby, 217 Luhrs Tower, Phoenix, AZ 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of Appendix 1 to *Description in Motor Carrier Certificates*, from Greeley, Colo., to points in Connecticut, Maryland, Michigan, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Virginia, and Washington, D.C., for 180 days. Supporting shipper: Monfort Packing Co., Box G, Greeley, CO 80631. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, CO 80202.

No. MC 116280 (Sub-No. 12 TA), filed November 16, 1970. Applicant: W. C. McQUAIDE, INC., 153 Macridge Avenue, Johnstown, PA 15904. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clothing*, from Duncansville, Windber, and Johnstown, Pa., to Philadelphia, Pa., restricted to transportation having a subsequent movement by freight forwarders, consolidators and shippers' association, for 150 days. Supporting shippers: Bestform Foundations of Windber, Inc., Stockholm Avenue, Windber, PA 15963. The Puritan Sportwear Corp., Altoona, PA 16603. Send protests to: Frank L. Calvary, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 117799 (Sub-No. 5 TA), filed November 16, 1970. Applicant: BEST WAY FROZEN EXPRESS, INC., 3033 Excelsior Boulevard, Room 210, Minneapolis, MN 55416. Applicant's representative: Patrick M. Porritt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and other commodities distributed by dairies* (except commodities in bulk), from points in Minnesota, Wisconsin, and Chicago, Ill., commercial zone to Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Land O'Lakes, Inc., Post Office Box 116, Minneapolis, MN 55440. 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, MN 55401.

No. MC 119012 (Sub-No. 8 TA), filed November 16, 1970. Applicant: RIVER TERMINALS TRANSPORT, INC., 208 Broadway, Post Office Box 176, Aurora, IN 47001. Applicant's representative: Robert W. Loser, 1001 Chamber of Commerce Building, Indianapolis, IN. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry bulk commodities* (not including cement), in bulk, in dump trucks, or other similar type self-unloading equipment; and (2) *Pig iron and ferro alloys* in dump vehicles or other similar type unloading equipment, from river terminals, located at Aurora, Ind., to points in that part of Indiana on and south of U.S. Highway 30, that part of Ohio on and south of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30N, and thence along U.S. Highway 30N to junction U.S. Highway 23, on and west of U.S. Highway 23 from junction U.S. Highways 30N and 23 to the Ohio-Kentucky State line, and that part of Kentucky on and north of a line beginning at the Ohio River, near Ashland, Ky., and extending along U.S. Highway 60 to junction U.S. Highway 62, near Versailles, Ky., and thence along U.S. Highway 62 to the Ohio River, at Paducah, Ky., with no transportation for compensation on return except as otherwise authorized. Restriction: The authority applied for herein is to be limited to commodities having had a prior movement by rail, for 180 days. Supporting shipper: Monsanto, 800 North Lindbergh Boulevard, St. Louis, MO 63166. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 129905 (Sub-No. 2 TA), filed November 16, 1970. Applicant: ALL STATES MOVING AND STORAGE CO., INC., 2800 Navy Boulevard, Pensacola, FL 32505. Applicant's representative: Sol Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, and *unaccompanied baggage and personal effects*, between points in Bay, Washington, Walton, Escambia, Santa Rosa, and Okaloosa Counties, Fla., and Geneva, Covington, Escambia, Baldwin, and Mobile Counties, Ala. Restriction: Said operations are restricted to the transportation of traffic having a prior or subsequent movement in containers, except as to unaccompanied baggage and personal effects, beyond the points authorized. Said operations are restricted to the performance of pickup

and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Department of Defense, Military Traffic Management, Terminal Service, Washington, D.C. 20315, Attention: Mr. Frank Gioscio. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, AL 35203.

No. MC 135071 (Sub-No. 1 TA), filed November 16, 1970. Applicant: RONALD M. STROLE AND BETTY L. STROLE, a partnership, doing business as AA-1 MOVING & STORAGE, 18485 Iona Avenue, Lemoore, CA 93245. Applicant's representative: K. Phillip Maroot, 427 North Redington Street, Hanford, CA 93230. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Kings, Tulare, and Fresno Counties, Calif., for 150 days. Supporting shipper: Military Traffic Management and Terminal Service, Washington, D.C. Send protests to: John E. Nance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 135074 TA, filed November 16, 1970. Applicant: SECURITY STORAGE COMPANY, INC., 117 Bypass South, Goldsboro, NC 27530. Applicant's representative: Lindsay C. Warren, Jr., Post Office Box 1616, Goldsboro, NC 27530. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Wayne, Lenoir, Johnston, Green, Pitt, Martin, Edgecome, Wilson, Nash, Halifax, Wake, Durham, Orange, Person, Granville, Vance, Franklin, and Warren Counties, N.C. Restriction: The service applied for is to be restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points above referred to and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic for 180 days. Supporting shipper: Department of Defense, Defense Transportation Department, Washington, D.C. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

No. MC 135075 TA, filed November 16, 1970. Applicant: M. M. SMITH STORAGE WAREHOUSE, INC., 811 Old Wilmington Road, Fayetteville, NC 28305. Applicant's representative: Monty Schumacker, 2045 Peachtree Road NE., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, and *unaccompanied baggage and personal effects*, between points in North Carolina and the adjacent counties in South Carolina of Lancaster, Chesterfield, Marlboro, Dillon, Marion, Horry, Darlington, and Florence. Restriction: The operations authorized herein are subject to the following conditions: Said operations are restricted to the transportation of traffic having a prior or subsequent movement, in containers, except as to the unaccompanied baggage and personal effects, beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerizations of such traffic, for 180 days. Supporting shipper: MTMTS, Department of Defense, Washington, D.C. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

No. MC 135076 TA, filed November 16, 1970. Applicant: VIKING DELIVERY SERVICE, INC., 3415 Victor Street, Santa Clara, CA 95050. Applicant's representative: Richard W. Bangham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, having immediate or prior or subsequent movement by air, between San Francisco International, Oakland International, San Jose Municipal Airports and facilities of freight forwarders and airlines located in terminal area of these airports on the one hand, and on the other, Los Angeles International, Hollywood-Burbank, Orange County, Ontario International Airports, and facilities of air freight forwarders and airlines located in terminal areas of such airports, for 180 days. Supporting shippers: The Flying Tiger Lines, Inc., International Airport, San Francisco, CA 94128, and Shulman Air Freight, 20 Olney Avenue, Cherry Hill, NJ 08034. Send protests to: Claud W. Reeves, District Supervisor, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 135077 TA, filed November 16, 1970. Applicant: CORONET ENTERPRISES, INC., doing business as AIRPORT DRAYAGE, South 110 Sheridan Street, Spokane, WA 99202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission and commodities in bulk), restricted to traffic having a prior or subsequent movement by air, between points in Spokane, Stevens, Pend Oreille, Whitman, King, and Pierce Counties Wash., and Boundary, Bonner, Kootenai, Shoshone, Benewah, Latah, Clearwater, and Nez Perce Counties, Idaho, for 180 days. Supporting shippers: R. A. Hanson Co., Inc., Post Office Box 19148, Spokane International Airport, Spokane, WA 99219; Fiberform, Division of U.S. Industries, Inc., Building 20, Spokane Industrial Park, Spokane, WA 99219; Pacific Trail, 1531 Summit, Seattle, WA 98122. Send protests to: Interstate Commerce Commission, Bureau of Operations, 401 U.S. Post Office, Spokane, WA 99201.

By the Commission.

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

[F.R. Doc. 70-15786; Filed, Nov. 23, 1970; 8:48 a.m.]

[Notice 616]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 20, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72464. By order of November 17, 1970, the Motor Carrier Board approved the transfer to Murphy-Global Moving & Storage, Inc., Philadelphia, Pa., of the operating rights in certificate No. MC-66748 issued August 5, 1960, to Guardian Moving & Storage Co. of Pennsylvania, a corporation, Philadelphia, Pa., authorizing the transportation of household goods, between Philadelphia, Pa., and points within 25 miles thereof, on the one hand, and, on the other, points in Pennsylvania, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, Ohio, and the District of Columbia. V. Baker Smith, 2107 The Fidelity Building, Philadelphia, PA 19109, Attorney for applicants.

No. MC-FC-72475. By order of November 18, 1970, the Motor Carrier Board approved the transfer to Duqal, Ltd., Los Angeles, Calif., of certificates Nos. MC-107715 and MC-107715 (Sub-No. 4), issued to Vernon Livestock Trucking Co., Inc., Los Angeles, Calif., authorizing the transportation of various commodities, i.e., livestock, farm products with certain exceptions, empty cement containers, box shook and crates, feed and fertilizer, between specified areas in Arizona and California. Warren N. Grossman, 606 South Olive Street, Los Angeles, CA 90014, attorney for applicants.

No. MC-FC-72479. By order of November 17, 1970, the Motor Carrier Board approved the transfer to Vorro's Express & Warehouse, Inc., Minturn Farm Road, Bristol, RI 02809, of certificates Nos. MC-59105 and MC-59105 (Sub-No. 1) issued to Andrew J. Vorro, Jr., doing business as Vorro's Express, Minturn Farm Road, Bristol, RI 02809, authorizing the

transportation of: General commodities, with the usual exceptions, between specified points and areas in Rhode Island and Massachusetts.

No. MC–FC–72485. By order of November 17, 1970, the Motor Carrier Board approved the transfer to I.T.S., Inc., Sycamore, Ill., of certificate of registration No. MC–121458 (Sub-No. 1) issued October 27, 1964, to Henry C. Prather, doing business as Prather Trucking Service, Sycamore, Ill., evidencing a right to engage in transportation in interstate commerce as described in certificate of public convenience and necessity No. 34–MC dated April 5, 1955, issued by the Illinois Commerce Commission. Bernard G. Colby, 1 North La Salle Street, Chicago, IL 60602, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70–15787; Filed, Nov. 23, 1970; 8:48 a.m.]

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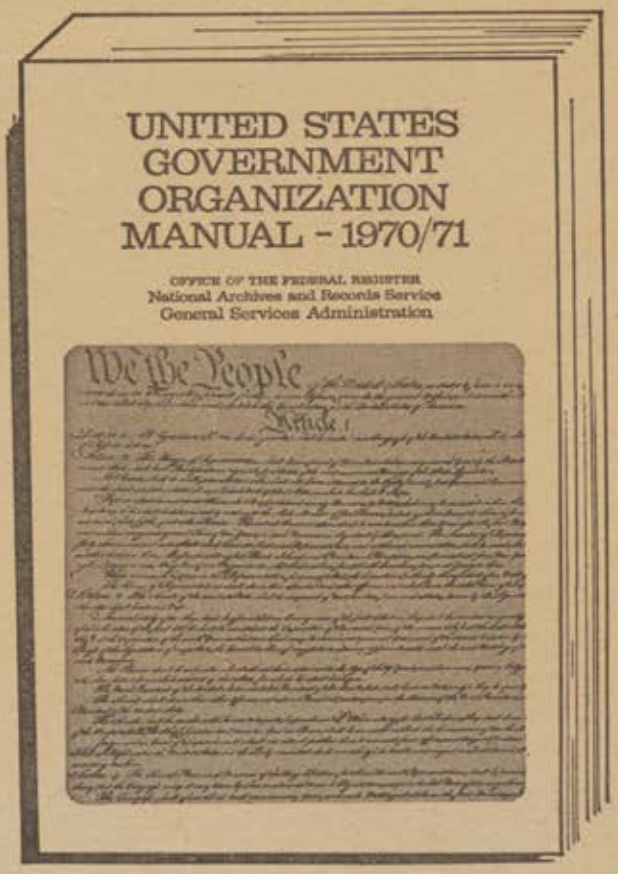

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