

# FEDERAL REGISTER

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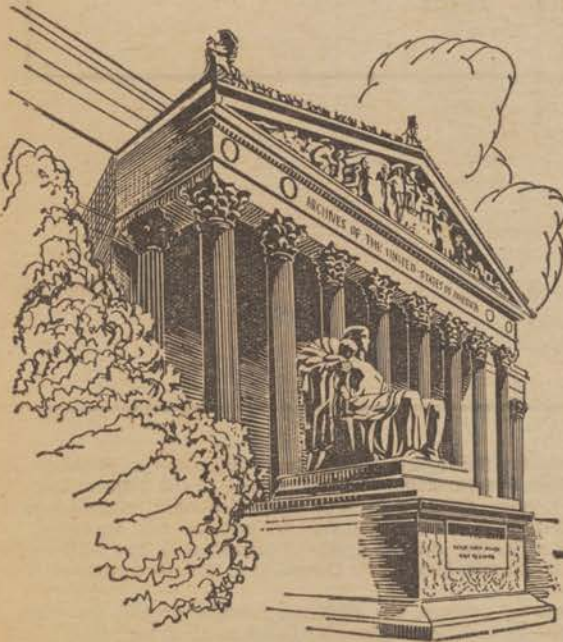
Saturday, February 6, 1971 • Washington, D.C.

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 Atomic Energy Commission  
 Civil Aeronautics Board  
 Consumer and Marketing Service  
 Engineers Corps  
 Federal Aviation Administration  
 Federal Communications Commission  
 Federal Maritime Commission  
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 (Coal Mine Health and Safety)  
 Internal Revenue Service  
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 Land Management Bureau  
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 Narcotics and Dangerous Drugs  
 Bureau  
 Packers and Stockyards  
 Administration  
 Post Office Department  
 Securities and Exchange Commission  
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 Tariff Commission

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Volume 83

UNITED STATES  
STATUTES AT LARGE

91st Congress, 1st Session  
1969

Contains laws and concurrent resolutions enacted by the Congress during 1969, reorganization plan, recommendations of the President, and Presidential proclamations. Also in-

cluded are: numerical listings of bills enacted into public and private law, a guide to the legislative history of bills enacted into public law, tables of prior laws affected, and a subject index.

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**List of CFR Parts Affected**

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1971, and specifies how they are affected.

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# Rules and Regulations

## Title 7—AGRICULTURE

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

[Lemon Reg. 466]

#### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

##### Limitation of Handling

##### § 910.766 Lemon regulation 466.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein

specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 2, 1971.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period February 7, 1971, through February 13, 1971, are hereby fixed as follows:

- (i) District 1: 37,000 Cartons;
- (ii) District 2: 118,000 Cartons;
- (iii) District 3: Unlimited.

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

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

Dated: February 4, 1971.

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

[FR Doc.71-1762 Filed 2-5-71; 8:48 am]

## Title 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service, Department of Justice

#### PART 214—NONIMMIGRANT CLASSES

#### PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

##### Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

Paragraph (a) of § 214.3 is amended to read as follows:

§ 214.3 Petitions for approval of schools.

(a) *Filing of petition.* A school or school system seeking approval for the attendance by nonimmigrant students under section 101(a)(15)(F) of the Act shall file petition Form I-17 with the district director having jurisdiction over the place in which the school or school system is located. Separate petitions are required for school-system schools located within the jurisdiction of different district directors. A petition by a school system shall specifically identify by name and location those schools included in the petition.

Paragraph (b) *Authority of special inquiry officers; appeals of § 242.2 Apprehension, custody, and detention* is amended by inserting the following two sentences after the existing first sentence reading as follows:

§ 242.2 Apprehension, custody, and detention.

(b) \* \* \* Application for the exercise of such authority may be made to any available special inquiry officer who is stationed at the Service office which has administrative jurisdiction over the proceeding under the order to show cause or who conducts hearings there. If no such special inquiry officer is available, application may be made to any available special inquiry officer stationed in the region wherein said Service office is located. \* \* \*

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

This order shall be effective on the date of its publication in the FEDERAL REGISTER (2-6-71). Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendments prescribed by the order are clarifying in nature.

Dated: February 2, 1971.

RAYMOND F. FARRELL,  
Commissioner of  
Immigration and Naturalization.

[FR Doc.71-1660 Filed 2-5-71; 8:45 am]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

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

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

[Docket No. 71-510]

#### PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

##### Areas Quarantined

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



swine diseases, is hereby amended in the following respects:

In § 76.2, paragraph (e) (3) relating to the State of Florida is amended to read:

(3) *Florida.* (i) That portion of Escambia County bounded by a line beginning at the junction of U.S. Highway 29, State Highway 95 and State Highway 10, U.S. Highway 90A; thence, following U.S. Highway 29, State Highway 95 in a northwesterly direction to State Highway 196; thence, following State Highway 196 in a westerly direction to State Highway 99; thence, following State Highway 99 in a northwesterly direction to the Perdido River; thence, following the east bank of the Perdido River in a generally southerly direction to State Highway 10, U.S. Highway 90A; thence, following State Highway 10, U.S. Highway 90A in a northeasterly direction to its junction with U.S. Highway 29, State Highway 95.

(ii) That portion of Alachua County bounded by a line beginning at the junction of State Highway 236 and U.S. Highway 41, State Highway 45; thence, following State Highway 236 in a northeasterly direction to State Highway 121; thence, following State Highway 121 in a southeasterly direction to U.S. Highway 441, State Highways 20 and 25; thence, following U.S. Highway 441, State Highways 20 and 25 in a southeasterly direction to State Highway 23; thence, following State Highway 23 in a southwesterly direction to State Highway 232; thence, following State Highway 232 in a generally northwesterly direction to U.S. Highway 41, State Highway 45; thence, following U.S. Highway 41, State Highway 45 in a northeasterly direction to its junction with State Highway 236.

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

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

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

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

Done at Washington, D.C., this 2d day of February 1971.

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

[FR Doc. 71-1691 Filed 2-5-71; 8:48 am]

## Title 21—FOOD AND DRUGS

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

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

#### PART 27—CANNED FRUITS AND FRUIT JUICES

#### Canned Fruit Cocktail Identity Standard; Order Listing Slightly Sweetened Water as Optional Packing Medium

In the matter of amending the identity standard for canned fruit cocktail (21 CFR 27.40) to list slightly sweetened water as an optional packing medium:

No comments were received in response to the notice of proposed rulemaking in the above-identified matter that was published in the FEDERAL REGISTER of September 17, 1970 (35 F.R. 14557), and based on a petition filed by the California Canners and Growers, 3100 Ferry Building, San Francisco, CA 94106.

Having considered the information submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that it will promote honesty and fair dealing in the interest of consumers to adopt the proposal.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That § 27.40(c) (1) and (2) and (e) (1) be revised to read as follows:

§ 27.40 Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail; identity; label statement of optional ingredients.

(c) (1) The optional packing media referred to in paragraph (a) of this section are as follows:

- (i) Water.
- (ii) Fruit juice.
- (iii) Slightly sweetened water.
- (iv) Light sirup.
- (v) Heavy sirup.
- (vi) Extra heavy sirup.
- (vii) Light fruit juice sirup.
- (viii) Heavy fruit juice sirup.
- (ix) Extra heavy fruit juice sirup.

(2) Each of packing media in subparagraph (1) (iii), (iv), (v), and (vi) of this paragraph is prepared with water as its liquid ingredient, and each packing media in subparagraph (1) (vii), (viii), and (ix) of this paragraph is prepared with fruit juice as its liquid ingredient. Except as provided in paragraph (d) (3) of this section, each of the packing media

in subparagraph (1) (iii) to (ix) in this paragraph, inclusive, is prepared with any one of the following saccharine ingredients; Sugar; invert sugar sirup; any combination of sugar or invert sugar sirup and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar or invert sugar sirup used; any combination of sugar or invert sugar sirup and corn sirup or glucose sirup in which the weight of the solids of the corn sirup or glucose sirup used is not more than one-third the weight of the solids of the sugar or invert sugar sirup used; or any combination of sugar or invert sugar sirup, dextrose, and corn sirup or glucose sirup in which the weight of the solids of the dextrose used multiplied by two, added to the weight of the solids of the corn sirup or the glucose sirup used multiplied by three, is not more than the weight of the solids of the sugar or invert sugar sirup used. The respective densities of packing media, in subparagraph (1) (iii) to (ix) of this paragraph, inclusive, as measured on the Brix hydrometer 15 days or more after the fruit cocktail is canned are within the range prescribed for each in the following list:

Number of packing medium:	Brix measurement
(1) (iii) -----	Less than 14°.
(1) (iv) and (vii) --	14° or more but less than 18°.
(1) (v) and (viii) --	18° or more but less than 22°.
(1) (vi) and (ix) --	22° or more but not more than 35°.

(e) (1) The optional ingredients specified in paragraphs (b) (5) (ii) and (iii) and (c) (1) (i) to (ix), inclusive, of this section, are hereby designated as optional ingredients which, when used, shall be named on the label by the name whereby each is so specified.

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

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



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

Dated: January 29, 1971.

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

[FR Doc. 71-1679 Filed 2-5-71; 8:47 am]

## Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

### PART 320—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETATIVE REGULATIONS

#### Chlordiazepoxide and Its Salts and Diazepam; Findings of Fact and Conclusions of Law

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

Proposed findings of fact and conclusions of law and a tentative order in this matter were 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 findings of fact and conclusions of law and 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.

Accordingly, 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 a 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 international 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 po-

lice 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.

Proposed supplemental findings, based upon the evidence adduced at the supplemental hearing, were published in the FEDERAL REGISTER of November 24, 1970 (35 F.R. 17998) with any interested person permitted 30 days from the date of publication to file written exceptions. By a letter dated December 2, 1970, Respondent requested an extension of time for filing exceptions until January 21, 1971. On December 4, 1970, the Director, by letter, granted an extension to January 6, 1971, upon which date Respondent filed its exceptions accompanied by a brief, which included a request for oral argument on its exceptions before the Director. By letter of January 13, 1971, the request was denied on the grounds that the lengthy supplemental hearing, the size of the record developed and its written exceptions and brief presented Respondent's position with such comprehensiveness that oral argument would result in unjustified delay not in the public interest.

Upon due consideration of the exceptions to the proposed supplemental findings of fact, published November 24, 1970, the supplemental findings of fact, as amended to reflect any meritorious exceptions, are hereby incorporated with the proposed findings of fact and conclusions and tentative order, published May 21, 1969, also amended to reflect meritorious exceptions, to comprise the following final findings of fact and conclusions and final order.

#### FINDINGS OF FACT

##### THE NATURE, EFFECTS, AND USES OF LIBRIUM AND VALIUM

1. The benzodiazepines, of which chlordiazepoxide (Librium) was the first synthesized, are a new class of drugs, different chemically from the barbiturates or any other drugs known at the time of their syntheses (Zbinden, Tr. 2080-84; R-142C; R-119; Lofft, Tr. 531).

2. Chlordiazepoxide (Librium) is a benzodiazepine compound with the following chemical formula:

7-chloro-2-methylamino-5-phenyl-3H-1,4-benzodiazepine, 4-oxide hydrochloride.

It is a colorless crystalline substance; is soluble in water and its molecular weight is 336.22 (R-119).

3. Diazepam (Valium) is a benzodiazepine derivative with the following chemical formula:

7-chloro-1,3-dihydro-1-methyl-5-phenyl-2H-1,4-benzodiazepine-2-one.

It is a colorless crystalline compound insoluble in water and its molecular weight is 284.74 (R-120).

4. Experimental studies of their effects in animals were conducted by the Respondent. These tests indicated that Librium and Valium are depressant drugs having a marked calming action

on the central nervous system at lower doses. An increase in dose resulted in more pronounced effects on the central nervous system, i.e., drowsiness, motor incoordination or ataxia, and sleep. On the basis of specially designed experiments whereby excitation was induced by surgical or chemical means, or by putting the animals under stressful conditioned behavior situations, the benzodiazepines produced an antiexcitatory effect at dose levels below those that cause neurotoxicity or oversaturation, thus suggesting a usefulness in the treatment of anxiety and tension. The benzodiazepines are not generally recognized as effective sedative-hypnotic agents within the normal dosage range (Zbinden, Tr. 2199-2204; R-142; Lang (1963), R-145; Heise (1961), R-146).

5. The Respondent also presented evidence concerning the results of experimental tests on animals, designed to determine the primary site of action of the benzodiazepines. Primary site of action is defined to mean the location in the brain where a drug at the lowest dose will produce an effect. It is believed that the primary site of action of these drugs is in the subcortical structures of the brain. The precise site of action cannot be determined with certitude. Dr. Gerhard Zbinden of Roche Laboratories stated that their tests showed it to be in the hippocampus (Tr. 2187-88). However, Dr. Harold Himwich, another Respondent witness, testified that his tests showed that the area most sensitive to low doses of Librium and Valium, was in the transmission from the amygdala to the hippocampus (Tr. 2677). Moreover a doubling of the dose in these tests done at Roche Laboratories resulted in the drug effect spreading to the cortex, the area of the brain associated with judgmental functions. (Zbinden, Tr. 2187; R-142S.) When the dose was further increased the whole brain was involved (Tr. 2188).

6. Librium and Valium are widely used in the treatment of anxiety and tension, as muscle relaxants, as anticonvulsants, and as antidepressants.

7. Librium has been in general medical use since 1960. More than 6 billion capsules of the drug have been commercially distributed, and millions of patients have taken Librium since its approval by the Food and Drug Administration (Bennett, Tr. 4135-36; R-222).

8. Librium is indicated whenever fear, anxiety and tension are significant components of the clinical profile.

In low oral doses, the drug is effective in mild to moderate anxiety and tension, tension headache, preoperative and postoperative apprehension, premenstrual tension and menstrual stress, chronic alcoholism, behavior disorders in children, and whenever anxiety and tension are concomitants of gastrointestinal, cardiovascular, gynecologic or dermatologic disorders.

Skeletal muscle spasticity (resulting from spinal cord injury, congenital or acquired brain damage) and other debilitating neuromuscular disorders such as dystonia and athetosis frequently respond to Librium. Painful muscle spasm



associated with myositis, fibrositis, bursitis, tenosynovitis, arthritis, fractures, intervertebral disc syndrome, whiplash injury, low back pain or postural strains is often benefited when emotional factors are present.

In higher oral doses, Librium is of value in the more severe anxiety and tension states, agitated depression and ambulatory psychoneuroses (e.g., acute and chronic anxiety states, phobias, obsessive-compulsive reactions and schizoid behavior disorders). In addition, it may be useful in certain types of acute agitation due to chronic alcoholism or alcoholic withdrawal (including delirium tremens), hysterical or panic states, paranoid states and acute stages of schizophrenia (R-119).

9. Diazepam (Valium) is of use in dealing with anxiety reactions stemming from stressful circumstances or whenever somatic complaints are concomitants of emotional factors. It is useful in psychoneurotic states manifested by anxiety, tension, fear, and fatigue.

Valium may also be useful in acute agitation due to alcohol withdrawal.

Valium may be of use to alleviate muscle spasm associated with cerebral palsy and athetosis (R-119).

10. Librium and Valium have also been used in the treatment of epilepsy (Gibbs, Tr. 2241-42). Dr. Fredrick E. Gibbs, a renowned expert in the field of electroencephalography, testified that he found Valium most effective in the treatment of petit mal variance, a condition usually associated with very severe convulsions with neurological signs and symptoms (Gibbs, Tr. 2252). Valium has also been used in the management of status epilepticus (Gibbs, Tr. 2142-45).

11. Librium is considered by many physicians to be the drug of choice in the treatment of acute alcoholism (Chambers, Tr. 1625; Kissen (1961), R-91; Armour (1963), R-51). Librium given intramuscularly at sufficient doses suppresses and prevents a number of the symptoms of alcohol withdrawal, i.e., tremor, hallucinations, delirium tremens, and convulsive seizures. (Lofft, Tr. 532, 558; Chambers, Tr. 1625; D'Agostino, Tr. 3812-15; Armour (1963), R-51, p. 369-70; Hoff (1963), R-85, p. 152; Kissen (1961), R-91, p. 106; Morrison (1963), R-99, p. 431; Lawrence (1960), R-93). Librium does not prevent all symptoms of alcohol withdrawal but rather "makes the withdrawal from alcohol less painful" (Kendis, Tr. 2874); "makes [hallucinations] less terrifying" (Kendis, Tr. 2885; also Short and Moore (1965), R-227, p. 1204); and "calms the patient markedly, [and] diminishes anxiety and restlessness" (Rosenfield & Brizzoco (1964), R-228, p. 83).

PSYCHIC AND PHYSICAL DEPENDENCE, TOLERANCE, WITHDRAWAL SYMPTOMS, AND OTHER HAZARDS TO HEALTH AS FACTORS IN DETERMINING POTENTIALITY FOR ABUSE

12. The existence of psychic dependence is one of the elements in assessing abuse liability. Psychic dependence on a drug (habituation) has developed when

"the effects produced by a drug, or the conditions associated with its use, are necessary to maintain an optimal state of well-being" (Jaffe (1965), R-133, p. 285). It involves "a belief on the part of the subject that he must experience the effect of a drug" (Deneau, Tr. 1028). It is "a situation in which getting the drug, taking the drug, safeguarding his supply, becomes one of his major motivations in life" (Isbell, Tr. 1546).

13. The World Health Organization Expert Committee on Addiction Producing Drugs has described the problem of psychic dependence in these terms: "[Individuals] may become dependent upon a wide variety of chemical substances that produce central nervous system effects ranging from stimulation to depression. All of these drugs have one effect in common: They are capable of creating, in certain individuals, a particular state of mind that is termed 'psychic dependence'. In this situation, there is a feeling of satisfaction and a psychic drive that require periodic or continuous administration of the drug to produce pleasure or to avoid discomfort. Indeed, this mental state is the most powerful of all the factors involved in chronic intoxication with psychotropic drugs, and with certain types of drugs it may be the only factor involved, even in the case of most intense craving and perpetuation of compulsive abuse" (Eddy, et al. (1965), G-81, p. 723; Tr. 1104-05).

14. The habitual use of a substance, per se, does not necessarily imply psychic dependence. Chronic diseases such as diabetes require continual drug treatment, and this does not imply psychic dependence. (Seever (1962), R-131, p. 94; Deneau, Tr. 1035.) In sum, psychic dependence is "something more than simply symptomatic relief" (Eddy, Tr. 1105-06).

15. Substantial evidence of record establishes that individuals have developed psychic dependence to Librium and Valium. The uncontested testimony of physicians was that patients find the two drugs pleasant to take (Murray, Tr. 364; Barten, Tr. 454; Evans, Tr. 813-15, 829-30). They provide an inner sensorial feeling that is gratifying to the patient (Uzee, Tr. 907). Patients were reported to have been apprehensive about being without their supply of the medication and expressed to their physicians a reluctance to come off the drugs. Individuals have attempted unsuccessfully to discontinue taking Librium and Valium when a dependency has developed. Still other patients have gone to excessive lengths to maintain their supply of the two drugs. (Lofft, Tr. 1560; Evans, Tr. 817, 825; Uzee, Tr. 905-06; Galen, Tr. 1443-48; Chelton, Tr. 1672; Williams, Tr. 1757-59; Guile (1963), G-14; Lingjerde (1965), G-55; Wenkstetten (1965), G-91, Table 3; Kranz (1965), G-94, pp. 8-9.) This experience confirms the opinion expressed by experts that Librium and Valium are drugs to which individuals can and do develop psychic dependence. (Eddy, Tr. 1077; Isbell, Tr. 1552-54; Eddy, et al. (1965), G-81, 727.)

16. Respondent has adduced evidence by the testimony of practicing physicians and reports from the medical literature that psychic dependence to Librium and Valium has not been encountered in extensive clinical use over many years (Cohen, Tr. 324; Feldman, Tr. 3683; D'Agostino, Tr. 3819; Stanfield, Tr. 3844; Schiele, Tr. 4933; Harris & Cohen (1960), R-81; Farb (1961), R-78; Cohen and Harris (1961), R-63; Moore (1962), R-98; Reiser (1962), R-86; Bragan (1963), R-58; Levy (1963), R-95; Burnett & Holman (1965, R-61). This does not rebut the evidence introduced by the Government. The doctors appearing on behalf of the respondent were administering Librium and Valium generally at conservative therapeutic levels, not in excess of recommended doses, and were closely supervising the drug therapy of their patients.

Such evidence tends to confirm the following estimation set forth in the final report of the President's Advisory Commission on Narcotics and Drug Abuse of 1963:

Drug abuse is not a uniform problem throughout the country, and even in the areas of the highest incidence few medical practitioners come into contact with the afflicted. It is estimated that most medical practitioners never see a habitual drug abuser [G. Ex. 331, p. 57].

17. Drugs which are capable of producing euphoria are particularly susceptible to being abused. Euphoria is defined as "an exaggerated sense of well being." (21 CFR 166.2(c)(2).) The evidence establishes that euphoria has been reported following use of Librium and Valium. (Barten, Tr. 454; Chambers, Tr. 1628; Domino, Tr. 4617; Zbinden et al. (1961), R-118, pp. 627, 634; Guile (1963), G-14, p. 57; Towler et al. (1962), R-73, p. 333; Darling (1963), G-48, p. 502.)

18. The Respondent introduced the results of two experimental studies designed to explore the capacity of Librium and Valium to produce psychic dependence. The experimental procedures used in these studies are in the early stages of their development and, although promising, have produced inconclusive results.

The study reported by Gerald A. Deneau involved the self-administration of Librium to five Rhesus monkeys. He has developed equipment which permits the animal to self-administer the drug but which still restrains the animal sufficiently for the purpose of the experiment. The number of injections of a drug which an animal self-administers is electronically recorded on a strip chart, from which it is possible to compute the total doses taken by the animal during a given period of time. Of the five monkeys tested, one took essentially no drugs at all. The other four self-administered Librium to some extent on an erratic basis (Deneau, Tr. 2300). Two of the four monkeys failed to take pentobarbital—a drug with a proven abuse liability and which was used as a control in the test—in any consistent way (Tr. 2306, 2308). The remaining two monkeys showed an erratic pattern of self-administration,



sometimes taking no Librium or pentobarbital for a period of several days and then spontaneously self-administering as much as they could physically withstand (Tr. 2309-10). The experiments, which were complicated by several technical failures (Tr. 2305-07), were very difficult to interpret by Dr. Deneau (Tr. 2311).

The study reported by Alberto Di Mascio, Ph. D., involved the observation of behavior effects in humans following administration of various central nervous system drugs, including d-amphetamine, secobarbital, meprobamate, Librium, and Valium. The essential method of these studies is to administer a battery of standard tests to a group of subjects, then to administer the drug being tested to one group and placebo to another, and then to repeat the same tests, in order to compare the changes in the scores following administration of the drug, with the changes occurring after administration of the placebo. (Di Mascio et al. (1963), R-167.) The test subjects were given mild, tranquilizing doses of Librium (5 mg. t.i.d./10 mg. t.i.d.) and Valium (2 mg. t.i.d./5 mg. t.i.d.). They received high, sleep-promoting doses of secobarbital (100 mg./200 mg.) (R-170 (F) (1) and (2)). At these low dosages, Dr. Di Mascio's subjects did not report that they had experienced a euphoric-like effect (Di Mascio, Tr. 4458).

19. "Tolerance" is an adaptive process which contributes to abuse because, where it exists, a person tends continually to increase the amount of drug being taken. Tolerance has developed when, after repeated administration, a given dose of a drug produces a decreasing effect or conversely when increasingly larger doses must be administered to obtain the effects observed with the original dose (Jaffe (1965), R-113, p. 285; Deneau, Tr. 1009).

20. Tolerance occurs with a great many drugs which, on the basis of clinical experience, have been found to be both addicting and nonaddicting in character, and therefore, "the phenomenon of tolerance by itself is not a reliable index of abuse liability" (Deneau, Tr. 1010). However, "Tolerance enables the central nervous system to bear exposure to larger and larger concentrations of the drug, and it permits the optimal development of those adaptive processes, probably of a biochemical nature, which lead to physical dependence." (Seever (1962), R-131, p. 95).

21. There was evidence of reports from the medical literature that drowsiness and ataxia in patients on given doses of Librium and Valium have disappeared within a few days with no reduction in dose (Grayson (1962), G-66, p. 10; Youngblood (1964), G-75, p. 2107; Scherbel (1961), G-29, p. 280; Domino, Tr. 4698-4701).

22. There was also evidence that patients have increased their dosage in order to maintain relief of anxiety (Uzee, Tr. 913, 919; Mr. E., Tr. 494-95; Lingjerde (1965), G-55, p. 3). To date, however, there have been few such reports in the medical literature and Respondent's witnesses have testified that

tolerance to Librium and Valium has not been encountered in extensive use over many years (Gibbs, Tr. 2263-64; D. Feldman, Tr. 2532-33; Bercel, Tr. 2653-54, 2657; Scherbel, Tr. 2821; Goldman, Tr. 2914; Friend, Tr. 2937; Cohen, Tr. 3218, 3220; Schwab, Tr. 3383-84; D. Feldman, Tr. 3682; Knott, Tr. 3716; D'Agostino, Tr. 3817; Stanfield, Tr. 3844; Snell, Tr. 3884; Smith, Tr. 3924; Schiele, Tr. 4033; Greenberg, Tr. 4060). The evidence establishes that it is possible to develop tolerance to Librium and Valium but that it has not been frequently observed or reported.

23. The evidence shows that Librium has been used widely and with satisfactory results in the treatment and rehabilitation of alcoholic patients (Kendis, Tr. 2867; Rosenfeld, Tr. 3422; Hoff (1963), R-85, p. 152). There is some evidence that Valium has also been used with alcoholic patients without encountering abuse (Hoff (1963), R-85, pp. 150, 152; Burdine (1964), R-59, p. 591).

24. Although expert medical witnesses testified that they had not observed Librium or Valium to produce any sensorial effect that could be characterized as a "kick" or "high," there was substantial evidence adduced by the Government to the effect that patients with alcoholic problems had abused the two drugs either alone or in combination with alcohol to the point of intoxication. (Lofft, Tr. 536, 555, 557; Uzee, Tr. 907-08; Chambers, Tr. 1629; Chelton, Tr. 1669-70, 1673; Williams, Tr. 1741, 1747, 1749; Kjolstad (1964), R-92, p. 7.)

25. Physical dependence is a major factor in causing drug abuse. The World Health Organization Expert Committee on Addiction-Producing Drugs has defined physical dependence as "an adaptive state that manifests itself by intense physical disturbances when the administration of the drug is suspended \* \* \*. These disturbances, i.e., the withdrawal or abstinence syndrome, are made up of specific arrays of symptoms and signs of psychic and physical nature that are characteristic for each drug type. These conditions are relieved by readministration of the same drug or of another drug of similar pharmacological action within the same generic type." (Eddy et al. (1965), G-81, p. 723). The production of a withdrawal syndrome or a withdrawal illness upon discontinuation of the drug "is the only way one can demonstrate that physical dependence exists." (Deneau, Tr. 1011-12).

26. Discussing physical dependence, Dr. Martin Seever states "Among depressant drugs, the order of magnitude of abuse is: (1) Alcohol, (2) the morphine-like analgesics, and (3) the barbiturate-like sedatives. With these drugs, abuse is enhanced by the development of physical dependence, and the compulsion to continue taking the drug is reinforced by fear of the mental and physical agonies of withdrawal. However, although physical dependence is only rarely a primary factor leading to compulsive abuse, in those drugs that in-

duce it, it is a potent factor favoring continuance of abusive use." (R-131, p. 95.)

27. Nonnarcotic drugs, such as the barbiturates, which produce demonstrable physical dependence usually do so only on extremely high doses continued over a long period of time. To produce physical dependence maximally, one must administer the drug frequently enough so that the subject is under continuous drug effect, and in doses such that the effect is rather pronounced, and for prolonged periods of time. (Deneau, Tr. 1014.)

28. The demonstration of physical dependence, either experimentally or spontaneously, does not mean that the drug involved will necessarily produce psychic dependence. (Eddy, et al. (1965), G-81, p. 723.) Morphine, for example, has been administered to patients in hospitals thousands of times even over prolonged periods of time without the development of psychic dependence. This occurs because the patient accepts the drug for symptomatic relief and does not become personally involved in its administration (Eddy, Tr. 1106-07.) However, it is now generally accepted that physical dependence to a drug is a strong reinforcing factor for the development of psychic dependence (Isbell, Tr. 1555, 1565, 1569-71, 1581).

29. Dr. Leo E. Hollister directed the only controlled study to determine whether it is possible to produce withdrawal reaction from Librium. In this study large doses of Librium, several times the customary therapeutic dosage levels, were administered to 38 patients, most of whom were schizophrenics, over a 6-month period. In 11 of these patients, treatment with the drug was abruptly terminated by substituting a placebo, in a conscious attempt to determine whether they would experience withdrawal symptoms. The dosage used in these 11 patients ranged from 300 to 600 mgs. daily; six patients received the latter dose. Duration of treatment varied from 2 to 6 months, 10 patients having been treated for 5 months or longer (G-16A, p. 64).

30. Dr. Hollister has summarized his observations as follows: "When they were withdrawn we found that 10 out of 11 patients experienced new symptoms or signs which could have been due to drug withdrawal. I emphasize 'could have been' because many of the symptoms of drug withdrawal are similar to those one ordinarily treats with these drugs, and there is also a problem in determining which is which." (Tr. 301-02.) "Although differentiating withdrawal reactions from recrudescence psychiatric symptoms after drug withdrawal is always difficult, a number of factors favored the former interpretation of the newly appearing symptoms and signs. First, the frequency (10 of 11 patients) of new symptoms or signs soon after withdrawal. Second, their coincidence with decreasing plasma levels of drug. Third, postwithdrawal seizures in two patients. Fourth, a slower onset and subtler development of this syndrome



than that from meprobamate or barbiturates. This difference is consonant with the slower decline in plasma levels of chlordiazepoxide, whose half-life is 48 hours as compared with 24 hours for meprobamate (Hollister and Glazener, 1960b). (Hollister (1961), G-16A, p. 67.)

31. Dr. Hollister stated that the withdrawal reactions "in general \* \* \* would resemble withdrawal to alcohol, barbiturates or meprobamate, with the major distinguishing feature being the timing. The withdrawal syndrome here was attenuated and delayed. Instead of getting all symptoms early, as you usually get with the other drugs, within 24 to 48 hours, you did not begin to develop symptoms until after 48 hours. Then they appeared somewhat subtly and insidiously." (Tr. 307).

32. Dr. J. L. Bennett conducted a study in which Valium was administered to groups of schizophrenic patients for a period of 6 weeks (Hollister, Bennett, et al. (1963), G-69). The purpose of the study was "to test the effect after the completion of 6 weeks \* \* \* of abrupt withdrawal of the drug from the patient, by the substitution of an inert placebo medication so that the patient was not aware the drug was being withdrawn." (Bennett, Tr. 229). These patients were given 30 mg. of Valium per day for the first week, with the dosage being progressively increased to 60 mg. per day, 80 mg. per day, and finally reaching 120 mg. per day in the fourth week of the study. In 13 patients the drug was abruptly stopped. Dr. Bennett described symptoms in six of the 13 patients which he attributed to the abrupt withdrawal of the drug, including one who had pre-convulsive symptoms of tenseness, rigidity, and loss of consciousness and another who had a grand mal seizure on the 8th day after withdrawal. Defining physical dependence as a state in which such physical symptomatology is manifested upon withdrawal, he concluded that such physical dependence could develop with Valium "at the dosage that was used" (Tr. 234).

33. Librium and Valium have been taken in excessive amounts for extended periods of time by individuals to the point that they have become physically dependent on the drug. When use of the drugs has been abruptly discontinued, some of these persons have experienced symptoms associated with the barbiturate abstinence syndrome (see Lofft, Tr. 534-35, 541; Eddy, Tr. 1096-97; Isbell, Tr. 1547-48; G-81, pp. 725-26; R-133, p. 297). These symptoms as evidenced include:

(a) Increased tension and anxiety (Mr. E., Tr. 561-62; Lofft, Tr. 546; Uzee, Tr. 919; Williams, Tr. 1747, 1749, 1750-51);

(b) Insomnia (Lofft, Tr. 544, 548-49; Williams, Tr. 1749);

(c) Restlessness (Barten, Tr. 448; Lofft, Tr. 543; Chelton, Tr. 1673; Williams, Tr. 1747, 1748, 1754);

(d) Tremulousness (Lofft, Tr. 543; Uzee, Tr. 908-09, 921);

(e) Muscle spasms (Mr. E., Tr. 502; Lofft, Tr. 544, 546);

(f) Hallucinations (Barten, Tr. 447-48; Lofft, Tr. 540-41; Uzee, Tr. 915; Williams, Tr. 1744);

(g) Grand mal seizures (Bennett, Tr. 241; Hollister, Tr. 305; Barten, Tr. 448; Lofft, Tr. 540, 611; Williams, Tr. 1751-52); and

(h) Confusion and disorientation (Barten, Tr. 447-48; Lofft, Tr. 540-43; Uzee, Tr. 907-08, 921).

34. Dr. John G. Lofft, a psychiatrist and specialist in the treatment of alcoholism and allied addictions, testified that the abstinence syndrome associated with Librium and Valium withdrawal compares to that experienced after abrupt withdrawal from barbiturates (Tr. 550). It is characterized in its mildest form by insomnia and increased anxiety (Tr. 548-49). When the patient has been taking elevated doses for long periods of time the withdrawal syndrome is marked by restlessness, tremulousness, muscle pains, perspiration, hallucinations, and sometimes, although not frequently, convulsive seizures (Tr. 540, 543, 547). The severity of the withdrawal is dependent upon the degree of dependence, and the amount of drug the person has been taking (Tr. 551-52; Jaffe (1965), R-133, p. 289). Librium-Valium withdrawal differs from the barbiturate withdrawal syndrome in that it persists over a longer period of time (Lofft, Tr. 550-51).

35. The evidence also indicates that those individuals who showed signs of Librium or Valium dependence usually had experienced difficulty with similar drugs before—most often alcohol (Lofft, Tr. 553; Evans, Tr. 820; Uzee, Tr. 905; Chambers, Tr. 1626-29; Chelton, Tr. 1670, 1674). These "dependent personalities", as they have been characterized, look for chemical solutions to a variety of problems. They will reduce a dependency on alcohol by moving to a different but related dependency (Lofft, Tr. 552-53). Sometimes the pattern of dependency is multiple in nature, e.g., Librium and alcohol together, Librium and a barbiturate, etc. (Lofft, Tr. 536; Evans, Tr. 819-20; Uzee, Tr. 907; Isbell, Tr. 1558; Chambers, Tr. 1632; Chelton, Tr. 1671; Williams, Tr. 1741).

36. Substantial evidence of record demonstrates that Librium and Valium taken in excessive doses produce intoxication which is manifested by staggering gait, drowsiness, slurred speech, and poor coordination (Bennett, Tr. 241-42; Barten, Tr. 447; Lofft, Tr. 539-40, 555; Evans, Tr. 812, 823-24; Galen, Tr. 1434-37; Chelton, Tr. 1669-70, 1673-75; Lemere (1960), G-20; J. Miller (1962), G-22; Murray (1960), G-23; Barten (1965), G-42).

37. There was further evidence that Librium at moderate doses has some effect upon judgment and that at elevated doses it may reasonably be expected to impair a person's ability to operate an automobile with normal alertness required to insure safety (Bennett, Tr. 242; Murray, Tr. 329-45; Lofft, Tr. 554; Eddy, Tr. 1097; Chelton, Tr. 1675; J. Miller, Tr. 3349-54, 3374-75; J. Miller (1962), G-22; Murray (1960), G-23).

38. There was some evidence indicating that Librium may produce a paradoxical rage reaction, i.e., an excitable and exhilarated state whereby the individual may become a danger to himself and to others. This reaction has been manifested in isolated instances by a hostile and irritable mood to a point where the person taking Librium has become violent and has physically threatened the lives of others (Murray, Tr. 355-56, 357-59, 360-63; Barten, Tr. 447; Lofft, Tr. 558; Gibbs, Tr. 2254-55; Stanfield, Tr. 3860-61; Murray (1962), G-24; Bowes (1965), G-44, p. 338; Krakowski (1963), G-51, p. 49; Dean (1962), R-70, p. 4).

39. Some physicians have prescribed Librium and Valium extensively for a wide variety of patients and have never encountered any difficulty in discontinuing the drugs or observed any withdrawal reaction. (Gibbs, Tr. 2258; D. Feldman, Tr. 2531; Rothman, Tr. 2586, 2622; Bercel, Tr. 2661-63; Scherbel, Tr. 2803; Goldman, Tr. 2912; Friend, Tr. 2936; Cohen, Tr. 3217, 3219-20, 3228; Meverson, Tr. 3653-54; P. Feldman, Tr. 3683, 3690; Knott, Tr. 3717; Stanfield, Tr. 3849; Snell, Tr. 3888; Smith, Tr. 3925; Schiele, Tr. 4033; Greenberg, Tr. 4060; Bitman (1966), G-62). But this is not surprising since overt evidence of physical dependence to any of the sedative drugs is not seen unless the individual has maintained a concentration in his organism well above the therapeutic level (Eddy, Tr. 112-13). Also see Finding No. 16.

#### DIVERSION FROM LEGITIMATE DRUG CHANNELS

40. The evidence indicates that some pharmacists are distributing amounts of Librium without authorization from physicians. During a 5-year period extending from 1961 through 1965, U.S. Food and Drug Administration records show that there were 35 completed prosecutions involving the drug chlordiazepoxide, all of which were terminated in convictions. These 35 cases involved 132 illegal buys of the drug, made either without a prescription or as requests for a refill when no refill was authorized. Investigation in three of these cases was initiated following complaints that a druggist had illegally dispensed Librium. (Clevenger, Tr. 1846.) At the close of the investigations in 14 of these cases, Food and Drug Inspectors checked the records, invoices, and prescription files of the drugstores involved. On the basis of investigation it was estimated that in each case between 47 percent and 100 percent of the pharmacies' supply of chlordiazepoxide had been dispensed without authorization of a physician. An average of 75 percent of the total amount of the drug dispensed by the pharmacists involved in these instances could not be accounted for. This amounted to over 54,000 capsules (Clevenger, Tr. 1799-1807, 1815, 1834-36; G-268). See also Ashcraft, Tr. 1158, 1519; Witness X, Tr. 1895-97 for other evidence to the same effect.



41. In the foregoing connection, Agent "X", a regular employee of the Bureau of Drug Abuse Control, testified to illegal purchases made by him of five 25 mg. capsules of Librium from one "S.H." on August 19, 1966 (Tr. 1891) and another of thirty 25 mg. Librium capsules on August 23, 1966 (Tr. 1896) from a pharmacist.

42. Another FDA employee, Agent "Y", stated that he purchased one hundred 10 mg. capsules of Librium from a heroin addict on August 30, 1966, 2 days before he testified in this case (Tr. 1907).

43. Also, Mr. "B", a "part-time employee of the Food and Drug Administration and part-time hotel clerk, in Kansas City" (Tr. 1210), testified concerning six sales of Librium observed by him at various bars and on the street in Kansas City, Mo. These cases are pending and there have been no convictions. (Tr. 1217-1232; Ashcraft, Tr. 1166-69.)

44. Respondent, on the other hand, adduced evidence on the subject of illicit traffic through witnesses; Alfred J. Murphy, Senior Inspector, Drug Control Section, Division of Food and Drugs, Massachusetts Department of Mental Health (Tr. 3749); Lt. James Hitchcock, Commanding Officer, Intelligence Unit, Kansas City Police Department (Tr. 3625); John E. Storer, Chief, California Bureau of Narcotic Enforcement (Tr. 3601); Willis A. Roose, Chief, Drug Section, Food and Drug Division of the Indiana State Board of Health (Tr. 3528) and Robert Merritt, Supervisor, Division of Investigation, California Department of Professional and Vocational Standards (Tr. 3463). These investigators testified that they had not encountered a significant illicit traffic in Librium in their communities. However, some diversion of the drug had been encountered. (Murphy, Tr. 3760-67; Hitchcock, Tr. 3637-38, 3643; Roose, Tr. 3539-40.)

45. There is evidence that individuals have obtained chlordiazepoxide in excess of the amounts prescribed and without authorization of a physician by:

(a) Returning for a renewal of a prescription before the supply of the drug would normally have run out (Mr. E., Tr. 496; Perras, Tr. 690-91; Lash, Tr. 723-24);

(b) Obtaining concurrent prescriptions for the drug from several physicians (Perras, Tr. 691; Lash, Tr. 722-23; Sagansky, Tr. 987-89; Galen, Tr. 1433, 1440; Williams, Tr. 1749, 1759);

(c) Receiving it from relatives and friends (Williams, Tr. 1748, 1750, 1759; Rothman, Tr. 2607; G-101, G-193);

(d) Illegal purchases of the drug (Cohen, Tr. 833-96; Mr. B., Tr. 1219, 1223, 1227-28; Fenton, Tr. 1395; Chambers, Tr. 1630); and

(e) Stealing the drug (G-112; G-113; G-178).

46. Patients have increased the prescribed dosage of Librium on their own initiative for the relief of anxiety (Murray, Tr. 360; Mr. E., Tr. 494-95; Uzee, Tr. 908; Galen, Tr. 1434-38; Chelton, Tr. 1670, 1671, 1673; Williams, Tr. 1748, 1749, 1751; Guile (1963), G-14; Lingjerde (1965), G-55; G-112; G-113).

#### INDIVIDUALS TAKING DRUG ON THEIR OWN INITIATIVE RATHER THAN ON THE BASIS OF MEDICAL ADVICE

47. The evidence herein indicates that Librium and Valium have been taken in large amounts in what appeared to be suicide attempts (Spellman, Tr. 649-51; Lash, Tr. 714-15, 719; Galen, Tr. 1440-42; Verhulst, Tr. 1488-1505; Chambers, Tr. 1633-36; Berce, Tr. 2666; Stanfield, Tr. 3857-60; Clarke, et al. (1961), G-6; Ehlers (1963), G-9; Gilbert (1961), G-13; Smith (1961), G-32; Bowers (1965), G-44; Kranz (1965), G-94, p. 11; G-99; G-225(B); G-226(B); G-227(B); G-261; G-262; G-282; G-288; G-289; G-290; Stanfield (1961), R-111; Zbinden (1961), R-118; Boxall (1966), 198).

48. Studies of suicide and attempted suicide, and their general patterns, have been reported in the medical literature and were introduced into evidence (Hirsch, Zauder and Drolette, "Suicide Attempts with Ingestants", Archives of Environmental Health, Vol. 3, July-December 1961, p. 212 (G-93); Graham, J. D. P., "The Diagnosis and the Treatment of Acute Poisoning" (extracts), Oxford Medical Publications, 1962 (R-219); *ibid.* (Ch. 19), "Attempted Suicide by Poisoning" (R-219A)). These studies were supplemented in the evidence in this proceeding by the testimony of Dr. James A. Knight, Professor of Psychiatry and Assistant Dean of the Tulane University School of Medicine (Tr. 4351). Rather definite patterns exist across the spectrum of population, and what may be expected can be predetermined within these patterns regardless of the agent employed. There are demonstrable differences in age, sex, and occupation groups. The pattern of unsuccessful attempts is different from that where the attempt was successful (R-226). The distribution of the cases of attempted suicide with Librium and Valium both by age and sex, conforms to the distribution shown in these studies, and that generally encountered in medical practice (Knight, Tr. 4346-47).

49. The testimony produced at the hearing dealing with cases in which Librium or Valium have been taken in a suicidal attempt or gesture, including that of the Government's witnesses, shows that these drugs appear sometimes as an agent used in suicidal attempts for the very reason of their known safety for the use with a patient population in which there is a high incidence of such attempts (Lash, Tr. 739; Knight, Tr. 4354; Snell, Tr. 3887).

50. The Government has not contended that either Librium or Valium caused a patient to attempt suicide.

51. Numerous reports from the medical literature indicate that individuals have recovered following large overdoses of Librium and Valium (Clark (1961), G-6; Gilbert (1961), G-13, p. 309; Schaefer (1962), G-28, p. 164; Smith (1961), G-32; Ehlers (1963), G-9). However, this does not minimize the evidence that intentional overdoses of either Librium or Valium taken alone or together with other sedative drugs (including alcohol), have depressed the

central nervous system to the point of causing stupor, semicoma, coma, and in some instances, death. (Spellman, Tr. 649-51; Lash, Tr. 720; Snoddy, Tr. 1132-40; Galen, Tr. 1441; Chambers, Tr. 1633-36; Gilbert (1961), G-13; Schaefer (1962), G-28; G-99 (b) through (k); G-121; G-129; G-136; G-139; G-150; G-154; G-156; G-157; G-158; G-197; G-221 (a) through (i); G-225(B) (40), (48), (49), (54), (61), (63), (71), (74), (78), (81), (87), (88), (91), (97); G-226 (b) (6), (7), (9), (11), (15); G-227(B), (1), (5), (10); G-241; G-259; G-261 (1), (4), (5), (7), (10), (12), (13), (15), (20), (21), (22), (23), (25), (28), (29), (30), (32), (36), (37), (40), (50), (52), (54), (55), (58); 262 (3), (4), (7), (8), (9), (12), (23), (24); G-288; G-289; G-290.)

52. The evidence indicates that individuals who abuse or misuse drugs sometimes use Librium or Valium in what are apparently self-medication efforts to "crash" from amphetamine intoxication (Loneragan Tr. SL-8 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 (Loneragan 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 Tr. S-124, S-128; Ungerleider Tr. S-155; D. Smith Tr. S-400-401; Rosenfeld Tr. S-857, S-860-861, S-863-864).

53. 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).

54. 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).

55. Within the medical community, self-medication with Librium, Valium,

<sup>1</sup> 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-70-80 for a drug abuser's definition.)

<sup>2</sup> 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 Loneragan, 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 Loneragan and "Mr. X," will be prefixed by the letters "SL" and "SX", respectively.



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).

56. 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 for this purpose 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. S-328-329, 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 Tr. R-82; Hollister Tr. S-264-265; Miller Tr. S-328-329; Myerson Tr. 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.)

57. 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-652-653; 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).

58. 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 Tr. S-61-63; L. Smith Tr.

S-81; Beckett Tr. S-126; D. Smith Tr. S-388, S-397).

#### EVIDENCE OF SIMILARITY IN ACTION OF VALIUM TO LIBRIUM

59. The evidence is conclusive that Valium, a more recently marketed drug, is similar in its effect on the central nervous system to that of Librium. Valium is a chemical analog of Librium which shows some quantitative but no significant qualitative differences from Librium (Hollister, Tr. 316; Shideman, Tr. 1301; Zbinden, Tr. 2214-15; Scherbel, Tr. 2796-2803; Schwab, Tr. 3381-88; Darling (1963), G-48; R-119; R-120). Those differences that were noted are not qualitative in nature and at best are of clinical significance only (Chambers, Tr. 1652-53; Gibbs, Tr. 2242, 2245; P. Feldman, Tr. 3678-79; Bowes (1965), G-44, p. 336; Darling (1963), G-48, p. 503).

60. The World Health Organization Expert Committee on Addiction-Producing Drugs has classified drug dependence according to drug types, i.e., drug dependence of the morphine type, of the barbiturate-alcohol type, of the cocaine type, etc. (Eddy, et al. (1965), G-81). This classification is based partly on the ability of drugs within the group to substitute one for another (Isbell, Tr. 1549). Substitution in the context refers to the ability of one drug to suppress partially if not completely the withdrawal symptoms of another drug (Isbell, Tr. 1549). This same phenomenon has been referred to as cross-dependence (Jaffe (1965), R-133, p. 289). Relying on this theory, physicians, as a matter of course, treat patients who show physical dependence on a certain drug by substituting in gradually tapered doses a more manageable drug of the same group (Jaffe (1965), R-133, p. 289). In explanation there was expert medical testimony that drugs which depress the central nervous system act upon different neurons in the brain but that certain drugs have their effect within the same neuronal system (Domino, Tr. 4550-55).

61. The substantial evidence of record establishes that Librium and Valium are among those sedative drugs which substitute for the barbiturates and alcohol. Animal studies demonstrated that Librium effectively suppresses the barbiturate withdrawal syndrome. Further, considerable clinical experience in the treatment of acute alcoholism shows that the benzodiazepines, particularly Librium, effectively suppress the symptoms of the abstinence syndrome in alcoholic withdrawal. (Lofft, Tr. 532; Deneau, Tr. 998-1007; Isbell, Tr. 1586-87; Chambers, Tr. 1624-25; Thomas and Freedman (1964), G-295; D'Agostino, Tr. 3812-15; Domino, Tr. 4648-52, 4717-70; Deneau, G-235; Armour (1963), R-51; Burdine (1964), R-59, p. 591; Kissen (1961), R-91; Morrison (1963), R-99; Jaffe (1965), R-133.)

62. There was expert medical testimony to the effect that individuals who abuse barbiturates or alcohol can be expected to turn to Librium and Valium whenever their drugs of choice are not readily available because the benzodiazepines are known to produce similar effects, to sustain physical dependence of

the barbiturate-alcohol type and to prevent barbiturate-alcohol withdrawal. Likewise it is reasonable to assume that they will use Librium and Valium to reinforce the effects of barbiturates and alcohol (Isbell, Tr. 1556-58, 1577-79).

63. The legislative history of the amendments reflects the expectation of Congress, in enacting this legislation, that Librium and similar tranquilizing drugs, would be expeditiously brought under the control of the amendments because of their potential for abuse. Testimony taken before the House Committee on Interstate and Foreign Commerce demonstrated the need for bringing Librium under these controls. (House Report No. 130, 89th Congress.) This committee considered the advisability of listing chlordiazepoxide (Librium) among others by name, but decided not to single out this or any other drug. The committee, however, stated that it expected the Secretary of Health, Education, and Welfare to take early action with respect to the consideration of bringing Librium and other drugs within the controls of the amendments. A similar expectation was expressed by the Senate Committee on Labor and Public Welfare. (Senate Report No. 337, 89th Congress.) (G-228, pp. 2-3; G-229, p. 13; G-230, pp. 24, 33, 38, 43-53, 54-56, 91-92, 101-105, 115-121.)

#### CONCLUSIONS OF LAW

1. The Drug Abuse Control Amendments of 1965 were intended to protect the public health and safety by establishing special controls for depressant and stimulant drugs. This protection was to be accomplished through increased recordkeeping and inspection requirements, through providing for control over intrastate traffic in these drugs because of its effect on interstate traffic, and through making possession of these drugs, other than by the user, illegal outside of the legitimate channels of commerce.

2. Chlordiazepoxide (Librium) and diazepam (Valium) are drugs with a depressant effect on the central nervous system. They may be legitimately dispensed only upon the prescription of a practitioner licensed by law to administer such drugs, and in full conformity with section 503(b) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 353(b).

3. The substantial, probative, and reliable evidence of record establishes that chlordiazepoxide (Librium) due to its depressant effect on the central nervous system has been abused in the past in the following ways:

(a) There has been significant use of chlordiazepoxide (Librium) in amounts sufficient to create a hazard to the health of the individual and to the safety of other individuals and the community.

(b) There has been significant diversion of chlordiazepoxide (Librium) from legitimate channels.

(c) There has been significant use of Librium by individuals on their own initiative rather than on the basis of medical advice from a practitioner licensed



by law to administer such drugs in the course of his professional practice.

4. Due to the past history of abuse of chlordiazepoxide (Librium), because of its established capacity to substitute for other sedative drugs which are known to be abused and which are now subject to increased controls of the amendments, it is reasonable to conclude that the abuse of chlordiazepoxide (Librium) will continue to increase unless this drug is similarly brought under the control of the amendments.

5. The substantial, probative, and reliable evidence of record establishes that diazepam (Valium) due to its depressant effect upon the central nervous system has been abused in the past in the following manner:

(a) There has been significant use of diazepam in amounts sufficient to create a hazard to the health of the individual and to the safety of other individuals and the community.

(b) There has been significant use of diazepam (Valium) by individuals on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer such drugs in the course of his professional practice.

6. Diazepam (Valium), the newer drug, is so related to chlordiazepoxide (Librium), a drug for which there is considerable evidence of continuing abuse as to make it likely that it will have the same potentiality for abuse.

7. Due to past history of abuse of diazepam (Valium), because of its close relation to chlordiazepoxide (Librium), and because of its established capacity to substitute for other sedative drugs which are known to be abused and which are now subject to controls under the provisions of the Drug Abuse Control Amendments of 1965, it is reasonable to conclude that the abuse of diazepam (Valium) will continue to increase.

8. Chlordiazepoxide (Librium) and diazepam (Valium) are drugs which because of their depressant effect on the central nervous system, have a substantial potential for significant abuse within the meaning of the Amendments, 21 U.S.C. 321(v) (3).

9. Chlordiazepoxide (Librium) and diazepam (Valium) are "depressant or stimulant drugs" within the meaning of 21 U.S.C. 321(v), and are therefore subject to the provisions of 21 U.S.C. 360a. Any drug which contains any quantity of chlordiazepoxide or diazepam is a "depressant or stimulant drug" within the meaning of 21 U.S.C. 321(v) (3) and is also subject to the provisions of 21 U.S.C. 360a.

Therefore, it is ordered, That the stay of effectiveness announced May 17, 1966 (31 F.R. 7174), on the listing of chlordiazepoxide and its salts and diazepam in § 166.3(c) (1) [redesignated § 320.3(c) (1)] as a drug subject to control under the Amendments by the order of March 19, 1966 (31 F.R. 4679), be ended.

It is further ordered, That upon the date on which this order takes effect the applicable provisions of the Comprehensive Drug Abuse Prevention and Control

Act of 1970 (Public Law 91-513) shall apply. Chlordiazepoxide and its salts and diazepam shall be designated as drugs subject to control under schedule IV (21 U.S.C. 812(c)) of the Act and the applicable regulations shall be amended accordingly.

This order shall become effective 90 days from the date of publication in the FEDERAL REGISTER.

Dated: January 30, 1971.

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

[FR Doc. 71-1664 Filed 2-5-71; 8:46 am]

## Title 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[FCC 71-102]

#### PART 0—COMMISSION ORGANIZATION

##### Establishment of a Spectrum Management Task Force

Order. 1. In recent years, the non-government radio communication services have grown tremendously, placing heavy demands on the radio spectrum and resulting in frequency congestion, particularly in heavily populated areas. Several years ago, the Commission began a program to alleviate this situation by first increasing the number of communications channels through channel splitting or shared use and, second, by studies to devise methods of more effective spectrum utilization.

2. The results of a major study for the Commission by Stanford Research Institute concerning Land Mobile Spectrum Utilization (supported by conclusions and recommendations of the President's Task Force on Telecommunications Policy and a report by the Joint Technical Advisory Committee on Spectrum Engineering) indicate that more effective utilization of the spectrum can be obtained by introducing systems engineering concepts and by decentralized or regional frequency management, which recognizes that each area has unique economic, social, demographic and other factors which must be considered in making frequency assignments. Under this approach, regional spectrum management centers will have the capability of monitoring actual channel occupancy and, through a computerized system with a comprehensive data base, assigning the most useful frequencies to Commission licensees. The feasibility of the system has been indicated by the aforementioned studies. The Commission must now organize its resources to design, test and implement this new Spectrum Management Program.

3. In view of the transitional and developmental nature of this program, and the need for flexibility and a concerted effort, we have established a Spectrum Management Task Force, located within

the Office of Chief Engineer. This Task Force is responsible for developing policies, plans, systems, and procedures for the Spectrum Management Program and for establishing regional spectrum management centers. After the developmental and testing phases of this program have been completed, the functions and activities of the Task Force and the regional centers will be incorporated into the Commission's permanent organizational structure for continued operation and implementation of such additional regional centers as may be desirable.

4. The amendments set forth below relate to internal Commission organization and practice so that the prior notice provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply, and the amendments can be made effective immediately. Authority for the promulgation of those amendments is contained in sections 4(i), 5(b), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 155(b), and 303(r).

Accordingly, it is ordered, Effective February 10, 1971, that the rules and regulations of the Commission are amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: February 1, 1971.

Released: February 2, 1971.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 0.31, a new paragraph (m) is added, to read as follows:

#### § 0.31 Functions of the Office.

(m) To develop and initially implement a system of decentralized frequency management.

2. In § 0.32, a new paragraph (f) is added, to read as follows:

#### § 0.32 Units in the Office.

(f) Spectrum Management Task Force.

3. A new § 0.38 is added, to read as follows:

#### § 0.38 Spectrum Management Task Force.

The Spectrum Management Task Force is responsible, in coordination with the respective bureaus which have primary responsibility for the radio services involved, for development of a Spectrum Management Program designed to provide more effective and efficient use of the radio spectrum through the introduction of system engineering concepts and decentralized frequency assignment techniques; makes recommendations to

<sup>1</sup> Commissioner Johnson concurring in the result.



the Chairman and Commission on policies, rules and regulations concerning decentralized frequency management; carries out research and development projects and systems engineering projects required to implement the Spectrum Management Program; develops data banks and data processing systems for decentralized frequency management; and establishes and operates regional spectrum management centers.

[FR Doc.71-1666 Filed 2-5-71; 8:46 am]

[No. 58468]

## PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

## PART 23—INTERNATIONAL FIXED PUBLIC RADIOCOMMUNICATION SERVICES

### PART 25—SATELLITE COMMUNICATIONS

#### Miscellaneous Amendments

*Order.* 1. Preparatory to the reprinting of the revised edition of Volume VII of the Commission's rules and regulations, numerous editorial changes were made in Parts 21, 23, and 25. The majority of the changes involve substituting the term "hertz (Hz)" for the term "cycles per second (c/s)" in its various forms.

2. Adoption of these changes is desirable in order to clarify the rules, make them uniform as to usage and terminology, delete obsolete material, and otherwise improve them from an editorial standpoint. Since the changes are editorial in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 539) are not applicable. The changes below are included in the revised edition of Volume VII currently on sale at the Superintendent of Documents, U.S. Government Printing Office.

3. *Accordingly, it is ordered.* Pursuant to authority contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, and § 0.261(a) of the Commission's rules and regulations, that effective February 10, 1971, Parts 21, 23, and 25 are amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: January 28, 1971.

Released: January 29, 1971.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

Chapter I of Title 47 of the Code of Federal Regulations is amended with respect to Parts 21, 23, and 25. The terms listed below are substituted throughout:

GHz for Gc/s gigahertz for gigacycles,  
Hz for c/s hertz for cycles per second,  
kHz for kc/s kilohertz for kilocycles,  
MHz for Mc/s megahertz for megacycles.

The following additional changes are also made:

A. In Part 21—Domestic Public Radio Services (Other than Maritime Mobile):

1. In § 21.14 (i) and (j), the address "Director, Telecommunications and Electronics Branch, Department of Transport, Ottawa, Ontario, Canada," is corrected to read "Director, Telecommunications Regulations Branch, Department of Communications, Ottawa, Ontario, Canada."

2. Section 21.101(a) is amended by substituting "2,110 to 2,200" for "2,110 to 2,220" in the first column of the chart under the heading "Frequency range (MHz)".

3. In § 21.109, the parenthetical reference at the end of paragraph (b) is amended to read, "(c.f. §§ 21.15(g) and 21.121(c))".

4. In § 21.120(b), "Part C" is deleted at the end of the second sentence.

5. In § 21.121, the parenthetical reference at the end of paragraph (d) is amended to read, "(c.f. §§ 21.15 and 21.121(c))".

6. In § 21.509, the parenthetical reference at the end of paragraph (h) is amended to read, "(See § 21.14 (i) and (j))".

7. In § 21.519(a) reference to § 17.3 in the first sentence is corrected to read "§ 17.7".

B. In Part 23—International Fixed Public Radiocommunication Services:

1. In § 23.53, the following proviso is added at the end of introductory paragraph (a): " \* \* \* *Provided, however,* That the licensee, upon institution of addressed press service to any point, shall promptly notify the Commission of the following: "

[FR Doc.71-1667 Filed 2-5-71; 8:46 am]

## Title 14—AERONAUTICS AND SPACE

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

[Docket No. 10822; Amdt. 39-1154]

#### SUBCHAPTER C—AIRCRAFT

### PART 39—AIRWORTHINESS DIRECTIVES

#### British Aircraft Corp. Viscount Models 744, 745D, and 810 Series Airplanes

A failure of the left elevator servo tab system has occurred on a British Aircraft Corp. Viscount Model airplane. The failure was caused by a complete fracture of the shank of spigot bracket, P/N 70120-367, which attaches the elevator spring service tab system bellcrank to the left elevator torque tube. In view of the serious consequences of such a failure and since this condition is likely to exist or develop in other airplanes of the same type design, an Airworthiness Directive (AD) is being issued to require repetitive inspections of the bracket and replacement of defective brackets.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedures thereon are impracticable and good

cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

BRITISH AIRCRAFT CORP. Applies to Viscount Model 744, 745D, and 810 Series airplanes.

Compliance required as indicated.

To prevent failure of the elevator spring servo tab control mechanism accomplish the following:

(a) Within the next 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 1,000 hours' time in service before the effective date of this AD, visually inspect the shank of spigot bracket, P/N 70120-367, which attaches the elevator spring service tab system bellcrank to the left elevator torque tube, for evidence of corrosion.

(b) Before the accumulation of 12,000 hours' time in service on spigot bracket, P/N 70120-367, or within the next 100 hours' time in service after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 12,000 hours' time in service from the last inspection or replacement, remove spigot bracket, P/N 70120-367 from the airplane, and either (1) replace the spigot bracket with a new bracket of the same part number, or (2) visually inspect the shank of the spigot bracket for evidence of corrosion, and if no evidence of corrosion is found inspect the shank for cracks using the magnetic flow detection saturation method in accordance with British Aircraft Corp. wire SS922V dated January 25, 1970, or an FAA-approved equivalent.

(c) If evidence of corrosion is found during the inspections required by paragraph (a) and subparagraph (b)(2) of this AD, or cracks are found during the inspections required by subparagraph (b)(2) of this AD, before further flight, replace the spigot bracket with a new bracket of the same part number.

(d) Operators who have not kept records of hours' time in service on individual spigot brackets, P/N 70120-367, shall substitute airplane hours' time in service in lieu thereof.

NOTE. It is requested that the results, positive and negative, of the inspection required by this AD be reported, in writing, to the Chief, Aircraft Certification Staff, FAA Europe, Africa, and Middle East Region, c/o American Embassy, APO New York, NY 09667.

(Reporting approved by the Bureau of the Budget, BOB No. 04-R-174)

This amendment becomes effective February 6, 1971.

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

Issued in Washington, D.C., on February 5, 1971.

JAMES F. RUDOLPH,  
Director, Flight Standards Service.

[FR Doc.71-1776 Filed 2-5-71; 10:07 am]

#### SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 10803; Amdt. 95-203]

### PART 95—IFR ALTITUDES

#### Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR



altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective March 4, 1971, as follows:

1. By amending Subpart C as follows:

Section 95.638 *Blue Federal airway 38* is amended to read in part:

*From, to, and MEA*

Sisters Island, Alaska, LF/RBN; Chilkat INT, Alaska; 7,300.  
Chilkat INT, Alaska; Haines, Alaska, LF/RBN; 9,000.

Section 95.1001 *Direct routes—United States* is amended to delete:

Biscayne Bay, Fla., VOR; INT, 008° M rad, Bimini, Nassau, VOR and 036° M rad, Biscayne Bay, Fla., VOR (via Control 1150), \*9,000. \*1,300—MOCA.

Orlando, Fla., VORTAC; Tico INT, Fla.; 18,000. MAA—45,000.

Squid INT, Fla.; Barraouda INT, Fla. (via Control 1386); \*15,000. \*1,000—MOCA.  
Conifer INT, Colo.; Webster DME Fix, Colo.; \*16,000. \*14,500—MOCA. MAA—37,000.

Section 95.1001 *Direct routes—United States* is amended by adding:

Greater Southwest, Tex., VOR; McAlester, Okla., VOR; \*4,000. \*2,500—MOCA.  
Glenwood Springs INT, Colo.; \*Basalt INT, Colo.; 13,600. \*14,500—MCA Basalt INT, eastbound. MAA—25,000.

Basalt INT, Colo.; Holy Cross INT, Colo.; \*15,500. \*14,500—MCA Basalt INT, eastbound. \*14,100—MOCA. MAA—25,000.  
Webster INT, Colo.; Conifer INT, Colo.; \*16,000. \*14,500—MOCA. MAA—37,000.

San Jose, Calif., VOR; \*College INT, Calif.; 4,000. \*4,000—MCA College INT, southeastbound.  
College INT, Calif.; Napa, Calif., VORTAC; 3,500.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Browntown INT, Ga.; Brunswick, Ga., VOR; \*1,500. \*1,400—MOCA.

Cox INT, Ga.; Browntown INT, Ga.; \*2,500. \*1,300—MOCA.

Gateway INT, Fla.; Carolina Beach, N.C., LF/RBN (via Control 1150); \*2,000. \*1,200—MOCA.

Greenhead INT, Fla.; Marianna, Fla., VOR; \*2,000. \*1,600—MOCA.

Carp INT, Fla.; Abaco INT, Bahamas; \*2,000. \*1,300—MOCA.

Austin, Tex., VOR; College Station, Tex., VOR; \*2,400. \*2,100—MOCA.

Austin, Tex., VOR; Eagle Lake, Tex., VOR; \*2,400. \*2,100—MOCA.

INT, 166° M rad, Austin VOR and 065° M rad, San Antonio VOR; Bergstrom INT, Tex.; \*2,500. \*1,800—MOCA.

Johnson City INT, Tex.; Capitol INT, Tex.; \*3,400. \*3,000—MOCA.

Lafayette, La., VOR; Rich INT, La.; 1,600.  
Lafayette, La., VOR; White Lake, La., VOR; 1,500.

Lake Charles, La., VOR; Sugar INT, La.; \*2,000. \*1,500—MOCA.

Tibby, La., VOR; Welcome INT, La.; 1,500.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

Seal Beach, Calif., VOR; Anaheim INT, Calif.; eastbound, \*3,500; westbound, \*2,500. \*2,500—MOCA.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

Capital, Ill., VOR; Gilbert INT, Ill.; \*2,100. \*2,000—MOCA.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

Hermann INT, Mo.; New Melle INT, Mo.; \*2,700. \*2,200—MOCA.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

Cypress INT, Tex.; Navasota, Tex., VOR; \*1,900. \*1,600—MOCA.

Navasota, Tex., VOR; College Station, Tex., VOR; \*1,900. \*1,600—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Hope INT, Ark.; Bunn INT, Ark.; \*7,000. \*1,800—MOCA.

Bunn INT, Ark.; Sulphur INT, Ark.; \*6,000. \*1,600—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

Austin, Tex., VOR; \*Georgetown INT, Tex.; \*2,500. \*4,000—MRA. \*2,100—MOCA.

Walberg INT, Tex.; Belton INT, Tex.; \*2,500. \*1,900—MOCA.

Pendleton INT, Tex.; Waco, Tex., VOR; \*2,400. \*2,000—MOCA.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

Monroe, La., VOR; \*Signal INT, Miss.; \*2,000. \*3,800—MRA. \*1,900—MOCA.

Signal INT, Miss.; \*Black INT, Miss.; \*2,000. \*3,600—MRA. \*1,400—MOCA.

Section 95.2020 *VOR Federal airway 20* is amended to read in part:

Lafayette, La., VOR; Rond Lake INT, La.; 1,500.

Lafayette, La., VOR via S alter.; Helen INT, La., via S alter.; 1,500.

Helen INT, La., via S alter.; Tibby, La., VOR via S alter.; \*1,500. \*1,400—MOCA.

\*Jones Creek INT, Tex., via S alter.; Manvel INT, Tex., via S alter.; \*1,800. \*2,500—MRA. \*1,300—MOCA.

Manvel INT, Tex., via S alter.; Houston, Tex., VOR via S alter.; \*1,800. \*1,400—MOCA.

China INT, Tex., via N alter.; Beaumont, Tex., VOR via N alter.; \*1,600. \*1,500—MOCA.

Section 95.6021 *VOR Federal airway 21* is amended to read in part:

Seal Beach, Calif., VOR; Anaheim INT, Calif.; eastbound, \*3,500. Westbound, \*2,500. \*2,500—MOCA.

Section 95.6068 *VOR Federal airway 68* is amended to read in part:

Junction, Tex., VOR; Doss INT, Tex.; \*3,800. \*3,400—MOCA.

Doss INT, Tex.; \*Comfort INT, Tex.; \*4,000. \*4,000—MRA. \*3,600—MOCA.

Comfort INT, Tex.; \*Bandera INT, Tex.; \*3,500. \*4,300—MRA. \*3,200—MOCA.

Bandera INT, Tex.; San Antonio, Tex., VOR; \*3,500. \*3,200—MOCA.

Section 95.6069 *VOR Federal airway 69* is amended to read in part:

Capital, Ill., VOR; Gilbert INT, Ill.; \*2,100. \*2,000—MOCA.

Section 95.6071 *VOR Federal airway 71* is amended to read in part:

\*Scranton INT, Ark., via W alter.; Cass INT, Ark., via W alter.; \*6,500. \*3,300—MRA. \*3,500—MOCA.

Cass INT, Ark., via W alter.; Fayetteville, Ark., VOR via W alter.; \*4,000. \*3,500—MOCA.

Section 95.6074 *VOR Federal airway 74* is amended to read in part:

\*Magazine INT, Ark.; Maumelle INT, Ark.; 3,000. \*3,600—MCA Magazine INT, eastbound.

Maumelle INT, Ark.; Little Rock, Ark., VOR; 3,200.

Scranton INT, Ark., via N alter.; Bigelow INT, Ark., via N alter.; \*4,500. \*3,000—MOCA.

Bigelow INT, Ark., via N alter.; Little Rock Ark., VOR; via N alter.; 3,200.

Fort Smith, Ark., VOR, via S alter.; \*Blue Mountain INT, Ark., via S alter.; \*2,700. \*4,000—MCA Blue Mountain INT, southeastbound. \*2,200—MOCA.

Blue Mountain INT, Ark., via S alter.; \*Paron INT, Ark., via S alter.; \*4,500. \*3,500—MRA. \*3,600—MOCA.

Mazie INT, Okla.; Fort Smith, Ark., VOR; 3,000.

\*Pryor INT, Okla., via N alter.; Stillwell INT, Okla., via N alter.; \*5,500. \*2,900—MRA. \*2,600—MOCA.

Stillwell INT, Okla., via N alter.; Short INT, Okla., via N alter.; \*3,300. \*3,000—MOCA.

Section 95.6076 *VOR Federal airway 76* is amended to read in part:

Austin, Tex., VOR; \*Butler INT, La.; \*2,400. \*3,000—MRA. \*2,100—MOCA.

Section 95.6114 *VOR Federal airway 114* is amended to read in part:

\*Bunkie INT, La.; \*Dupont INT, La.; \*1,600. \*3,000—MRA. \*2,000—MRA. \*1,500—MOCA.

\*Woodville INT, La., via N alter.; Clinton INT, La., via N alter.; \*5,000. \*3,000—MRA. \*1,400—MOCA.

Clinton INT, La., via N alter.; Carroll INT, La., via N alter.; \*2,500. \*1,400—MOCA.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

Johnson City INT, Tex.; Granite INT, Tex.; \*4,000. \*3,000—MOCA.

Granite INT, Tex.; Lometa, Tex., VOR; \*3,200. \*2,800—MOCA.

Fredericksburg INT, Tex., via W alter.; Llano, Tex., VOR via W alter.; \*4,000. \*3,200—MOCA.

Section 95.6173 *VOR Federal airway 173* is amended to read in part:

Capital, Ill., VOR; Kenney INT, Ill.; \*2,300. \*2,000—MOCA.

Section 95.6178 *VOR Federal airway 178* is amended to read in part:

Farmington, Mo., VOR; via S alter.; Cache INT, Ill., via S alter.; \*3,000. \*2,400—MOCA.

Cache INT, Ill., via S alter.; Paducah, Ky., VOR via S alter.; 2,400.

Section 95.6198 *VOR Federal airway 198* is amended to read in part:

Junction, Tex., VOR; Doss INT, Tex.; \*3,800. \*3,400—MOCA.



*From, to, and MEA*

Doss INT, Tex.; \*Comfort INT, Tex.; \*\*4,000.  
\*4,000—MRA. \*\*3,600—MOCA.  
Comfort INT, Tex.; \*Bandera INT, Tex.;  
\*\*3,500. \*4,300—MRA. \*\*3,200—MOCA.  
Bandera INT, Tex.; San Antonio, Tex., VOR;  
\*3,500. \*3,200—MOCA.

Section 95.6222 VOR Federal airway  
222 is amended to read in part:

China INT, Tex.; Beaumont, Tex., VOR;  
\*1,600. \*1,500—MOCA.  
Lockhart INT, Tex.; Industry, Tex., VOR;  
\*2,200. \*1,800—MOCA.  
Prairie INT, Tex.; Waller INT, Tex.; \*1,800.  
\*1,500—MOCA.

Section 95.6243 VOR Federal airway  
243 is amended to read in part:

Yatesville INT, Ga.; Griffin INT, Ga.; \*2,600.  
\*2,200—MOCA.

Section 95.6257 VOR Federal airway  
257 is amended to read in part:

Great Falls, Mont., VOR; Havre, Mont., VOR;  
\*6,000. \*5,800—MOCA.

Section 95.6303 VOR Federal airway  
303 is amended to read in part:

\*Avant INT, Ark.; \*\*Blue Mountain INT,  
Ark.; \*\*\*4,500. \*2,900—MRA. \*\*4,000—  
MCA Blue Mountain INT, southeastbound.  
\*\*3,600—MOCA.  
Blue Mountain INT, Ark.; Fort Smith, Ark.,  
VOR; \*2,700. \*2,200—MOCA.

Section 95.6347 VOR Federal airway  
347 is amended to read in part:

\*Tatalina INT, Alaska; Chandalar Lake,  
Alaska, LF/RBN; #\*\*11,000. \*14,000—  
MRA. \*\*6,900—MOCA. #MEA is estab-  
lished with a gap in navigation signal  
coverage.

Section 95.6419 Hawaii VOR Federal  
airway 19 is amended to delete:

Hibiscus INT, Hawaii; Lobster INT, Hawaii;  
\*6,000. \*1,000—MOCA.

Section 95.6419 Hawaii VOR Federal  
airway 19 is amended by adding:

Hibiscus INT, Hawaii; INT, 075° M rad,  
Maul VOR and 002° M rad, Hilo VOR;  
\*6,000. \*1,000—MOCA.

Section 95.6433 VOR Federal airway  
433 is amended to read in part:

Amboy INT, N.J.; LaGuardia, N.Y., VOR;  
2,700.

Section 95.6456 VOR Federal airway  
456 is amended to read in part:

\*Copper INT, Alaska; Tux Bay INT, Alaska;  
\*\*13,000. \*12,000—MCA Copper INT, north-  
eastbound. \*\*12,000—MOCA.

Section 95.6477 VOR Federal airway  
477 is amended to read in part:

Dacus INT, Tex.; Leona, Tex., VOR; \*2,000.  
\*1,600—MOCA.  
Cypress INT, Tex., via W alter.; Navasota, Tex.,  
VOR via W alter.; \*1,900. \*1,600—MOCA.

Section 95.7501 Jet route No. 501 is  
amended to read in part:

*From, to, MEA, and MAA*

Yakutat, Alaska, VORTAC; Katalla INT,  
Alaska; 18,000; 45,000.  
Katalla INT, Alaska; Johnstone Point, Alaska,  
VOR; 18,000; 45,000.  
Anchorage, Alaska, VORTAC; Sparrevohn,  
Alaska, LF/RBN; 18,000; 45,000.  
Sparrevohn, Alaska, LF/RBN; Bethel, Alaska,  
VORTAC; 18,000; 45,000.

2. By amending Subpart D as follows:

Section 95.8003 VOR Federal airway  
changeover points:

*From; to—Changeover point; Distance; From  
V-347 is amended to read in part:*

Fairbanks, Alaska, VOR; Chandalar Lake,  
Alaska, LF/RBN; 103; Fairbanks.

Section 95.8005 Jet Routes Changeover  
Points:

J-501 is amended to read in part:

Biorka Island, Alaska, VORTAC; Yakutat,  
Alaska, VORTAC; 98; Biorka Island.  
Anchorage, Alaska, VORTAC; Bethel, Alaska,  
VORTAC; 130; Anchorage.

(Secs. 307 and 1110 of the Federal Aviation  
Act of 1958, 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on Janu-  
ary 26, 1971.

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

[FR Doc. 71-1571 Filed 2-5-71; 8:45 am]

[Docket No. 10804; Amdt. No. 741]

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

### Recent Changes and Additions

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

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

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

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

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

1. Section 97.21 is amended by estab-  
lishing, revising, or canceling the follow-  
ing L/MF SIAPs, effective March 4, 1971.

Kenai, Alaska—Kenai Municipal Airport;  
LFR-A, Amdt. 15; Revised.

2. Section 97.23 is amended by estab-  
lishing, revising, or canceling the follow-  
ing VOR-VOR/DME SIAPs, effective  
March 4, 1971.

Chicago (Wheeling), Ill.—Chicagoland Air-  
port; VOR Runway 22, Amdt. 2; Revised.  
Chicago, Ill.—Chicago-O'Hare International  
Airport; VOR Runway 4, Original;  
Established.

Chicago, Ill.—Chicago-O'Hare International  
Airport; VOR Runway 22, Amdt. 10;  
Revised.

Columbia, Mo.—Municipal Airport; VOR  
Runway 17, Amdt. 8; Revised.

Columbia, Mo.—Columbia Regional Airport;  
VOR Runway 20, Amdt. 4; Revised.

Gainesville, Fla.—Gainesville Municipal Air-  
port; VOR-A, Amdt. 3; Revised.

Kamuela, Hawaii—Waimea-Kohala Airport;  
VOR-A, Amdt. 2; Revised.

Kamuela, Hawaii—Waimea-Kohala Airport;  
VOR Runway 4, Amdt. 4; Revised.

Kansas City, Mo.—Kansas City International  
Airport; VOR Runway 9, Amdt. 2;  
Revised.

Kansas City, Mo.—Kansas City International  
Airport; VOR Runway 27, Amdt. 2;  
Revised.

Kenai, Alaska—Kenai Municipal Airport;  
VOR Runway 19, Amdt. 6; Revised.

Kennett, Mo.—Kennett Memorial Airport;  
VOR Runway 35, Original; Established.

La Crosse, Wis.—La Crosse Municipal Air-  
port; VOR Runway 13, Amdt. 13;  
Revised.

La Crosse, Wis.—La Crosse Municipal Air-  
port; VOR Runway 36, Amdt. 15;  
Revised.

Lawrence, Mass.—Lawrence Municipal Air-  
port; VOR Runway 23, Amdt. 1; Revised.

Martha's Vineyard, Mass.—Martha's Vine-  
yard Airport; VOR Runway 24, Amdt. 4;  
Revised.

Newberry, Mich.—Luce County Airport; VOR  
Runway 11, Original; Established.

Newberry, Mich.—Luce County Airport; VOR  
Runway 29, Original; Established.

New Hudson, Mich.—New Hudson Airport;  
VOR-A, Amdt. 1; Revised.

New Iberia, La.—Acadiana Regional Airport;  
VOR Runway 16, Amdt. 4; Revised.

Pellston, Mich.—Emmett County Airport;  
VOR Runway 23, Amdt. 4; Revised.

Plymouth, Mich.—Mettetal Airport; VOR-A,  
Amdt. 1; Revised.

Salina, Kans.—Municipal Airport; VOR Run-  
way 17, Amdt. 6; Revised.

Three Rivers, Mich.—Dr. Haines Airport;  
VOR-A, Amdt. 1; Revised.

Winona, Minn.—Winona Municipal Max  
Conrad Field; VOR-A, Amdt. 5; Revised.

Winona, Minn.—Winona Municipal Max  
Conrad Field; VOR Runway 29, Amdt. 5;  
Revised.

Bartow, Fla.—Bartow Municipal Airport;  
VOR/DME Runway 9R, Original; Estab-  
lished.

Gainesville, Fla.—Gainesville Municipal Air-  
port; VOR/DME Runway 24, Original;  
Established.

McPherson, Kans.—McPherson Airport;  
VOR/DME Runway 36, Amdt. 1; Revised.

Mexico, Mo.—Mexico Memorial Airport;  
VOR/DME-A, Amdt. 2; Revised.

Potsdam, N.Y.—Potsdam Municipal/Damon  
Field; VOR/DME Runway 24, Original;  
Established.

3. Section 97.25 is amended by estab-  
lishing, revising, or canceling the follow-  
ing LOC-LDA SIAPs, effective March 4,  
1971.

Austin, Tex.—Robert Mueller Municipal Air-  
port; LOC (BO) Runway 12R, Amdt. 9;  
Revised.



Chicago, Ill.—Chicago-O'Hare International Airport; LOC (BC) Runway 22, Amdt. 4; Revised.  
 Kansas City, Mo.—Kansas City International Airport; LOC (BC) Runway 19, Original; Established.  
 Kansas City, Mo.—Kansas City International Airport; LOC (BC) Runway 27, Amdt. 1; Revised.  
 Sacramento, Calif.—Sacramento Executive Airport; LOC (BC) Runway 20, Amdt. 2; Revised.

4. Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAPs, effective January 28, 1971.

Alton, Ill.—Civic Memorial Airport; NDB (ADF) Runway 29, Amdt. 3; Canceled.

5. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective March 4, 1971.

Baytown, Tex.—Humphrey Airport; NDB Runway 31L, Amdt. 1; Revised.

Clinton, Okla.—Clinton Municipal Airport; NDB Runway 35, Original; Established.

Daytona Beach, Fla.—Daytona Beach Regional Airport; NDB Runway 6L, Amdt. 12; Revised.

Freeport, Ill.—The Albertus Airport; NDB Runway 24, Amdt. 2; Revised.

Greeneville, Tenn.—Greeneville Municipal Airport; NDB Runway 5, Original; Established.

Greeneville, Tenn.—Greeneville Municipal Airport; NDB Runway 23, Original; Established.

Helena-West Helena, Ark.—Thompson-Robbins Field; NDB Runway 17, Amdt. 1; Revised.

International Falls, Minn.—Falls International Airport; NDB Runway 31, Original; Established.

Kansas City, Mo.—Kansas City International Airport; NDB Runway 1, Amdt. 7; Revised.

Kansas City, Mo.—Kansas City International Airport; NDB Runway 9, Amdt. 1; Revised.

Kenosha, Wis.—Kenosha Municipal Airport; NDB Runway 14, Amdt. 2; Revised.

La Crosse, Wis.—La Crosse Municipal Airport; NDB Runway 13, Amdt. 7; Revised.

Lawrence, Mass.—Lawrence Municipal Airport; NDB-A, Amdt. 8; Revised.

Lewisburg, W. Va.—Greenbrier Valley Airport; NDB Runway 4, Original; Established.

Marshfield, Wis.—Marshfield Municipal Airport; NDB Runway 4, Amdt. 5; Revised.

Marshfield, Wis.—Marshfield Municipal Airport; NDB Runway 16, Amdt. 2; Revised.

Martha's Vineyard, Mass.—Martha's Vineyard Airport; NDB Runway 24, Amdt. 13; Revised.

McPherson, Kans.—McPherson Airport; NDB-A, Original; Established.

Michigan City, Ind.—Michigan City Airport; NDB Runway 20, Amdt. 5; Revised.

Osceola, Wis.—Osceola Municipal Airport; NDB Runway 28, Amdt. 2; Revised.

Pellston, Mich.—Emmett County Airport; NDB Runway 32, Amdt. 10; Revised.

Salina, Kans.—Municipal Airport; NDB Runway 35, Amdt. 4; Revised.

Sault Ste. Marie, Mich.—Sault Ste. Marie Municipal Airport; NDB Runway 32, Amdt. 4; Revised.

Three Rivers, Mich.—Dr. Haines Airport; NDB Runway 23, Amdt. 2; Revised.

6. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective February 25, 1971.

Lancaster, Pa.—Lancaster Airport; ILS Runway 8, Original; Established.

7. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective March 4, 1971.

Daytona Beach, Fla.—Daytona Beach Regional Airport; ILS Runway 6L, Amdt. 13; Revised.

Decatur, Ill.—Decatur Airport; ILS Runway 6, Amdt. 1; Revised.

Fort Lauderdale, Fla.—Fort Lauderdale-Hollywood International Airport; ILS Runway 9L, Amdt. 1; Revised.

International Falls, Minn.—Falls International Airport; ILS Runway 31, Original; Established.

Kansas City, Mo.—Kansas City International Airport; ILS Runway 1, Original; Established.

Kansas City, Mo.—Kansas City International Airport; ILS Runway 9, Amdt. 2; Revised.

Salina, Kans.—Municipal Airport; ILS Runway 35, Amdt. 5; Revised.

8. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective March 4, 1971.

Tulsa, Okla.—Tulsa International Airport; Radar-1, Amdt. 9; Revised.

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

Issued in Washington, D.C., on January 28, 1971.

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

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

[FR Doc. 71-1572 Filed 2-5-71; 8:45 am]

**Chapter II—Civil Aeronautics Board**

**SUBCHAPTER A—ECONOMIC REGULATIONS**

[Reg. ER-665 Amdt. 3]

**PART 206—CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY: SPECIAL AUTHORIZATIONS**

**Transportation of Newsmen by All-Cargo Carriers**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of February 1971.

In Notice of Proposed Rule Making EDR-189<sup>1</sup> the Board proposed to amend Part 206 to permit all-cargo carriers to provide transportation to accredited newsmen at the lowest fare in effect by carriers authorized to transport persons in regularly scheduled passenger service. In addition, the proposed amendment would provide that the transportation be limited to the writer, journalist or photographer engaged in the preparation of data for use in feature news, pictorial, or like articles which will publicize the regularly scheduled cargo operations of the carrier. Finally, it was proposed to include a requirement that the all-cargo carrier file with the Bureau of Economics, at least 10 days before the commencement of the transportation, a notice set-

<sup>1</sup> Dated Oct. 6, 1970, Docket 22627 (35 F.R. 15938, Oct. 9, 1970).

ting forth the name and affiliation of the writer, journalist or photographer, the routing to be followed, and the amount of the fare to be collected.

Comments on the proposal have been received from Airlift International, Seaboard World Airlines, and the Flying Tiger Line. Airlift endorses the proposal. In its comment, Seaboard states that it does not believe that publications media in which news items or like articles are to appear should be limited to "trade" magazines, but should cover magazines which have a circulation among the general public as well. In addition, Seaboard feels that to be effective the proposed rule should be expanded to include television and radio. Flying Tiger also requests that the rule be made applicable to broadcast media.

The Board finds that the rule should be adopted with the revisions suggested by Seaboard and Flying Tiger.<sup>2</sup> In view of the purpose of the rule and the significant impact of broadcast media on the public, we believe that television and radio should be included within its purview. Furthermore, since there is no limitation on the type of newspaper under the proposed rule, it would appear that a limitation to trade magazines would be inconsistent, and this is particularly true since we are expanding the rule to include broadcast media.

With these revisions the Board therefore adopts by reference and incorporates herein the tentative findings and conclusions reached in EDR-189.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 206 of the economic regulations (14 CFR Part 206) effective March 8, 1971, as follows:

1. Amend the Table of Contents to add a section heading for new § 206.3 as follows:

Sec.  
 206.3 Transportation of newsmen by all-cargo carriers.

2. Add a new § 206.3 to read as follows:

§ 206.3 Transportation of newsmen by all-cargo carriers.

Notwithstanding the provisions of sections 401(a) and 403 of the Act and Part 221 of the Board's economic regulations, an air carrier holding a certificate of public convenience and necessity for the transportation of property and mail only may provide transportation to persons between points in its certificate on regularly scheduled cargo flights for the purpose of collecting data for preparation of feature news, pictorial or like articles provided that:

(a) The transportation is limited to the writer, journalist, or photographer engaged in the preparation of data for use in feature news, pictorial, or like articles which are to appear in newspapers or magazines, or on radio or television programs and which will publicize the

<sup>2</sup> We are also clarifying the rule with respect to the fare to be charged.



regularly scheduled cargo operations of the carrier;

(b) The air carrier shall collect from each person transported the lowest individual adult fare in effect by any carrier authorized to transport persons in regularly scheduled passenger service between the points involved;

(c) The air carrier shall file with the Board's Bureau of Economics, at least 10 days before commencement of the transportation, a notice setting forth the name and affiliation of the writer, journalist or photographer, the routing to be followed, and the amount of fare to be collected.

(Secs. 204(a) and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743 and 771; 49 U.S.C. 1324 and 1386)

Effective: March 8, 1971.

Adopted: February 2, 1971.

[SEAL]

HARRY J. ZINK,  
Secretary.

[FR Doc.71-1685 Filed 2-5-71;8:47 am]

#### SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-52 Amdt. 19]

#### PART 385—DELEGATION AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

##### Deletion of Delegation of Authority

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of February 1971.

Section 385.15(i) of Part 385 delegates to the Chief, Tariffs Section, Passenger and Cargo Rates Division, Bureau of Economics, the authority to grant or deny to a certificated all-cargo carrier an exemption to permit such carrier to provide transportation for the purpose of collecting data for preparation of feature news, pictorial, or like articles under certain conditions. In Notice of Proposed Rule Making EDR-189<sup>1</sup> the Board pro-

<sup>1</sup> Dated Oct. 6, 1970, Docket 22627 (35 F.R. 15938, Oct. 9, 1970).

posed to amend Part 206 of the economic regulations by granting a blanket exemption to the same effect and noted that the delegation referred to would be deleted upon finalization of the proposed rule.<sup>2</sup> The proposed rule is being adopted with certain revisions in ER-665, issued concurrently.

Accordingly, the Civil Aeronautics Board hereby amends, effective March 8, 1971, Part 385 of the Organization Regulations (14 CFR Part 385) by deleting and reserving § 385.15(i).

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

Effective: March 8, 1971.

Adopted: February 2, 1971.

[SEAL]

HARRY J. ZINK,  
Secretary.

[FR Doc.71-1686 Filed 2-5-71;8:45 am]

<sup>2</sup> P. 3, footnote 1.



# Proposed Rule Making

## DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

[ 33 CFR Part 209 ]

### PERMITS FOR DISCHARGES OR DEPOSITS INTO NAVIGABLE WATERS

#### Proposed Policy, Practice and Procedure

Proposed regulations prescribing the policy, practice and procedure to be followed by all Corps of Engineers' installations and activities in connection with applications for permits authorizing discharges or deposits into navigable waters of the United States or into any tributary from which discharged matter shall float or be washed into a navigable water (33 U.S.C. 407) were published in the FEDERAL REGISTER of December 31, 1970 (35 F.R. 20005). Public comment on the proposed regulations was invited within a period of 45 days from December 31, 1970.

A proposed Memorandum of Understanding relating to the Corps of Engineers' proposed regulations and to Executive Order 11574 (35 F.R. 19627) was published in the FEDERAL REGISTER of January 21, 1971 (36 F.R. 983). Public comment on the proposed Memorandum of Understanding was invited within a period of 30 days from January 21, 1971.

Notice is hereby given that the period within which comments, suggestions, or objections to either the proposed regulations or to the proposed Memorandum of Understanding will be considered is extended to February 28, 1971.

Dated: February 3, 1971.

R. H. GROVES,  
Brigadier General, U.S. Army,  
Acting Director of Civil  
Works.

[FR Doc.71-1697 Filed 2-5-71;8:48 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[ 45 CFR Part 233 ]

### COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

#### Dependent Children of Unemployed Fathers

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, So-

cial and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations modify the Federal definition of unemployed father.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, within a period of 30 days from the date of publication of this Notice in the FEDERAL REGISTER.

Authority: These regulations are to be issued under section 1102 of the Social Security Act, 49 Stat. 647, 42 U.S.C. 1302.

Dated: October 15, 1970.

JOHN D. TWINAME,  
Administrator, Social and  
Rehabilitation Service.

Approved: February 4, 1971.

ELLIOT L. RICHARDSON,  
Secretary.

Section 233.100 (a) (1) and (c) (1) (iii) of Chapter II of Title 45 of the Code of Federal Regulations is revised to read as follows:

#### § 233.100 Dependent children of unemployed fathers.

(a) *Requirements for State plans.* \* \* \*

(1) Include a definition of an unemployed father which shall apply only to families determined to be needy in accordance with the provisions in § 233.20, and shall include any father who:

(i) Is employed less than 100 hours a month; or,

(ii) Exceeds that standard for a particular month, if his work is intermittent and the excess is of a temporary nature as evidenced by the fact that he was under the 100-hour standard for the 2 prior months and is expected to be under the standard during the next month.

(c) *Federal financial participation.* (1)

Federal financial participation is available in payments authorized in accordance with the State plan approved under section 402 of the Act as aid to families with dependent children with respect to a child \* \* \*

(iii) Who has been deprived of parental support or care by reason of the fact that his father is employed less than 100 hours a month; or, exceeds that standard for a particular month if his work is intermittent and the excess is of a temporary nature as evidenced by the fact that he was under the 100-hour standard for 2 prior months and is expected to be under the standard during the next month.

[FR Doc.71-1754 Filed 2-5-71;8:48 am]

## ATOMIC ENERGY COMMISSION

[ 10 CFR Parts 40, 150 ]

### LICENSING OF SOURCE MATERIAL; EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES

#### Safeguards Reporting Requirements for Source Material

The Atomic Energy Commission is considering the amendment of its regulations in 10 CFR Part 40, "Licensing of Source Material" and 10 CFR Part 150, "Exemptions and Continued Regulatory Authority in Agreement States under Section 274," to extend the requirement for reporting thefts or attempted thefts or diversions of source material to additional licensees who possess such material and to delete the requirement for reporting exports and imports of source material by persons who do not actually receive or transfer the material.

Under regulations published in the FEDERAL REGISTER on July 30, 1970 (35 F.R. 12195), source material licensees who are authorized to possess more than 1,000 kilograms of uranium or thorium must report any incident in which an attempt has been made or is believed to have been made to commit a theft or unlawful diversion of source material. The Commission believes that the requirement should now be extended to other licensees who possess source material pursuant to a specific AEC or Agreement State license and changed to provide an exemption from reporting of certain incidents involving small quantities of source material.

Under existing regulations, licensees are required to report the transfer, receipt, import, or export at any one time of 1,000 kilograms or more of certain source material. The Commission now believes that sufficient knowledge of export and import shipments will be provided in reports submitted by persons who actually receive and transfer such source material.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments of 10 CFR Parts 40 and 150 is contemplated. All interested persons who desire to submit written comments or suggestions should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within thirty (30) days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments



on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

1. Paragraphs (a) and (c) of § 40.64 of 10 CFR Part 40 are amended to read as follows:

**§ 40.64 Reports.**

(a) Except as specified in paragraph (d) of this section, and except for exports of unimportant quantities of source material specified in § 40.13 (b), (c), and (d), each licensee who transfers or receives at any one time 1,000 kilograms or more of uranium or thorium, or any combination thereof, shall complete and distribute a Nuclear Material Transfer Report on Form AEC-741, in accordance with the printed instructions for completing the form. Each licensee who transfers such material shall submit a completed copy of Form AEC-741 to the Commission and three copies to the receiver of the material promptly after the transfer takes place. Each licensee who receives such material shall submit a completed copy of Form AEC-741 to the Commission and to the shipper of the material within ten (10) days after the material is received. The Commission's copies of the reports shall be submitted to the U.S. Atomic Energy Commission, Post Office Box E, Oak Ridge, TN 37830.

(c) Except as specified in paragraph (d) of this section, each licensee who is authorized to possess uranium or thorium pursuant to a specific license shall report promptly to the Director, Division of Nuclear Materials Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545, by telephone, telegram, or teletype any incident in which an attempt has been made or is believed to have been made to commit a theft or unlawful diversion of more than 15 pounds of such material at any one time or more than 150 pounds of such material in any one calendar year. The initial report shall be followed within a period of fifteen (15) days by a written report submitted to the Director, Division of Nuclear Materials Safeguards, which sets forth the details of the incident and its consequences. Subsequent to the submission of the written report required by this paragraph, the licensee shall promptly inform the Division of Nuclear Materials Safeguards by means of a written report of any substantive additional information, which becomes available to the licensee, concerning an attempted or apparent theft or unlawful diversion of source material.

(Secs. 65, 161b, 68 Stat. 933, 948; 42 U.S.C. 2095, 2201(b))

2. Paragraphs (a) and (c) of § 150.17 of 10 CFR Part 150 are amended to read as follows:

**§ 150.17 Submission to Commission of source material transfer reports.**

(a) Except as specified in paragraph (d) of this section, each person who, pursuant to an Agreement State license, transfers or receives at any one time 1,000 kilograms or more of uranium or

thorium, or any combination thereof, shall complete and distribute a Nuclear Material Transfer Report on Form AEC-741, in accordance with the printed instructions for completing the form. Each person who transfers such material shall submit a completed copy of Form AEC-741 to the Commission and three copies to the receiver of the material promptly after the transfer takes place. Each person who receives such material shall submit a completed copy of Form AEC-741 to the Commission and to the shipper of the material within ten (10) days after the material is received. The Commission's copies of the reports shall be submitted to the U.S. Atomic Energy Commission, Post Office Box E, Oak Ridge, TN 37830.

(c) Except as specified in paragraph (d) of this section, each person who is authorized to possess uranium or thorium pursuant to a specific license from an Agreement State shall report promptly to the Director, Division of Nuclear Materials Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545, by telephone, telegram, or teletype any incident in which an attempt has been made or is believed to have been made to commit a theft or unlawful diversion of more than 15 pounds of such material at any one time or more than 150 pounds of such material in any one calendar year. The initial report shall be followed within a period of fifteen (15) days by a written report submitted to the Director, Division of Nuclear Materials Safeguards, which sets forth the details of the incident and its consequences. Subsequent to the submission of the written report required by this paragraph, each person subject to the provisions of this paragraph, shall promptly inform the Division of Nuclear Materials Safeguards by means of a written report of any substantive additional information, which becomes available to such person, concerning an attempted or apparent theft or unlawful diversion of source material.

(Secs. 161b, 274m, 68 Stat. 948, 73 Stat. 688; 42 U.S.C. 2201(b), 2021(m))

Dated at Germantown, Md., this 22d day of January 1971.

For the Atomic Energy Commission.

W. B. McCool,  
Secretary of the Commission.

[FR Doc. 71-1661 Filed 2-5-71; 8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 14229; FCC 71-92]

### FOSTERING EXPANDED USE OF UHF TELEVISION CHANNELS

#### Eighth Report and Order Terminating Proceeding

1. In Docket No. 14229, a notice of proposed rule making, entitled "Foster-

ing Expanded Use of UHF Television Channels", was adopted by the Commission on July 27, 1961. The proceeding was initiated in order to encourage, advance and develop the use of the UHF band by broadcasters and prospective broadcasters to bring additional service in amount and variety to the nation. The first notice of proposed rule making contained a series of proposed actions aimed at facilitating broadcasting to the general public on this relatively new and valuable spectrum space. Subsequent notices proposed additional actions looking toward the same end. In an accumulation of 22 volumes the docket sets out the industry, public and Commission examination of the proposals the proceeding contains, along with their advantages, disadvantages, and public interest considerations.

2. In the years that have passed during the pendency of this proceeding, each of the various proposals we set out or which were a result of comments in Docket 14229 have been evaluated and disposed of either in this proceeding or in more appropriate allied proceedings except for the one question of what television use of the spectrum space contained in Channels 70-83 would be most in the public interest, convenience, and necessity.

3. The record in Docket 14229 indicates that there are three proposed uses for Channels 70-83 still pending: first, a development of Low Power Community Television stations which would differ from the present television stations in that the rules governing them would be specifically designed to form a broadcast service to serve small rural towns and communities bordering large metropolises; second, the initiation and development of normal high powered stations; and third, the expansion and development of the translator service so as to give the broadcast industry the use of that valuable subservice to reach underserved or unserved segments of station's broadcast public.

4. The use of Channels 70-83 has also been under careful consideration in Docket 18262 in which we concluded that it would be in the public interest to meet the burgeoning needs of the land mobile service by designating, inter alia, the frequency space on Channels 70-83 for land mobile communications. That decision (First Report and Order and Second Notice of Inquiry, Docket 18262, adopted May 20, 1970, FCC 70-519) of course makes the proposals set out in paragraph three above moot.

5. At this time we find no need, particularly in light of the arguments and policy decisions set out in Docket 18262, to reiterate the factors which led us to the conclusion arrived at in respect to the land mobile service's use of Channels 70-83. However, we wish to make brief comment in respect to the three proposals for the frequency space use set out in this docket. First, the concept of the low power community television stations is being set aside not only because the present lack of frequency space for such a service but in addition because of an apparent lack of interest in the proposed service by the industry, educators,



and the public. It is our belief that the lack of interest probably, in substantial part, is due to the economics of the operation of a limited facility with its restricted ability to serve a large enough population notwithstanding the significant expenditures required to establish and operate a low power television station. Second, high power or normal power UHF services have been in increasing numbers filling Channels 14-69. An expanded table of assignments has made provision for many new commercial and educational stations. On balance between the needs of the land mobile service and the general public's need for additional UHF service it is our view that the public, in light of all the factors involved, can receive sufficient television service from stations located on the established VHF band (Channels 2-13) or UHF band (Channels 14-69). In respect to specific UHF high powered assignments proposed in Docket 14229 we note that they have been evaluated and resolved except for 2: Gastonia, N.C. (RM-853); and Monroe, N.C. (RM-877). These two proposals have been spun-off from this proceeding and will be evaluated in Docket 19046 (see Notice of Proposed Rule Making, adopted Oct. 7, 1970, FCC 70-1102). Third, the concept of using Channels 70-83 for the expansion of the important adjunct television service provided by translators was initiated in view of a petition for rule making (RM-917) filed by the Association of Maximum Service Telecasters, Inc. (MST).<sup>1</sup> Although we are not continuing the consideration of the use of Channels 70-83 for translators we consider the service translators provide important, practical, and pertinent. Therefore, as we stated in our first report and order and second notice of inquiry in Docket 18262 we are shifting translators located on Channels 70-83 to Channels 69 and below. The matter of providing an adequate translator service is being dealt with by amendment of Part 74, Subpart G of the rules in Docket 18861, notice of proposed rule making adopted May 20, 1970. The segments of the petition of MST concerning the translator service which have been under consideration in this docket and do not conflict with the action we took in Docket 18262 will now be considered as pertinent in the new proceeding.<sup>2</sup>

6. In concluding this proceeding we wish to simply and concisely observe that it is our continuing intention to advance, encourage, and foster the full use of the present UHF television band (Channels 14-69) by commercial and educational interests. The full use of this valuable asset can with imagination, thought and determination bring our society a fuller and richer variety of educational and entertainment programming which can both serve private and public needs and aspirations to the general advancement of our culture.

<sup>1</sup> The petition pertained to a variety of needs a number of which were dealt with in dockets other than 14229.

<sup>2</sup> See pages 7-9 and 11-15 of the MST comment (RM-917).

7. Accordingly, in accordance with the authority set out in the Communications Act of 1934, as amended: *It is ordered*, That all proposals contained in Docket 14229 which have not specifically been adopted or are not under consideration as pertinent segments of other proceedings are withdrawn or denied.

8. *It is further ordered*, That this proceeding, *Fostering Expanded Use of UHF Television Channels* (Docket 14229) commenced by notice of proposed rule making on July 27, 1961, is terminated.

Adopted: January 27, 1971.

Released: February 1, 1971.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>3</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc.71-1668 Filed 2-5-71;8:46 am]

## DEPARTMENT OF THE TREASURY

Internal Revenue Service

[ 26 CFR Part 1 ]

### CONSOLIDATED RETURN REGULATIONS

#### Notice of Hearing

The proposed amendment to the regulations under section 1502 of the Internal Revenue Code, relating to consolidated returns, appears in this issue of the FEDERAL REGISTER (Saturday, February 6, 1971).

A public hearing on the provisions of this proposed amendment to the regulations will be held on Monday, March 1, 1971, at 10 a.m., e.s.t., in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC 20224.

Persons who plan to attend the hearing and persons who desire a copy (furnished only at the above address) of written comments or suggestions submitted by interested persons regarding the proposed amendment to the regulations should notify the Commissioner at the above address or telephone 202-964-3935 by February 22, 1971.

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

[FR Doc.71-1767 Filed 2-5-71;9:43 am]

[ 26 CFR Part 1 ]

### CONSOLIDATED RETURN REGULATIONS

#### Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, con-

<sup>3</sup> Commissioner Houser not participating.

sideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 15 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at the public hearing which will be held on these proposed regulations should submit his request, in writing, to the Commissioner within the 15-day period. Notice of the time, place, and date of the public hearing is published simultaneously herewith. The proposed regulations are to be issued under the authority contained in sections 1502 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 367, 917; 26 U.S.C. 1502, 7805).

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

The Income Tax Regulations (26 CFR Part 1) under section 1502 of the Internal Revenue Code of 1954 are amended as follows to provide rules for computation of the income tax surcharge in cases where a corporation is a member of an affiliated group of corporations for less than the entire year:

#### § 1.1502-2 [Amended]

PARAGRAPH 1. There is inserted at the end of § 1.1502-2 the following sentence: "For amount of tax surcharge, see section 51 and § 1.1502-7."

PAR. 2. There is inserted after § 1.1502-6 the following:

#### § 1.1502-7 Tax surcharge.

(a) *Part-year affiliate.* If—

(1) A group files a consolidated return for any taxable year which includes any portion of the period beginning January 1, 1970, and ending June 30, 1970, and

(2) Any corporation (referred to in paragraph (b) of this section as a "part-year affiliate") which joins in the filing of such return is not a member of the group for each day during any such taxable year, the surcharge liability of the group under section 51 shall be determined under paragraph (b) of this section.

(b) *Amount of surcharge.* If paragraph (a) of this section applies, the surcharge liability imposed by section 51 on consolidated taxable income shall be the sum of—

(1) The surcharge which would be imposed under section 51 (a) (1) (B) or (2) if that portion of the consolidated tax liability allocable to any part-year affiliate were excluded from the consolidated tax liability of the group, and

(2) The surcharge which would be imposed under section 51(a)(2) on any part-year affiliate if such part-year affiliate filed a separate return for the period



## PROPOSED RULE MAKING

for which its income was included in the consolidated return and if the tax imposed by this chapter for such period was the portion of consolidated tax liability allocable to such corporation.

Consolidated tax liability under subparagraphs (1) and (2) shall be determined under § 1.1502-2 without regard to the tax surcharge imposed by section 51, the minimum tax imposed by section 56, any increase in tax under section 47(a), relating to early dispositions of invest-

ment credit property, or under section 614(c)(4)(C), relating to an election to aggregate certain mineral interests.

(c) *Allocation of tax liability.* For purposes of this section, the portion of consolidated tax liability allocable to a member shall be determined under the method used in allocating the tax liability of the group under the provisions of section 1552(a).

§§ 1.1502-8 to 1.1502-10 [Reserved]

[FR Doc. 71-1768 Filed 2-5-71; 9:43 am]



# Notices

## DEPARTMENT OF STATE

### Agency for International Development [Delegation of Authority No. 38; Amdt.]

#### ASSISTANT ADMINISTRATOR FOR THE NEAR EAST-SOUTH ASIA ET AL.

#### Delegation of Authority Relating to Project Agreements, Trust Fund Agreements, and Grants to Interna- tional Organizations

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, from the Secretary of State dated November 3, 1961 (25 F.R. 10608), and in accordance with the provisions of section 635(b) of the Foreign Assistance Act of 1961, Delegation of Authority No. 38, dated April 10, 1964 (29 F.R. 5280), is hereby amended as follows:

1. The title thereof is amended to read: "Assistant Administrator for the Near East-South Asia Et Al.—Delegation of Authority Relating to Project Agreements, Trust Fund Agreements, and Grant Agreements";

2. Delete paragraph 1 and substitute the following therefor:

1. I hereby delegate authority to the Assistant Administrator for the Near East-South Asia, the Deputy U.S. Coordinator for the Alliance for Progress, the Assistant Administrator for Africa, the Assistant Administrator for East Asia, and the Assistant Administrator for Vietnam, to sign project agreements, trust fund agreements and grant agreements with foreign governments, foreign government agencies and international organizations for projects, programs and activities primarily for the benefit of the countries within the responsibility of the Assistant Administrator.

This amendment to Delegation of Authority No. 38 shall be effective immediately and includes ratification of all acts taken prior hereto which are consistent with the terms and scope of this delegation of authority.

Dated January 28, 1971.

JOHN A. HANNAH,  
Administrator.

[FR Doc. 71-1672 Filed 2-5-71; 8:46 am]

## POST OFFICE DEPARTMENT POSTAGE RATES AND FEES

### Proposed Changes

1. On February 1, 1971, the Post Office Department requested the Postal Rate Commission to submit to the Governors of the Postal Service a recommended decision on changes in rates of postage and in fees for postal services pursuant to chapter 36 of title 39, United

States Code, as enacted by the Postal Reorganization Act (Public Law 91-375). In addition, the Post Office Department submitted suggestions for specific rate adjustments.

2. The specific changes in postage rates and fees suggested by the Department are shown in columns (3) and (4) of the tables set out in paragraph 5 below.

3. If the Postal Rate Commission transmits to the Governors of the Postal Service a recommended decision incorporating the changes in postage rates and fees suggested by the Department, and if the Governors approve the recommended decision and order the decision placed in effect, the Post Office Department would expect to adopt separate schedules of rates and fees for the first 12 months following the effective date of the new rates and fees, pursuant to 39 U.S.C. section 3626, as shown in column (5) of the tables set out in paragraph 5 below.

4. If the Postal Rate Commission should not transmit its recommended decision to the Governors of the Postal Service within 90 days after the submission of the request (February 1, 1971), the Department would expect to place into effect temporary changes in rates of postage and fees for postal services as shown in column (6) of the tables set out in paragraph 5 below, on or shortly after the 10th day after the end of the 90-day period, under the authority of 39 U.S.C. section 3641.

5. The following tables show the Department's suggested changes in rates and fees; the anticipated first step of those rate and fee increases that are subject to phasing under 39 U.S.C. § 3626; and the temporary rates and fees anticipated if temporary changes are made under 39 U.S.C. section 3641. No changes in rates and fees have been suggested for the mail classes and the postal services not shown.

TABLE A-I—FIRST CLASS MAIL AND AIRMAIL

Mail class	Postage rate unit	Current rates (cents)	Full proposed rates—See paragraph 2 above (cents)	First step rates—See paragraph 3 above (cents)	Temporary rates—See paragraph 4 above (cents)
(1)	(2)	(3)	(4)	(5)	(6)
First class:					
Letters.....	Ounce.....	16	18	18	18
Cards.....	Each.....	5	7	7	6
Airmail:					
Letters.....	Ounce.....	10	11	11	11
Cards.....	Each.....	8	9	9	9

<sup>1</sup> Currently applies up to 13 ounces. Proposed rate would apply to 12 ounces. Heavier pieces are subject to priority mail rates.

<sup>2</sup> Currently applies up to 7 ounces. Proposed rate would apply up to 8 ounces. Heavier pieces are subject to priority mail rates.

TABLE A-II—PRIORITY MAIL

Mail class	Postage rate unit (pounds)	Current rates <sup>1</sup> (dollars)					Full proposed rates <sup>1</sup> —See paragraph 2 above (dollars)					First step rates <sup>1</sup> —See paragraph 3 above	Temporary rates <sup>1</sup> —see paragraph 4 above		
		Zones					Zones								
(1)	(2)	(3)					(4)					(5)	(6)		
		Local 1, 2, and 3	4	5	6	7	8	Local 1, 2, and 3	4	5	6	7	8		
Pri- ority.	1.....	0.80	0.80	0.80	0.80	0.80	0.80	1.00	1.00	1.00	1.00	1.00	1.00	Same as column 4.	Same as column 4.
	1½.....	.98	1.02	1.07	1.14	1.18	1.24	1.20	1.22	1.25	1.30	1.40	1.50		
	2.....	1.18	1.23	1.34	1.47	1.55	1.63	1.40	1.43	1.51	1.60	1.68	1.77		
	2½.....	1.40	1.43	1.62	1.79	1.91	2.08	1.60	1.63	1.76	1.90	2.02	2.16		
	3.....	1.64	1.73	1.90	2.11	2.27	2.48	1.80	1.86	2.01	2.20	2.36	2.54		
	3½.....	1.88	1.98	2.18	2.43	2.63	2.88	2.00	2.08	2.26	2.49	2.69	2.93		
	4.....	2.12	2.23	2.46	2.75	2.99	3.28	2.20	2.30	2.52	2.79	3.03	3.31		
	4½.....	2.36	2.48	2.74	3.07	3.35	3.68	2.40	2.51	2.77	3.09	3.37	3.70		
	5.....	2.60	2.73	3.02	3.39	3.71	4.08	2.60	2.73	3.02	3.39	3.71	4.08		
	Each additional pound.	.48	.50	.56	.64	.72	.80	.48	.50	.56	.64	.72	.80		

<sup>1</sup> Exception: Parcels weighing less than 10 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 10-pound parcel for the zone to which addressed.



TABLE B-IV—SECOND CLASS MAIL  
(Regular-Rate Publications—Outside County)

Mail class	Postage rate unit	Current rates (cents)	Full proposed rates—See paragraph 2 above (cents)	First step rates—See paragraph 3 above (cents)	Temporary rates—See paragraph 4 above (cents)
(1)	(2)	(3)	(4)	(5)	(6)
Nonadvertising portion: POUND		3.4	7.2	4.2	4.0
Advertising portion: Zones 1 and 2 (science of agriculture)	do	4.2	7.8	4.6	4.6
Zone 3	do	5.2	9.1	6.0	6.0
Zone 4	do	6.4	10.3	7.2	7.2
Zone 5	do	8.8	12.7	9.6	9.6
Zone 6	do	11.1	15.0	11.9	11.9
Zone 7	do	13.6	17.5	14.4	14.4
Zone 8	do	14.5	18.4	15.3	15.3
Minimum (50,000 or more copies)	do	17.0	20.9	17.8	17.8
Per piece charge <sup>1</sup>	Minimum per piece	1.3	1.3	1.3	1.3
Per piece charge <sup>2</sup>	Per piece charge	0.4	1.9	0.4	0.2
Exceptions:	Minimum per piece	0.8	0.8	0.8	0.8
5,000 copies	Per piece charge (fewer than 5,000 copies when minimum charge is less than 1.3 cents)	0.9	0.9	0.1	0.1

<sup>1</sup> Subject to the exception stated, this charge is in addition to the pound rate or minimum per piece charge, whichever is applicable.

TABLE C

Controlled circulation and third class mail

Mail class	Postage rate unit	Current rates (cents)	Full proposed rates—See paragraph 2 above (cents)	First step rates—See paragraph 3 above (cents)	Temporary rates—See paragraph 4 above (cents)
(1)	(2)	(3)	(4)	(5)	(6)
Controlled Circulation: Third class single piece	Pound	15	15	15	15
Keys and identification devices:	Minimum per piece	3.8	5	4	4
Regular bulk rate circulars, etc.	First 2 ounces	6	8	8	8
Books, catalogs, etc.	Each additional ounce	2	4	2	2
Nonprofit bulk rate circulars, etc.	First 2 ounces	14	14	14	14
Books, catalogs, etc.	Each additional 2 ounces	7	8	8	8
Regular bulk rate circulars, etc.	Pound	22	28	23	23
Books, catalogs, etc.	Minimum per piece	13.8/4.0	5	14/4.2	14/4.2
Nonprofit bulk rate circulars, etc.	Pound	16	22	17	17
Books, catalogs, etc.	Minimum per piece	13.8/4.0	5	14/4.2	14/4.2
Nonprofit bulk rate circulars, etc.	Pound	11	14	11	11
Books, catalogs, etc.	Minimum per piece	1.6	2.1	1.7	1.7
Nonprofit bulk rate circulars, etc.	Pound	8	11	8	8
Books, catalogs, etc.	Minimum per piece	1.6	2.1	1.7	1.7

<sup>1</sup> The lower minimum rate is applicable to the first 250,000 pieces mailed each year.

TABLE D—FOURTH CLASS MAIL

Mail class	Postage rate unit	Current rates (cents)	Full proposed rates—See paragraph 2 above (cents)	First step rates—See paragraph 3 above (cents)	Temporary rates—See paragraph 4 above (cents)
(1)	(2)	(3)	(4)	(5)	(6)
Special rate: First pound		12	22	14	14
Each additional pound		6	11	7	7
Library rate: First pound		5	10	6	6
Each additional pound		2	5	2	2

TABLE B-I—SECOND CLASS MAIL  
(In-County and Transient Rates)

Mail class	Postage rate unit	Current rates (cents)	Full proposed rates—See paragraph 2 above (cents)	First step rates—See paragraph 3 above (cents)	Temporary rates—See paragraph 4 above (cents)
(1)	(2)	(3)	(4)	(5)	(6)
In-County: Pound-rate matter	Pound	1.5	1.5	1.5	1.5
Per-copy rate matter	Per piece charge	0.2	0.2	0.2	0.2
Transient rate	Per copy	1 or 2	2.1 or 3.2	1.1 or 2.1	1.1 or 2.1
First 2 oz.	do	5	6	6	6
Each additional oz.	do	1	2	2	1

TABLE B-II—SECOND CLASS MAIL

Publications of authorized nonprofit organizations—Outside county

Mail class	Postage rate unit	Current rates (cents)			Full proposed rates—See paragraph 2 above (cents)	First step rates—See paragraph 3 above (cents)	Temporary rates—See paragraph 4 above (cents)
		1-1-71	1-1-72	1-1-73			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
Nonadvertising portion:	Pound	2.1	2.1	2.1	5.0	2.4	2.4
Advertising portion: <sup>2</sup> Zone 1 and 2	do	4.0	4.55	5.1	7.8	4.4	4.4
Zone 3	do	4.8	5.55	6.3	9.0	5.2	5.2
Zone 4	do	6.4	7.55	8.7	11.4	6.9	6.9
Zone 5	do	8.0	9.55	11.1	13.7	8.6	8.6
Zone 6	do	8.6	10.3	12.0	16.2	9.4	9.4
Zone 7	do	8.6	10.3	12.0	17.1	9.5	9.5
Zone 8	do	8.6	10.3	12.0	19.6	9.7	9.7
Minimum per piece	do	0.2	0.2	0.2	0.2	0.2	0.2
Per piece charge	Per piece charge	1.5	1.5	1.5	0.2	0.2	0.04

<sup>1</sup> Annual increases established by Sec. 103, P.L. 90-206.

<sup>2</sup> Not applicable to publications containing 10 percent or less advertising content.

TABLE B-III—SECOND CLASS MAIL  
(Publications for Classroom Use—Outside County)

Mail class	Postage rate unit	Current rates (cents)	Full proposed rates—See paragraph 2 above (cents)	First step rates—See paragraph 3 above (cents)	Temporary rates—See paragraph 4 above (cents)
(1)	(2)	(3)	(4)	(5)	(6)
Nonadvertising portion:	Pound	2.04	5.0	2.3	2.3
Advertising portion: Zones 1 and 2	Pound	3.12	7.8	3.6	3.6
Zone 3	do	2.84	4.4	4.4	4.4
Zone 4	do	3.98	11.4	5.9	5.9
Zone 5	do	4.66	13.7	7.4	7.4
Zone 6	do	8.16	16.2	9.0	9.0
Zone 7	do	8.70	17.1	9.5	9.5
Zone 8	do	10.20	19.6	11.1	11.1
Minimum per piece	do	0.78	0.8	0.8	0.8
Per piece charge	Per piece charge	1.3	1.3	0.1	0.1

<sup>1</sup> 60% of regular rates. See column (3) of Table B-IV.



TABLE E-I—REGISTERED MAIL

Value (1) and (2)	Current fees (3)	Full proposed fees—See paragraph 2 above (4)	First step fee—See paragraph 3 above (5)	Temporary fees—See paragraph 4 above (6)
\$0.00 to \$100	\$0.80	\$0.95	Same as column (4).	Same as column (4) except as indicated by footnote. <sup>3</sup>
\$100.01 to \$200	\$1.05	\$1.25		
\$200.01 to \$400	\$1.30	\$1.55		
\$400.01 to \$600	\$1.55	\$1.85		
\$600.01 to \$800	\$1.80	\$2.15		
\$800.01 to \$1,000	\$2.05	\$2.45		
\$1,000.01 to \$2,000	\$2.35 <sup>1</sup>	\$2.75 <sup>1</sup>		
\$2,000.01 to \$3,000	\$2.60	\$3.05		
\$3,000.01 to \$4,000	\$2.85	\$3.35		
\$4,000.01 to \$5,000	\$3.10	\$3.65		
\$5,000.01 to \$6,000	\$3.40	\$3.95		
\$6,000.01 to \$7,000	\$3.65	\$4.25		
\$7,000.01 to \$8,000	\$3.90	\$4.55		
\$8,000.01 to \$9,000	\$4.20	\$4.85		
\$9,000.01 to \$10,000	\$4.45	\$5.15		
\$10,000 to \$1,000,000	\$4.45 plus handling charge of 15 cents per \$1,000 or fraction over first \$10,000.	\$5.15 plus handling charge of 20 cents per \$1,000 or fraction over first \$10,000.		
\$1,000,000.01 to \$15,000,000	\$152.95 plus handling charge of 10 cents per \$1,000 or fraction over first \$1,000,000.	\$203.15 plus handling charge of 15 cents per \$1,000 or fraction over first \$1,000,000.		
Over \$15,000,000	Additional charges may be made based on considera- tion of weight, space, and value.			

<sup>1</sup> For articles covered by commercial or other insurance and valued at more than \$1,000 the fee is \$2.05 plus 15 cents per \$1,000 or fraction over \$1,000 up to \$1,000,000. Over \$1,000,000 the fee is \$151.90 plus 10 cents per \$1,000 or fraction over \$1,000,000 up to \$15,000,000.  
<sup>2</sup> For articles covered by commercial or other insurance and valued at more than \$1,000 the fee is \$2.45 plus 20 cents per \$1,000 or fraction over \$1,000 up to \$1,000,000. Over \$1,000,000 the fee is \$202.25 plus 15 cents per \$1,000 or fraction over \$1,000,000 up to \$15,000,000.  
<sup>3</sup> For values over \$1,000,000 the "temporary" handling charge would be 13 cents rather than 15 cents.

TABLE E-II—SPECIAL DELIVERY

Class of mail (1)	Weight (2)	Current fees (cents) (3)	Full proposed fees—See paragraph 2 above (cents) (4)	First step fees—See paragraph 3 above (5)	Temporary fees—See paragraph 4 above (6)
First class, airmail and priority mail.	Up to 2 pounds	45	60	Same as column (4).	No change from column (4).
	Over 2 up to 10 pounds	60	75		
	Over 10 pounds	75	90		
All other classes	Up to 2 pounds	65	80		
	Over 2 up to 10 pounds	75	90		
	Over 10 pounds	90	105		

6. Postage rates and fees on international mail are established pursuant to 39 U.S.C. § 505 (cf. 39 U.S.C. § 407, as contained in the Postal Reorganization Act), and not pursuant to chapter 36 of title 39, United States Code. In the event the Postal Rate Commission transmits to the Governors of the Postal Service a recommended decision incorporating the changes in domestic rates of postage and fees shown in columns (3) and (4) of the tables set out in paragraph 5 above, corresponding changes in rates of postage and fees would be made effective as shown in columns (3) and (4) of tables F-I and F-II for the international mail classes and services shown in column (1) thereof. Similarly, if temporary rates and fees are placed into effect as described in paragraphs 4 and 5 above, the rates and fees shown in column (4) of tables F-I and F-II would be placed into effect at the same time except that the surface rate would be 6 cents for cards to Canada and Mexico.

TABLE F-I—INTERNATIONAL POSTAGE RATES TO BE AFFECTED BY DOMESTIC RATE PROPOSALS<sup>1</sup>

Mail class (1)	Postage rate unit (2)	Current rates (cents) (3)	Antici- pated rates (cents) (4)
Canada and Mexico:			
Surface:			
Letters	Ounce	6	8
Cards	Each	5	7
Printed matter, regular.	First 2 ozs.	6	8
	Each additional ounce.	2	2
Books and sheet music.	First 10 ozs.	14	18
	First 12 ozs.	18	18
	Each additional 2 ozs.	1	1
Samples of merchandise.	First 2 ozs.	6	8
	Each additional ounce.	2	2
Merchandise packages.	(Canada only, 8- ounce maxi- mum).		
	First 5 ozs.	12	14
	Each additional ounce.	2	2
Airmail:			
Letters	Ounce	10	11
Cards	Each	8	9

TABLE F-I—INTERNATIONAL POSTAGE RATES TO BE AFFECTED BY DOMESTIC RATE PROPOSALS<sup>1</sup>

Mail class (1)	Postage rate unit (2)	Current rates (cents) (3)	Antici- pated rates <sup>4</sup> (cents) (4)
Other countries:			
Surface:			
Printed matter regular.	First 2 oz.	6	8
	Each additional 2 oz.	4	4
Books and sheet music:			
P.U.A.S. <sup>2</sup> countries.	First 10 oz.	14	18
	First 12 oz.	18	18
	Each additional 2 oz.	1	1
Other countries.	First 10 oz.	14	18
	First 12 oz.	18	18
	Each additional 2 oz.	1½	1½
Samples of merchandise.			
	First 2 ounces	6	8
	Each additional 2 ounces	4	4
	Minimum charge	13	13

<sup>1</sup> Increases to avoid lower international postage rates than domestic rates for corresponding mail categories.  
<sup>2</sup> Subsequent revisions attributable to phased rate approach to full rates and provisions of the Universal Postal Union (UPU) Convention will be announced at later dates.  
<sup>3</sup> Postal Union of the Americas and Spain.

TABLE F-II—FEES FOR INTERNATIONAL SERVICES AFFECTED BY DOMESTIC FEE PROPOSALS<sup>1</sup>

Service class (1)	Fee basis (2)	Current fees (3)	Antici- pated fees (4)
Registered mail	Per piece	\$0.80	\$0.95
Special delivery let- ters, letter pack- ages, post cards and airmail, other arti- cles up to 2 pounds.	Per piece	.45	.60
Over 2 up to 10 lbs.	Per piece	.60	.75
Over 10 lbs.	Per piece	.75	.90
Surface other articles:			
Up to 2 lbs.	Per piece	.65	.80
Over 2 up to 10 lbs.	Per piece	.75	.90
Over 10 lbs.	Per piece	.90	1.05

<sup>1</sup> Increases to avoid lower charges in international service than in domestic service.  
<sup>2</sup> To Canada only the current fees are \$0.80 for indemnity up to \$100 and \$1.05 for indemnity up to \$200. The anticipated fees are \$0.95 and \$1.25, respectively.

(39 U.S.C. 505; 74 Stat. 581; 39 U.S.C. 3621-3641; 84 Stat. 719)

DAVID A. NELSON,  
General Counsel.

FEBRUARY 1, 1971.

[FR Doc. 71-1556 Filed 2-5-71; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 12322]

NEW MEXICO

Notice of Proposed Withdrawal and  
Reservation of Lands

FEBRUARY 1, 1971.

The Bureau of Indian Affairs, U.S. Department of the Interior, has filed an



application, Serial No. New Mexico 12322, for the withdrawal of the land described below, from all forms of entry, including the mineral leasing and the general mining laws. The applicant desires the lands for the expansion of the sewage lagoon facilities in connection with the Dzilh nah oh dithli school, located 1 mile southeast of the Huerfano Trading Post in San Juan County, N. Mex.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Land Office Manager, Post Office Box 1449, Santa Fe, NM 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The land involved in the application is:

NEW MEXICO PRINCIPAL MERIDIAN

T. 25 N., R. 9 W.,  
Sec. 30, S $\frac{1}{2}$  of lot 3.

The land described aggregates 20.37 acres more or less.

MICHAEL T. SOLAN,  
Land Office Manager,

[FR Doc. 71-1678 Filed 2-5-71; 8:47 am]

## DEPARTMENT OF AGRICULTURE

Packers and Stockyards  
Administration

CARROLL COUNTY LIVESTOCK SALES  
BARN, INC. ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the defini-

tion of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, location of stockyard, and date of posting

Carroll County Livestock Sales Barn, Inc., Carrollton, Ga., May 18, 1959.  
Ivel Livestock Market, Ivel, Ky., Apr. 16, 1964.  
Owen County Stock Yard, Owenton, Ky., Apr. 6, 1970.  
Edgeley Sales Barn, Inc., Edgeley, N.Dak., May 14, 1959.  
Producers Livestock Association, Columbus, Ohio, Feb. 27, 1935.  
Farmers Live Stock Assoc., Wooster, Ohio, May 29, 1959.  
Waurika Auction Sale, Waurika, Okla., Dec. 8, 1949.  
Auction Center, Hood River, Oreg., Nov. 26, 1961.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 1st day of February 1971.

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

[FR Doc. 71-1674 Filed 2-5-71; 8:47 am]

## DEPARTMENT OF COMMERCE

Maritime Administration

CONSTRUCTION OF TANKERS OF  
ABOUT 75,000 DWT COMPUTA-  
TION OF FOREIGN COST

Notice of Intent

Notice is hereby given of the intent of the Maritime Subsidy Board to compute the estimated foreign costs of the construction of tankers of about 75,000 DWT pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended.

Any person, firm or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on February 16, 1971, with the Secretary, Maritime Subsidy Board, Department of Commerce Building, 14th and E Street NW., Washington, DC 20230.

Dated: February 5, 1971.

By Order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,  
Secretary.

[FR Doc. 71-1774 Filed 2-5-71; 10:07 am]

## FIRST TRUST COMPANY OF SAINT PAUL

Notice of Approval of Applicant as  
Trustee

Notice is hereby given that on April 8, 1970, the First Trust Company of Saint Paul, a Minnesota corporation, with offices at W-555 First National Bank Building, St. Paul, Minn., was approved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: February 4, 1971.

BURT KYLE,  
Acting Chief,  
Office of Ship Operations.

[FR Doc. 71-1775 Filed 2-5-71; 10:07 am]

## CIVIL AERONAUTICS BOARD

[Docket No. 22690]

CARIBBEAN-ATLANTIC AIRLINES,  
INC.-EASTERN AIR LINES, INC.  
ACQUISITION CASE

Notice of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding will be held on February 23, 1971, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Ross I. Newmann.

For details of the issues involved in this proceeding, interested persons are referred to the Prehearing Conference Report served on December 23, 1970, the Supplemental Prehearing Conference Report served on January 8, 1971, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., February 2, 1971.

[SEAL] ROSS I. NEWMANN,  
Hearing Examiner.

[FR Doc. 71-1687 Filed 2-5-71; 8:48 am]

[Docket No. 22106]

EVANSVILLE-INDIANAPOLIS

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on February 23, 1971, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner James S. Keith.



Dated at Washington, D.C., February 2, 1971.

[SEAL] THOMAS L. WRENN,  
Chief Examiner.

[FR Doc.71-1688 Filed 2-5-71;8:48 am]

[Docket No. 21790]

**WESTERN ALASKA AIRLINES, INC.  
AND ALASKA AIRCRAFT LEASING  
CO.**

**Notice of Supplementary Prehearing  
Conference**

Notice is hereby given that a supplementary prehearing conference is assigned to be held on the above-entitled proceeding on February 10, 1971, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

Revised requests for evidence, proposed statements of issues, and proposed procedural dates shall be filed with the Examiner and interested parties on or before February 8, 1971.

Dated at Washington, D.C., February 2, 1971.

[SEAL] LOUIS W. SORNSON,  
Hearing Examiner.

[FR Doc.71-1689 Filed 2-5-71;8:48 am]

[Docket 22467; Order 71-2-11]

**EASTERN AIR LINES, INC.**

**Order To Show Cause**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of February 1971.

Application of Eastern Air Lines, Inc., for amendment of its certificate for route 131 and for issuance of an order to show cause.

On December 18, 1970, Eastern Air Lines, Inc. (Eastern), filed a motion for issuance of an order to show cause why its certificate for route 131 should not be amended to grant it authority between Washington, Atlanta, New Orleans-Mexico City, Acapulco.<sup>1</sup>

The United States and Mexico by an exchange of notes, amended and extended the present bilateral Air Transport Agreement between the two countries. One of the amendments revised U.S. Route B by adding Atlanta and Acapulco, to read as follows:

Washington, Atlanta, New Orleans-Mexico City, Acapulco.

Upon consideration of Eastern's request and the relevant facts, we have decided to issue an order to show cause, proposing to award Eastern the requested authority.<sup>2</sup> We tentatively find

<sup>1</sup> On Aug. 12, 1970, Eastern filed an application, Docket 22467, seeking authority to operate, inter alia, Route B as set forth in the recently amended Air Transport Services Agreement governing United States-Mexico air services.

<sup>2</sup> No objections have been filed to Eastern's motion.

and conclude that the public convenience and necessity require the amendment of segment 1 of Eastern's certificate for Route 131 to conform to the revised designation of its Route B.

In support of our ultimate conclusion, we tentatively find and conclude as follows:

Eastern presently operates between all points on the proposed route, although it does not provide nonstop or through-plane service between each point, in part because of limitations in its authority. It is currently authorized to provide New York/Mexico City/Acapulco service on segment 2 of Route 131 and Washington/New Orleans/Mexico City service on segment 1, and provides Atlanta-Mexico City one-stop service by tacking domestic authority at New Orleans, a junction point. Grant of Eastern's application would add Atlanta and Acapulco to segment 1. No U.S. carrier or other party has opposed the requested amendment or has sought to consolidate a competing application for the authority at issue. The new bilateral route involves the addition of the new points, Atlanta and Acapulco, which would logically be granted to the current designee of U.S. Route B, absent objection. The carrier estimates that the new service would be profitable and this estimate appears to be reasonable.

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

During the same 20-day period prescribed above, we will expect Eastern to file with the Board an estimate, with supporting data, of the annual gross transport revenue increase for the first full year of operations resulting from the amended authority proposed herein. This data is requested for the purpose of computing the appropriate licensing fee pursuant to § 389.25(e) (2) (i) of the Board's organization regulations.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and amending Eastern Air Lines, Inc.'s, certificate for route 131 so as to amend segment 1 thereof to read as follows:

Between the coterminal points Washington, D.C., Atlanta, Ga., and New Orleans, La., and the coterminal points Mexico City and Acapulco, Mexico.

2. Any interested persons having objections to the issuance of an order mak-

ing final the proposed findings, conclusions, and certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections.<sup>3</sup>

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

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action;

5. To the extent that the application of Eastern Air Lines, Inc., in Docket 22467, seeks authority other than between the coterminal points Washington, Atlanta, New Orleans-Mexico City, Acapulco, it shall be and hereby is dismissed without prejudice; and

6. A copy of this order shall be served upon Hughes Air Corp., doing business as Air West; American Airlines, Inc.; Braniff Airways, Inc.; Delta Air Lines, Inc.; National Airlines, Inc.; Northwest Airlines, Inc.; Pan American World Airways, Inc.; Piedmont Aviation, Inc.; Southern Airways, Inc.; Texas International Airlines, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; Western Air Lines, Inc.; mayor, city of Atlanta, Ga.; mayor, city of Boston, Mass.; mayor, city of Washington, D.C.; mayor city of New Orleans, La.; mayor, city of Newark, N.J.

This order will be published in the FEDERAL REGISTER (2-6-71).

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,  
Secretary.

[FR Doc.71-1690 Filed 2-5-71;8:48 am]

**FEDERAL COMMUNICATIONS  
COMMISSION**

[Dockets Nos. 19131-19137; FCC 71-59]

**LEON COUNTY COMMUNICATIONS  
CORP. ET AL.**

**Applications for Extension of Time to  
Complete Construction and for Re-  
instatement of Construction Permit**

Order. In regard applications of Leon County Communications Corp. (WNFA-TV), Tallahassee, Fla., Docket No. 19131, File No. BMPCT-6800; Mississippi Broadcasting Co. (WCOC-TV), Meridian, Miss., Docket No. 19132, File No. BMPCT-7027; Rault Petroleum Corp. (WGNO-TV), New Orleans, La., Docket

<sup>3</sup> All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.



No. 19133, File No. BMPCT-7103; TeleAmericas Corp., of Fla. (WTML), Miami, Fla., Docket No. 19134, File No. BMPCT-7136; Mid-Continent Television Corp. (WKTO-TV), Nashville, Tenn., Docket No. 19135, File No. BMPCT-7176; John J. Tibiletti (KAVU), Victoria, Tex., Docket No. 19136, File No. BMPCT-7249; for extension of time to complete construction. Charles Bresler, General Partner; Stanley A. Marks, Cerpoohie R. Ellian, Robert N. Thomas, and Robert Daly, limited partners trading as Reading TV Broadcasters, a limited partnership (WRPA-TV), Reading, Pa., Docket No. 19137, File No. BPCT-4381; for construction permit to replace an expired construction permit.

1. The Commission has before it for consideration six requests for reinstatement of construction permits, call signs and applications for extension of time within which to complete construction of the following television broadcast stations: WNFA-TV, Channel 40, Tallahassee, Fla.; KAVU, Channel 25, Victoria, Tex.; WTML, Channel 39, Miami, Fla.; WGNO-TV, Channel 38, New Orleans, La.; WCOC-TV, Channel 30, Meridian, Miss.; WKTO-TV, Channel 30, Nashville, Tenn.; and a request for reinstatement of an application for a construction permit to replace the expired construction permit of WRPA-TV, Channel 51, Reading, Pa.

2. After the lapse of more than 18 months from the date of the issuance of their construction permits, each of the above-listed permittees failed to demonstrate that it had exercised due diligence in the prosecution of construction or that construction had been prevented by causes not under its control within the meaning of section 319(b) of the Communications Act of 1934, as amended, and accordingly, the Chief, Broadcast Bureau, acting pursuant to delegated authority under § 0.281(z) of the rules, dismissed the extension applications, canceled the construction permits and deleted the call signs. In accordance with the provisions of this delegated authority, each applicant was advised that it could request reinstatement within thirty days and thereby obtain a hearing on the question of dismissal. Subsequently, each filed a request for reinstatement of its permit, call sign, and application for an extension of time within which to complete construction of its station.

3. Accordingly, it is ordered, That the construction permits, call signs and extension applications of television broadcast Stations WNFA-TV, Tallahassee, Fla.; KAVU, Victoria, Tex.; WTML, Miami, Fla.; WGNO-TV, New Orleans, La.; WCOC-TV, Meridian, Miss.; WKTO-TV, Nashville, Tenn., are reinstated, and the construction permit, call sign and application for a construction permit to replace the expired construction permit of Station WRPA-TV are reinstated.

4. It is further ordered, That each of the above-captioned applications is des-

ignated for oral argument before the Review Board in Washington, D.C., at a time and place to be specified in a subsequent order, upon the following issue:

To determine whether the reasons advanced by the permittee in support of its request for an extension of its completion date, constitute a showing that failure to complete construction was due to causes not under the control of the permittee, or constitute a showing of other matters sufficient to warrant a further extension of time within the meaning of section 319(b) of the Communications Act of 1934, as amended, and § 1.534(a) of the Commission's rules.

5. It is further ordered, That to avail themselves of the opportunity to be heard, each of the applicants, in person, or by attorney, shall, within ten (10) days of the mailing of this order, file with the Commission an original and nineteen (19) copies of a written appearance stating an intention to appear on the date fixed for the oral argument and present arguments on the issue specified, and shall have until \_\_\_\_\_ 1971,<sup>1</sup> to file briefs or memoranda of law.

Adopted: January 20, 1971.

Released: January 29, 1971.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>2</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc.71-1680 Filed 2-5-71;8:47 am]

## FEDERAL MARITIME COMMISSION PORT OF SEATTLE AND CARGILL, INC.

### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination

<sup>1</sup> Date will be announced in a subsequent order.

<sup>2</sup> Commissioner Houser not participating.

or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Wade Thompson, Assistant Manager,  
Property Department, Port of Seattle, Post  
Office Box 1209, Seattle, WA 98111.

Agreement No. T-2161-3, between the Port of Seattle and Cargill, Inc., modifies the basic agreement which provides for the construction and lease of a grain elevator and terminal facilities at Seattle. The purpose of the modification is to reduce the construction payment retainerage from 10 percent to 5 percent.

Dated: February 2, 1971.

By order of the Federal Maritime  
Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.71-1576 Filed 2-5-71;8:45 am]

[Docket No. 70-40]

[Independent Ocean Freight Forwarder  
License No. 878]

## SORRENTINO SHIPPING, INC.

### Order of Discontinuance

This proceeding was instituted by Commission order requiring respondent Sorrentino Shipping, Inc., 920 Bergen Avenue, Jersey City, NJ 07306, to show cause why its ocean freight forwarder license should not be suspended for 60 days because of convictions for violation of section 16 of the Shipping Act. The proceeding was limited to affidavits of fact and memoranda of law, and replied by Hearing Counsel.

Respondent and Hearing Counsel are in complete accord that the proceeding should be discontinued with no suspension of respondent's license. We agree.

It has been shown that none of the persons responsible for or benefitting from the prior violations of respondent are currently associated with respondent. It is also shown that respondent's present managerial personnel have, since their takeover, operated in full compliance with the law. We see no reason why respondent should be further penalized for acts engaged in while under control of persons with whom it is no longer associated, and equally see no reason to penalize its present owners, managerial personnel, and employees whose qualifications are unchallenged.

Therefore, it is ordered that this proceeding is hereby discontinued.

By the Commission.

[SEAL] FRANCIS C. HURNEY,  
Secretary.

[FR Doc.71-1677 Filed 2-5-71;8:47 am]



## FEDERAL POWER COMMISSION

[Docket No. CS71-180 etc.]

O. C. HOLT ET AL.

Notice of Applications for "Small Producer" Certificates<sup>1</sup>

JANUARY 28, 1971.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from areas for which just and reasonable rates have been established, all as more fully set forth in the applications 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 February 23, 1971, 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 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.

<sup>1</sup>This notice does not provide for consolidation for hearing of the several matters covered herein.

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.	Date filed	Name of applicant
CS71-180...	1- 4-71	O. C. Holt, Route 1, Box 57, Spearman, TX 79081.
CS71-181...	1- 6-71	L & B Oil & Gas Co., 1510 West 11th, Liberal, KS 67901.
CS71-182...	1-11-71	D. D. I., Inc., 5050 Edgewood Ct., Jacksonville, FL 32203.
CS71-183...	1- 8-71	ProChenco Oil & Gas, Inc., 2415 First National Bank Bldg., Dallas, TX 75202.
CS71-184...	1-11-71	Mack Oil Co., Post Office Box 400, Duncan, OK 73533.
CS71-185...	1-12-71	Kimberlin & Dunn, Post Office Box 2746, Amarillo, TX 79105.
CS71-186...	1-14-71	J. Keith Somerville, 306 Midland National Bank Bldg., Post Office Box 82, Midland, TX 79701.
CS71-187...	1-11-71	Chas. W. Scott et al., Box 463, Duncan, OK 73533.
CS71-188...	1-14-71	B. Baldrige, 308 Combs-Worley Bldg., Post Office Box 379 Pampa, TX 79065.
CS71-189...	1-15-71	J. N. Gifford, 1007 Midland Savings Bldg., Midland, TX 79701.
CS71-190...	1-18-71	Gifford & Mitchell, 1007 Midland Savings Bldg., Midland, TX 79701.
CS71-191...	1-18-71	L. R. Spradling and/or Spradling Drilling Co., Post Office Box 3429, Borger, TX 79007.

[FR Doc.71-1537 Filed 2-5-71;8:45 am]

[Docket Nos. RI71-655 etc.]

L. H. PUCKETT ET AL.

**Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund<sup>1</sup>**

JANUARY 28, 1971.

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

<sup>1</sup>Does not consolidate for hearing or dispose of the several matters herein.

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.<sup>2</sup>

(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 March 22, 1971.

By the Commission,

[SEAL]

GORDON M. GRANT,  
Secretary.

<sup>2</sup>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.



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	
RI71-655..	L.H. Puckett & R. E. Wertz..	1	24	Phillips Petroleum Co. (Hugoton Field, Hansford and Sherman Counties) (Texas R.R. District No. 10).	\$2,337 <sup>1</sup>	1-4-71	10-1-70	10-2-70	11.0589 11.7961	11.4484 12.1339	
RI71-656..	Amerex, Inc. et al.....	1	12	Phillips Petroleum Co. (Hugoton Field (Riffe Well) (Sherman County) (Texas R.R. District No. 10).	151	12-30-70	10-1-70	10-2-70	11.7961	12.1339	

\* The pressure base is 14.65 p.s.i.a.

<sup>1</sup> Subject to downward B.t.u. adjustment.

<sup>2</sup> Sour gas.

<sup>3</sup> Sweet gas. (Filing reflects that there is no current sweet gas production.)

<sup>4</sup> Includes 0.1941-cent tax reimbursement (sour gas-line 1) and 0.2088-cent tax

reimbursement (sweet gas-lines 2 and 3). Phillips has previously protested tax reimbursement filed pursuant to similar tax provisions as included under seller's basic contract.

<sup>5</sup> Date filing completed by notice of change which corrects filing submitted on Dec. 28 1970.

The producers involved here submitted notices of change which proposed revenue-sharing increased rates, including tax reimbursement, for wellhead sales of sour gas and sweet gas to Phillips Petroleum Co. Phillips gathers the gas and processes it in its Sherman Plant and resells the residue gas under its FPC Rate Schedule No. 4 to Michigan-Wisconsin Pipe Line Co.

Phillips has previously argued with respect to another producer sale involving the same contractual provision involved here that the producer, as a contractual matter is not entitled to any tax reimbursement. Inasmuch as Phillips' argument is equally applicable here we shall suspend these proposed increased rates. The tax reimbursement included in such rates upon compliance with the provisions of this order shall be collected, subject to refund, pending resolution of this contract issue.

The subject filings were made in lieu of filings made prior to November 2, 1970, the filing deadline under Opinion No. 586 for receiving an October 1, 1970 effective date for rate increases filed pursuant to that opinion. The original filings reflected the producers' formula for determining the rates but did not reflect its lower rate to which Phillips was limited under Opinion No. 586, but which Phillips had not yet filed. As a result the original filings were rejected. In view of the fact that Phillips had not yet filed its rate reduction at the time of the original filings by these producers, we believe it appropriate to treat the subject filings as substitute filings to be effective as of October 1, 1970, subject to the 1 day suspension period provided herein.

[FR Doc.71-1529 Filed 2-5-71;8:45 am]

[Docket No. G-11181 etc.]

### GAS GATHERING CORP. ET AL.

#### Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates<sup>1</sup>

JANUARY 28, 1971.

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 February 25, 1971, file with the Federal

<sup>1</sup> This notice does not provide for consolidation for hearing of the several matters covered herein.

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-11181..... C 12-14-70	Gas Gathering Corp., Post Office Box 519, Hammon, LA 70401.	Transcontinental Gas Pipe Line Corp., acreage in Pointe Coupee Parish, La.	27.0	15.025
G-11959 <sup>1</sup> ..... (C171-515) E 1-4-71	John R. Crain and Malcolm Delsenroth, Jr. (successor to Mobil Oil Corp.), 1004 Petroleum Bldg., Tulsa, OK 74013.	Cities Service Gas Co., northeast Norman Area, Oklahoma County, Okla.	18.0	14.65
G-19019..... E 1-13-71	Petroleum Equipment Leasing Co. (successor to Omega Oil Corp.), 5300 South Harvard, Tulsa, OK 74135.	South Texas Natural Gas Gathering Co., Henne-Winch-Farris Field, Jim Hogg and Webb Counties, Tex.	14.5	14.65
CI62-1184..... C 1-13-71	Atlantic Richfield Co. (Operator) et al., Post Office Box 2819, Dallas, TX 75221.	Arkansas Louisiana Gas Co., Peden Unit, Arkoma Area, Pittsburg County, Okla.	15.0	14.65
CI63-1239..... E 1-8-71	Sun Oil Co. (successor to Southern Minerals Corp. (Operator) et al.), Post Office Box 2880, Dallas, TX 75221.	Northern Natural Gas Co., North Puckett Ellenburger Field, Pecos County, Tex.	16.0525 14.4485	14.65
CI64-1103..... E 1-8-71	Sun Oil Co. (successor to Southern Minerals Corp.).	Florida Gas Transmission Co., Edna Field, Jefferson Davis Parish, La.	16.0	15.025
CI66-410..... C 12-10-70	Atlantic Richfield Co. (Operator) et al., Post Office Box 2819, Dallas, TX 75221.	Northern Natural Gas Co., Eldorado Gas Plant, Schleicher County, Tex.	20.0563	14.65
CI67-6965..... B 11-23-70	Texaco, Inc., Post Office Box 52332, Houston, TX 77052.	Florida Gas Transmission Co., Skipper Field, Brooks County, Tex.	Depleted	-----
CI68-112..... B 1-11-71 <sup>4</sup>	C. C. Winn, 900 Northeast Military Dr., San Antonio, TX.	Oil Field Transportation Inc., and Hydroco Gas Supply Corp., Orange Grove Field, Jim Wells County, Tex.	Depleted	-----
CI68-276..... C 1-18-71	Jerome P. McHugh (Operator) et al., 930 Petroleum Club Bldg., Denver, CO 80202.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	14.0	15.025
CI68-580..... D 9-3-70 <sup>4</sup>	Jerome P. McHugh et al.....	El Paso Natural Gas Co., Tapacito Pictured Cliffs, Blanco Mesa Verde, Gallup, and Basin Dakota Fields, Rio Arriba County, N. Mex.	( <sup>5</sup> )	-----
CI68-1362..... C 12-24-70	B. J. Brown, 701 Fort Worth National Bank Bldg., Fort Worth, TX 76102.	Arkansas Louisiana Gas Co., Mansfield Field, Scott County, Ark.	15.0	14.65
CI70-51..... C 12-14-70 <sup>1</sup>	Logue and Patterson 628 Meadows Bldg., Dallas, TX 75206.	Florida Gas Transmission Co., Kain Field, Matagorda County, Tex.	17.0	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.



Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C170-408 E 1-8-71	Sun Oil Co. (successor to Southern Minerals Corp.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Zim Field, Zapata County, Tex.	17.8	14.65
C170-691 1-14-71 <sup>1</sup>	Cities Service Oil Co. (Operator) et al., Box 300, Tulsa, OK 74102.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Robstown Plant, Nueces County, Tex.	15.0	14.65
C171-183 A 8-31-70	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001	Transwestern Pipeline Co., South Carlsbad Field, Eddy County, N. Mex.	19.6944	14.65
C171-493 A 12-28-71	Bruce L. Wilson (Operator) et al., 1111 Judson Rd., Longview, TX 75601.	Southern Natural Gas Co., Carthage-Travis Peak Field, Panola County, Tex.	15.0	14.65
C171-505 A 1-4-71 <sup>1</sup>	Naboh Production Co., Post Office Box 448, Amarillo, TX 79105.	Transwestern Pipeline Co., Topoka Lime Formation, Texas County, Okla.	18.5	14.65
C171-508 (C163-986) A 12-29-70 <sup>1</sup>	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Cities Service Gas Co., Winchester Field, Woods County, Okla.	14.0	14.65
C171-509 B 1-6-71	William Herbert Hunt Trust Estate, 1401 Elm St., Dallas, TX 75202.	Texas Eastern Transmission Corp., North Cottonwood Field, Liberty County, Tex.	Depleted	-----
C171-511 B 1-4-71	Getty Oil Co. (Operator) et al., Pct. Office Box 1404, Houston, TX 77001.	Transcontinental Gas Pipe Line Corp., Northwest Gueydan Field, Acadia Parish, La.	Depleted	-----
C171-512 A 1-4-71	Gulf Oil Corp., Post Office Box 1589, Tulsa, OK 74102.	United Gas Pipe Line Co., Hainesville Dome Field, Wood County, Tex.	15.0	14.65
C171-513 A 1-11-71	Great Southern Oil & Gas Co., Inc. (Operator) et al., Post Office Box 51438, OCS, Lafayette, LA 70501.	Trunkline Gas Co., Lake Arthur Field, Jefferson Davis Parish, La.	26.0	15.025
C171-514 A 1-11-71	Clark Canadian Exploration Co. et al., 1100 Hamilton Bldg., Wichita Falls, TX 76301.	Michigan Wisconsin Pipe Line Co., acreage in Major County, Okla.	20.0	14.65
C171-515 A 1-8-71	Shell Oil Co., One Shell Plaza, Houston, TX 77002.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Kings Bayou Field, Cameron Parish, La.	21.5	15.02
C171-517 B 1-11-71	Roy L. Cook, Trustee et al., 1118 Bank of New Mexico Bldg., Albuquerque, N. Mex. 87103.	Piedra Corp., Ignacio-Blanco Field, La Plata and Archuleta Counties, Colo.	Uneconomical	-----
C171-518 B 1-11-71	Piedra Corp., 1118 Bank of New Mexico Bldg., Albuquerque, N. Mex. 87103.	El Paso Natural Gas Co., Ignacio-Blanco Field, La Plata and Archuleta Counties, Colo.	Uneconomical	-----
C171-519 A 1-13-71	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	Natural Gas Pipeline Co. of America, Mermentau River Field, Acadia Parish, La.	28.0	15.025
C171-520 A 1-15-71	Varu Petroleum Co. (Operator) et al., 502 Century Plaza, Wichita, KS 67202.	United Gas Pipe Line Co., Wade City Field, Jim Wells County, Tex.	24.25	14.65
C171-521 A 1-18-71	Philon Development Co. (Operator) et al., Post Office Box 2242, Amarillo, TX 79105.	Northern Natural Gas Co., Bradford-West Tonkawa Field, Lipscomb County, Tex.	23.0	14.65
C171-522 A 1-14-71	Commonwealth Gas Corp., 801 Union Bldg., Charleston, WV 25325.	United Fuel Gas Co., Union District, Jackson County, W. Va.	32.0	15.325
C171-523 B 1-14-71	Tenneco Oil Co., Post Office Box 2511, Houston, TX 77001.	United Gas Pipe Line Co., Maxie-Pistol Ridge Field, Forrest, Lamar, and Pearl River Counties, Miss.	(*)	-----
C171-524 B 1-15-71	Skelly Oil Co., Post Office Box 1650, Tulsa, OK 74102.	Phillips Petroleum Co., acreage in Gray County, Tex.	Depleted	-----
C171-525 A 1-15-71	H. A. Pearce and A. E. Perkins, 226 East Main St., Post Office Box 329, Sedan, KS 67361.	Cities Service Gas Co., acreage in Chautauqua County, Kans.	18.0	14.65

<sup>1</sup> Application was erroneously assigned Docket No. C171-515 as a partial succession. Further review of the Commission files reveals that application is a complete succession and will be processed under Docket No. G-111959 as a complete succession. Docket No. C171-515 is canceled.

<sup>2</sup> Rate in effect subject to refund in Docket No. R171-56.

<sup>3</sup> Subject to reduction for compression charge.

<sup>4</sup> Gas-well gas.

<sup>5</sup> Casinghead gas. Rate in effect subject to refund in Docket No. R170-679.

<sup>6</sup> Original application sought certificate of public convenience and necessity. Applicant now proposes to abandon service previously commenced pursuant to temporary authorization.

<sup>7</sup> By order issued June 26, 1970, the certificate was amended to add acreage was added pursuant to a Mar. 11, 1970 Farmout Agreement from Northwest Production Corp. McHugh now requests that the certificate be amended to show only the acreage actually earned under the Farmout Agreement and delete that acreage not earned by said agreement.

<sup>8</sup> Adds acreage and amends pricing provisions for new acreage.

<sup>9</sup> Contracts provides for rate of 24.25 cents per Mcf; however, Applicant agrees to accept certificate at 17 cents including all adjustments.

<sup>10</sup> Rate in effect subject to refund in Docket No. R170-1655.

<sup>11</sup> Amendment to certificate filed to add interest of co-owners and to redesignate rate schedule as "Operator, et al".

<sup>12</sup> Application previously noticed Sept. 11, 1970 in Docket No. C171-146 et al., at a rate of 18.5 cents per Mcf.

<sup>13</sup> By letter filed Jan. 18, 1971, Applicant amended its application to reflect a total rate of 19.6944 cents per Mcf (including 1.1944 cents total state and local tax).

<sup>14</sup> Includes 1 cent per Mcf reimbursement of transportation cost.

<sup>15</sup> Casinghead gas.

<sup>16</sup> Subject to upward and downward B.t.u. adjustment.

<sup>17</sup> Applicant is filing for certificate to cover its interest acquired from Van-Grasso Oil Co., which was previously covered by the Operator's certificate in Docket No. C163-986.

<sup>18</sup> Applicant states its willingness to accept certificate at 15 cents per Mcf.

<sup>19</sup> Subject to upward B.t.u. adjustment.

<sup>20</sup> Includes 2.5 cents per Mcf upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.

<sup>21</sup> Acreage released to Joseph Fritz.

[FR Doc.71-1538 Filed 2-5-71; 8:45 am]

## GENERAL SERVICES ADMINISTRATION

[Federal Property Management Temporary  
Reg. F-83]

### SECRETARY OF DEFENSE

#### Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in a gas and electric service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d)(40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Arizona Corporation Commission in a proceeding (Docket No. U-1933) involving gas and electric service rate increases by the Tucson Gas and Electric Co.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: February 1, 1971.

ROBERT L. KUNZIG,  
Administrator of General Services.

[FR Doc.71-1663 Filed 2-5-71; 8:46 am]

## INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

### KENTLAND-ELKHORN COAL CORP.

#### Application for Renewal Permit; Notice of Opportunity for Public Hearing

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

(1) ICP Docket No. 10865, Kentland-Elkhorn Coal Corp., Peter Creek Mine, USBM ID No. 15 02103 0, Mouthcard, Pike County, Ky., Section ID No. 002 ("B" Panel Rt. off 1st. Rt.).



In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,  
Chairman,  
Interim Compliance Panel.

FEBRUARY 2, 1971.

[FR Doc.71-1676 Filed 2-5-71;8:47 am]

### OLD GAULEY COAL CO. ET AL.

#### Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.<sup>3</sup>) have been received as follows:

(1) ICP Docket No. 10082, Old Gauley Coal Co., Lick Fork No. 1 Mine, USBM ID No. 46 00309 0, Ansted, Fayette County, W. Va., Section ID No. 001 (First Right Section).

(2) ICP Docket No. 10143, Black Diamond Fuel Co., Mine No. 6, USBM ID No. 44 00382 0, Conaway, Buchanan County, Va., Section ID No. 001 (West Main).

(3) ICP Docket No. 10784, Peabody Coal Co., River King Underground No. 1 Mine, USBM ID No. 11 00725 0, Freeburg, St. Clair County, Ill., Section ID No. 001 (Main Bottom).

(4) ICP Docket No. 10145, Black Diamond Fuel Co., Mine No. 8, USBM ID No. 44 00948 0, Conaway, Buchanan County, Va., Section ID No. 001 (West Main).

(5) ICP Docket No. 10146, Black Diamond Fuel Co., Mine No. 9, USBM ID No. 44 01534 0, Conaway, Buchanan County, Va., Section ID No. 001 (S. East Main).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim

Compliance Panel, Suite 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,  
Chairman,  
Interim Compliance Panel.

FEBRUARY 2, 1971.

[FR Doc.71-1675 Filed 2-5-71;8:47 am]

## OFFICE OF MANAGEMENT AND BUDGET

### ORGANIZATION AND INFORMATION

Pursuant to and in conformity with section 552 of title 5, United States Code, the following notice is published:

#### ORGANIZATION

- Sec.  
1 General.  
2 Authority and functions.  
3 Organization.

#### PROCEDURES

- 10 Methods of operation.  
11 Procedural information.  
12 Substantive rules, policies, and interpretation.

#### AVAILABILITY OF INFORMATION

- 20 Opinions, orders, manuals, etc.  
21 Identifiable records.  
22 Agency proceedings; voting records.

#### EXCEPTIONS

- 30 Exceptions.

#### ORGANIZATION

SECTION 1. *General.* This information is furnished for the guidance of the public, in compliance with the requirements of section 552 of title 5, United States Code, as amended, and in the interest of making available to the public all of the information in the possession of the Office of Management and Budget which may be divulged without jeopardizing the welfare of the Government or the rights of individuals.

SEC. 2. *Authority and functions.* (a) The Office of Management and Budget was established in the Executive Office of the President pursuant to Part I of Reorganization Plan No. 2 of 1970 (35 F.R. 7959), effective July 1, 1970. That Plan transferred to the President all functions vested by law in the Bureau of the Budget, or its Director, and designated the Bureau of the Budget as the Office of Management and Budget. By Executive Order No. 11541 of July 1, 1970 (35 F.R. 10737), the President delegated all functions transferred to him by Part I of the Plan to the Director of the Office of Management and Budget.

(b) The principal statutory functions of the Office of Management and Budget are contained in the Budget and Accounting Act of 1921 (42 Stat. 20, 31 U.S.C. 1-25); the Federal Reports Act of 1942 (44 U.S.C. 3501-3511); the Government Corporation Control Act (59 Stat. 597, 31 U.S.C. 841-869); and the Budget and Accounting Procedures Act of 1950 (64 Stat. 832).

(c) The functions of the Office of Management and Budget are carried out pursuant to the provisions of the statutes cited above and the provisions of various Executive orders—principally, Executive Order No. 8248 of September 8, 1939 (3 CFR Cum. Supp., p. 576), outlining certain functions to be performed by the Bureau of the Budget for the President, and Executive Order No. 11230 of June 28, 1965 (3 CFR 1965 Supp., p. 146), as amended, delegating certain functions of the President to the Director of the Bureau of the Budget. Under the terms of Executive Order No. 11541 of July 1, 1970, the assignments and delegations made in the earlier orders are to be considered as assignments to the Office of Management and Budget and its Director.

SEC. 3. *Organization.* The central organization of the Office of Management and Budget consists of—

(a) The Office of the Director, which includes the Director, the Deputy Director, the Associate Director, and the Assistant Directors.

(b) Five divisions with Government-wide management responsibilities in specialized areas, as follows:

Executive Development and Labor Relations Division.  
Legislative Reference Division.  
Organization and Management Systems Division.  
Program Coordination Division.  
Statistical Policy and Management Information Systems Division.

(c) Eight program and budget divisions, as follows:

Budget Review Division.  
Economics, Science, and Technology Programs Division.  
Evaluation Division.  
General Government Programs Division.  
Human Resources Programs Division.  
International Programs Division.  
National Security Programs Division.  
Natural Resources Programs Division.

(d) The Office has no field organization.

(e) The public may obtain information, make submittals or requests, or obtain decisions at—

(1) Office of Management and Budget, Executive Office of the President, Washington, D.C. 20503, Telephone: 395-3000 (area code 202).

(2) Units of the Office of Management and Budget are presently located in the Executive Office Building, 17th Street and Pennsylvania Avenue NW., and in the New Executive Office Building, 17th and H Streets NW., Washington, DC 20503. Regular office hours are from 9 a.m. to 5:30 p.m., Monday through Friday.

(3) The Executive Office Building is under the security control of the U.S. Secret Service, and admission to the building is by appointment. The New Executive Office Building is also under the security control of the U.S. Secret Service but admission to the building does not require an appointment. Persons desiring to visit officers or employees



of the Office of Management and Budget in either building will usually find it easier to do so if they write or telephone in advance for an appointment.

(f) No formal methods are prescribed for handling Office of Management and Budget functions which may concern a private party. Requests, using the address or telephone number listed above, may be made to the Director of the Office of Management and Budget concerning any function or activity of the Office, or to the following employees in the circumstances indicated—

Assistant to the Director for Public Affairs (inquiries from information media).

Records Officer (for examination of records).  
Assistant to the Director for Administration (matters relating to internal administration).

Assistant Director or Division Chief in charge of division (matters relating to substantive functions of the particular division).  
Personnel Officer (matters relating to employment).

Administrative Services Officer (matters relating to contracts for supplies or services to be furnished to the Office).

#### PROCEDURES

##### Sec. 10. *Methods of operation.*

(a) No formal procedures are prescribed for dealing with the public. The general course and method of channeling and determining Office functions is through the program divisions (with guidance from the management divisions in their specialized fields) to the Deputy Director (or Associate Director) and the Director.

(b) Matters covered by this section may be dealt with upon the basis of a written presentation or, in the discretion of the Director or other Office employee concerned, upon the basis of an informal oral presentation.

Sec. 11. *Procedural information.* (a) Information as to the procedure to be followed by a private party with respect to any substantive function of the Office may be obtained from the officials, and at the address or telephone number, listed in section 3.

(b) No particular forms are prescribed for use by a private party in connection with substantive functions of the Office. Forms prescribed for Government-wide use in connection with administrative matters may be obtained from the Assistant to the Director for Administration or the Administrative Services Officer at the address shown in paragraph (c) of section 3.

Sec. 12. *Substantive rules, policies, and interpretations.* The Office has not adopted or formulated any substantive rules or statements of general policy or interpretations of general applicability regarding substantive functions of the Office which may directly affect a private party. Matters coming before the Office which are of concern to particular members or groups of the public are handled informally in the manner best suited to the particular situation.

#### AVAILABILITY OF INFORMATION

SEC. 20. *Opinions, orders, manuals, etc.* (a) The Office of Management and Budget has few direct dealings with the public and has not developed a body of case law such as would constitute precedential material for resolving particular matters affecting private parties. Specifically—

(1) *Opinions and orders.* The Office is not directly involved in the adjudication of cases involving private parties and does not render final opinions or orders in such matters.

(2) *Statements of policy and interpretation.* The Office has not adopted statements of policy or interpretation which are relied upon in the handling of substantive functions of the Office which may indirectly affect the public.

(3) *Manuals and instructions—indexes.* The materials indexed below are available for inspection and copying, and those marked with an asterisk are also for sale by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402—

\*The Budget of the United States.

\*The Budget of the United States—Appendix.

\*The Budget of the United States—The District of Columbia.

\*The Budget in Brief.

\*Special Analyses, Budget of the United States.

Office of Management and Budget Manual (except those sections relating solely to internal administration of the Office).

Office of Management and Budget Circulars and Index.

Office of Management and Budget Bulletins and Index.

\*Federal Statistical Directory.

\*Catalog of Federal Domestic Assistance.

\*Standard Industrial Classification Manual.

\*Standard Metropolitan Statistical Areas.

\*Statistical Services of the U.S. Government.

\*Statistical Reporter.

(b) Appointments for inspection or copying of materials listed in subsection (a) during regular business hours may be made by writing or telephoning the Records Officer at the address or telephone number listed in paragraph (c) of section 3. Such materials may be copied manually without charge, and reasonable facilities will be made available for that purpose. Also, copies of individual pages of such materials will be made available at the price per page specified in paragraph (2) of section 21(a); however, the right is reserved to limit to a reasonable quantity the copies of such materials which may be made available in this manner when copies also are offered for sale by the Superintendent of Documents.

Sec. 21. *Identifiable records.* (a) Except with respect to records made available under prior sections of this notice, copies of identifiable records of the Office will be furnished upon written application to the Records Officer at the address shown in paragraph (c) of section 3, subject to the following:

(1) The request must describe the desired record with sufficient particularity to permit identification.

(2) A charge of 25 cents per page will be made for each copy furnished; the

minimum charge will be \$1. A charge of \$5 per person per hour will be made for time spent in searching for records, regardless of whether the search is successful; the minimum charge will be \$2. Where the estimated total cost for searching and copying is less than \$5, the records will be furnished with appropriate billing instructions; where the estimated total cost is \$5 or more, the person requesting the record will be informed of the estimated cost and will be required to make payment of not less than 75 percent of the estimated cost in advance of receiving the materials.

(3) Notwithstanding the foregoing, materials may be furnished without charge to foreign governments, other governmental agencies or units, non-profit educational organizations, or other applicants whenever the Records Officer determines that such action would further the performance of the functions of the Office of Management and Budget.

Sec. 22. *Agency proceedings; voting records.* The Office of Management and Budget does not conduct agency proceedings which are settled by vote and has no records of that nature.

#### EXCEPTIONS

Sec. 30. *Exceptions.* Except to the extent that the Director in his sole discretion, upon request for review initiated in writing by an applicant, determines that a record which falls within one of the following categories may be made available, this section shall not apply to matters that are—

(a) Specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(b) Related solely to the internal personnel rules and practices of the Office;

(c) Specifically exempted from disclosure by statute;

(d) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(e) Interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the Office;

(f) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(g) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency;

(h) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(i) Geological and geophysical information and data, including maps, concerning wells.

*Effective date.* The provisions of this notice shall be effective on publication in the FEDERAL REGISTER (2-6-71).

GEORGE P. SHULTZ,  
Director of the Office of  
Management and Budget.

[FR Doc.71-1862 Filed 2-5-71;8:45 am]



## SECURITIES AND EXCHANGE COMMISSION

[File No. 7-3603]

### ATLANTIC RICHFIELD CO.

#### Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 1, 1971.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Atlantic Richfield Co. Warrants (Expiring Sept. 1, 1972) File No. 7-3603.

Upon receipt of a request, on or before February 16, 1971, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[FR Doc.71-1665 Filed 2-5-71; 8:46 am]

[Files Nos. 7-3604-7-3609]

### DEVON APPAREL, INC., ET AL.

#### Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 1, 1971.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the

following companies, which securities are listed and registered on one or more other national securities exchanges:

Devon Apparel, Inc.	7-3604.
Salem Corp.	7-3605.
Tropicana Products, Inc.	7-3606.
Tyco Laboratories, Inc.	7-3607.
Venice Industries, Inc.	7-3608.
Viewlex, Inc.	7-3609.

Upon receipt of a request, on or before February 16, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[FR Doc.71-1670 Filed 2-5-71; 8:46 am]

[811-1184]

### INVESTORS TRADING CO.

#### Notice of Proposal To Terminate Registration

FEBRUARY 1, 1971.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 (Act), to declare by order upon its own motion that Investors Trading Co. (Investors), 460 Denver Club Building, Denver, CO, which registered as an open-end, diversified management investment company under the Act has ceased to be an investment company.

Investors has no shareholders and has not nor does it propose to make a public offering of its securities. Section 3(c)(1) of the Act provides in pertinent part, that any issuer whose outstanding securities are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering is not an investment company within the meaning of the Act.

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

protection of investors, such order may be made upon appropriate conditions.

Notice is further given that any interested person may, not later than February 25, 1971, 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 Emerging 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 under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in this notice, unless an order for hearing upon this matter 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.

[FR Doc.71-1671 Filed 2-5-71; 8:46 am]

## TARIFF COMMISSION

[TEA-W-70]

### WORKER'S PETITION FOR DETERMINATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISTANCE

#### Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the production and maintenance workers at the RCA Corp. plant in Memphis, Tenn., the U.S. Tariff Commission, on February 2, 1971, 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 the television receivers produced at the plant 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 plant.

The petitioner has 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 publication of the notice 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: February 3, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,  
Secretary.

[FR Doc.71-1693 Filed 2-5-71;8:48 am]

[TEA-F-17]

**PETITION OF LONE STAR TEXTILES, INC., FOR DETERMINATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISTANCE**

**Notice of Investigation**

*Investigation instituted.* Upon petition under section 301(a)(2) of the Trade Expansion Act of 1962, filed by Lone Star Textiles, Inc., Hallettsville, Tex., the U.S. Tariff Commission, on February 2, 1971, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with cotton yarns and plain woven fabrics wholly of cotton of the kinds produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

The petitioner has 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.

*Inspection of petition.* 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: February 3, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,  
Secretary.

[FR Doc.71-1694 Filed 2-5-71;8:48 am]

[TEA-W-69]

**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 workers

of Reliable Footwear Co., New York, N.Y., the U.S. Tariff Commission, on the 1st day of February 1971, instituted an investigation under 301(c)(2) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear produced by the aforementioned firm 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 firm.

The petitioner has 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 publication of the notice 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: February 3, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,  
Secretary.

[FR Doc.71-1695 Filed 2-5-71;8:48 am]

**INTERSTATE COMMERCE COMMISSION**

**FOURTH SECTION APPLICATIONS FOR RELIEF**

FEBRUARY 3, 1971.

Protests to the granting of an application must be prepared in accordance with §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. 42124—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 645), for interested rail carriers. Rates on aluminum beer cans, mono-glycerides, diglycerides, or triglycerides, and salt, in carloads and tank carloads, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 114 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

**AGGREGATE-OF-INTERMEDIATES**

FSA No. 42125—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 646), for interested rail carriers.

Rates on scrap lead, zinc, spelter and anodes, aluminum beer cans, mono-glycerides, diglycerides, or triglycerides, and salt, in carloads and tank carloads, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 114 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.71-1681 Filed 2-5-71;8:47 am]

[Notice 242]

**MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS**

FEBRUARY 3, 1971.

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 78277 (Sub-No. 11 TA), filed January 29, 1971. Applicant: McCABE MOVING & STORAGE CO., 5623 Southeast Center Avenue, Portland OR 97206. Applicant's representative: Russell M. Allen, 1200 Jackson Tower, 806 Southwest Broadway, Portland, OR 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Albany, Ore., to points in Washington, Idaho, and Montana; for 150 days. Supporting shipper: R. Veal & Son, 553 South Main, Albany, OR 97321. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operation, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, OR 97204.



No. MC 106022 (Sub-No. 8 TA), filed January 29, 1971. Applicant: V. B. MORGAN CO., a corporation, 6106 Paramount Boulevard, Long Beach, CA 90805. Applicant's representative: Phil Jacobson, Five Ten West Sixth Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in transfer dump vehicles, from Amboy, Calif., to Mohave Steam Generating Station located in Clark County, Nev., approximately 38 miles south of Searchlight, Nev., for 180 days. Supporting shipper: Bechtel Corp., 4550 Seville Avenue, Vernon, CA. Send protests to: Philip Yallowitz, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 111956 (Sub-No. 24 TA), filed January 29, 1971. Applicant: SUWAK TRUCKING COMPANY, Pennsylvania Corporation, 1105-1115 Fayette Street, Washington, PA 15301. Applicant's representative: Henry Wick, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious, or contaminating to other lading, between Bedford, Pa., and points within 50 miles thereof, on the one hand, and, on the other, points in Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, Pa. Restricted to operations over the Pennsylvania Turnpike between Bedford, Pa., and New Stanton, Pa. Applicant seeks the right to tack this authority at Bedford, Pa., and New Stanton, Pa., with its present authorities so as to provide a through service between Bedford and points within 50 miles thereof, on the one hand, and, on the other, applicant's presently authorized service area, for 60 days. Supporting shipper: Application is supported by applicant's own statement. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, Pittsburgh, PA 15222.

No. MC 120800 (Sub-No. 33 TA), filed January 29, 1971. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, CA 90222. Applicant's representative: A. O'Malley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid nitrogen*, from Decatur, Ala., to points in South Carolina and Tennessee, for 150 days. Supporting shipper: American Cryogenics, Inc., No. 1 Embarcadero Center, San Francisco, CA 94111. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 124078 (Sub-No. 470 TA), filed January 29, 1971. Applicant: SCHWERTMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevett (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry urea*, in bulk, from Lima, Ohio; to South Charleston, W. Va., for 180 days. Supporting shipper: Vistron Corp., Midland Building, Cleveland, OH 44115 (L. W. Petersen, Motor Carrier Supervisor). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 126899 (Sub-No. 41 TA), filed January 29, 1971. Applicant: USHER TRANSPORT, INC., Post Office Box 3051, 3925 Old Benton Road, Paducah, KY 42001. Applicant's representative: Harry Ross, 848 Warner Building, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured tobacco products*, from Louisville, Ky., to Akron, Cincinnati, Cleveland, Columbus, Dayton, and Toledo, Ohio; Albany, North Tonawanda, Buffalo, Syracuse, and Rochester, N.Y.; Atlanta, Ga.; Birmingham and Montgomery, Ala.; Boston, Westwood and Springfield, Mass.; Butte, Mont.; Chicago and East Peoria, Ill.; Dallas, Farmers Branch, El Paso, Houston, San Antonio, and Lubbock, Tex.; Denver, Colo.; Des Moines, Iowa; Detroit, Melvindale, and Grand Rapids, Mich.; East Hartford, Conn.; Fargo, N. Dak.; Green Bay and Milwaukee, Wis.; Harrisburg, Pittsburgh, and Scranton, Pa.; Jacksonville, Miami, and Tampa, Fla.; Jersey City, N.J.; Kansas City and St. Louis, Mo.; Little Rock, Ark.; Los Angeles, Wilmington, National City, Oakland, San Diego, Sacramento, and San Francisco, Calif.; Memphis and Nashville, Tenn.; Milwaukee, Oreg.; Minneapolis, Minn.; New Orleans and Shreveport, La.; Oklahoma City, and Tulsa, Okla.; Omaha, Nebr.; Richmond, Va.; Phoenix, Ariz.; Portland, Maine; Providence, R.I.; Salt Lake City, Utah; Seattle and Spokane, Wash.; Sioux Falls, S. Dak.; Wichita, Kans.; and Greensboro, N.C.; for 180 days. Supporting shipper: Lorillard Corp., 2525 East Market Street, Greensboro, NC. Attention: Mr. Frank Krause, Jr., General Traffic Manager. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 167 North Main Street, Memphis, TN 38103.

No. MC 135198 (Sub-No. 1 TA), filed January 29, 1971. Applicant: AFFILIATED VAN LINES, INC., 2124 Washington, Lawton, OK 73501. Applicant's representative: Terry Bell (same address as above). 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*, between points in Comanche County, Okla., and points in Comanche, Kiowa, Caddo, McLain, Carter, Grady, Garvin, Murray, and Stephens Counties,

Okla., restricted to the transportation of traffic having a prior or subsequent movement, in containers beyond the points authorized, 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 the Army, Hq. U.S. Army Field Artillery Center and Fort Sill, Fort Sill, OK 73504. Send protests to: H. C. Morrison, Sr., Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 135263 (Sub-No. 1 TA), filed January 29, 1971. Applicant: QUALITY CONCRETE PRODUCTS, INC., 108 East Ninth Street, Tifton, GA 31792. Applicant's representative: Bob Reinhard, 209 East Fourth Street, Tifton, GA 31794. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wet gypsum*, in bulk, in dump type vehicle from Occidental, Columbia County, Fla. to points in Tift County, Ga., for 180 days. Supporting shipper: Georgia Gypsum Co., Tifton, Ga. 31794. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 3500, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 135265 TA, filed January 29, 1971. Applicant: JOSEPH M. STORM AND GWENDOLYN L. STORMS, partnership, doing business as PETE AND PURCELL'S TRANSFER & STORAGE, 312 West Seventh Street, Bloomington, IN 47401. Applicant's representatives: Smith, Minton, and Balch, 90 Circle Tower Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between Bloomington, Ind., and points in Vigo, Clay, Owen, Monroe, Greene, Sullivan, Lawrence, Orange, Martin, Daviess, and Knox Counties, Ind., and Crawford, Jasper, Richland, Lawrence, and Wabash Counties, Ill. Restriction: The service authorized herein is subject to the following conditions: Said operations are restricted to the transportation of traffic having a prior or subsequent movement in containers, 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, or decontainerization of such traffic, for 180 days. Supporting shipper: Department of the Army and Department of Defense, Office of the Judge Advocate General, Washington, D.C. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 800 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 135266 TA, filed January 29, 1971. Applicant: VOGEL VAN & STORAGE, INC., 700 South Pearl Street,



Albany, NY 12202. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, NY 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, in containers, between points in Albany, Schenectady, Rensselaer, Saratoga, Warren, Hamilton, Washington, Oneida, Montgomery, Herkimer, Fulton, Schoharie, Greene, Columbia, Dutchess, Putnam, Orange, Sullivan, Ulster, Delaware, and Otsego Counties, N.Y.; Hamden, Worcester, Franklin, Hampshire, and Berkshire Counties, Mass.; Litchfield, Hartford, New Haven, and Fairfield Counties, Conn.; and Rutland, Bennington, Addison, Windsor, and Windham Counties, Vt.; for 180 days. Supporting shippers: Jet Forwarding, Inc., 2945 Columbia Street, Torrance, CA;

Perfect Pak Co., 1001 Westlake Avenue North, Seattle, WA; Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, WA; HC & D & Storage Co., Inc., 321 Valencia Street, San Francisco, CA; Home-Pack Transport, Inc., 57-48 49th Street, Maspeth, NY; Asiatic Forwarders, Inc., 335 Valencia Street, San Francisco, CA; Columbia Export Packers, 19000 South Vermont Avenue, Torrance, CA. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, NY 12207.

No. MC 135267 TA, filed January 29, 1971. Applicant: LA MESA ENTERPRISES INC., 472 East 22d Street, Paterson, NJ 07514. Applicant's representative: Thomas Lanier (same address as above),

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, from Paterson, N.J., to points in Florida; for 180 days. Supporting shippers: There are approximately 26 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.71-1682 Filed 2-5-71; 8:47 am]

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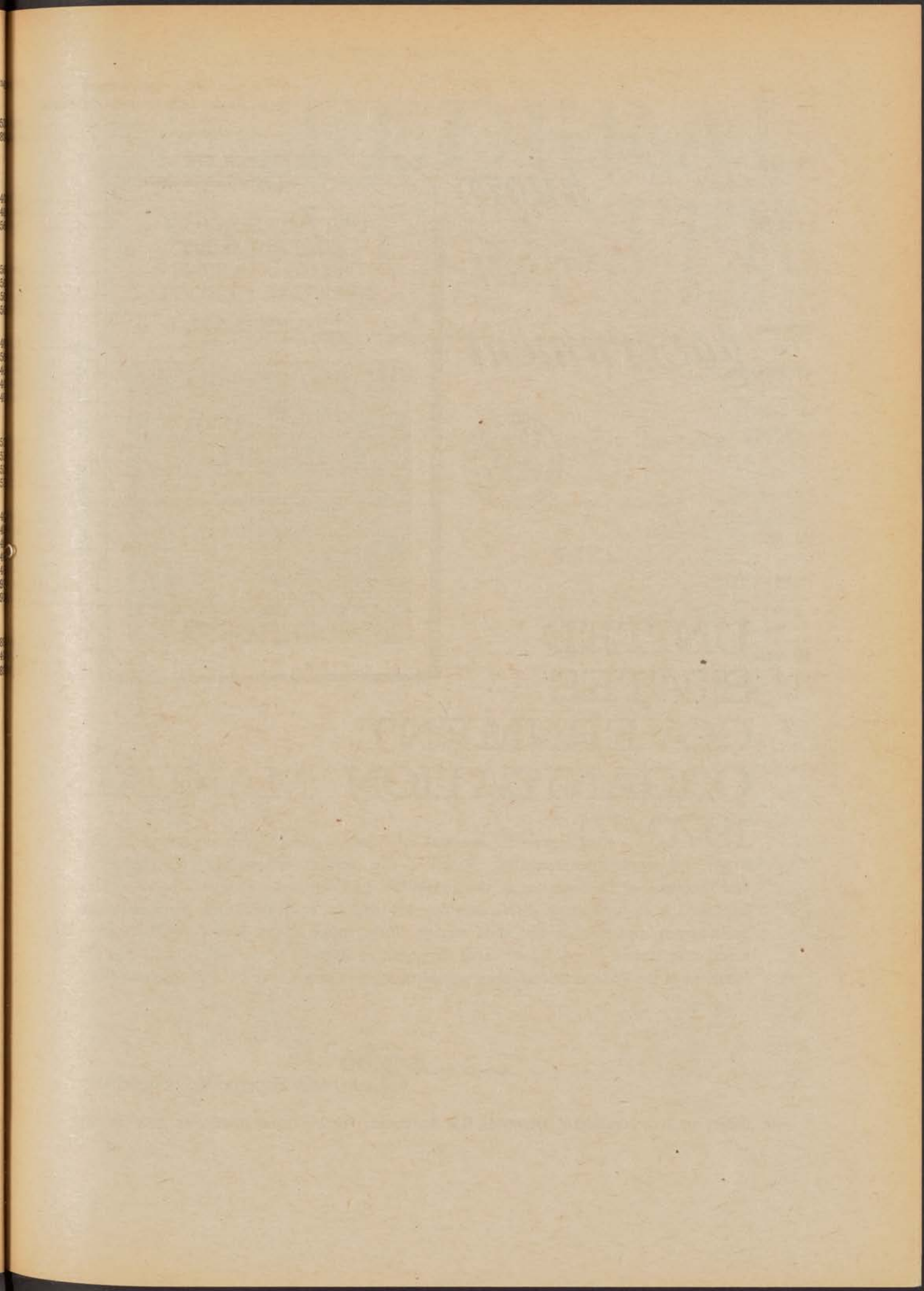
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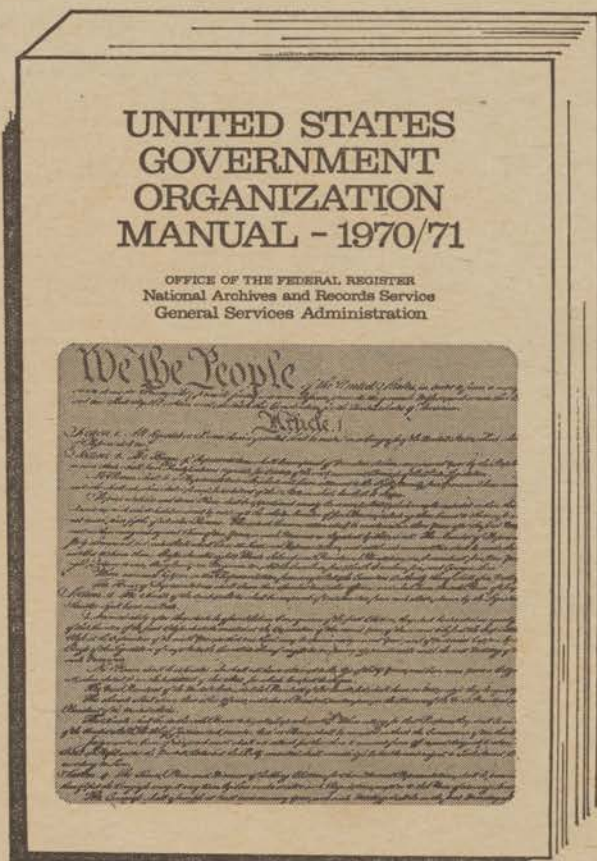


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