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Agencies in this issue—

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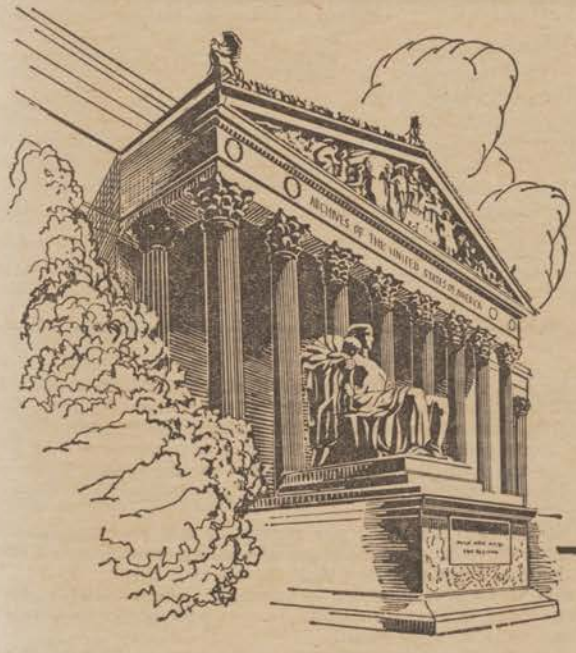

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Volume 82

UNITED STATES STATUTES AT LARGE

[90th Cong., 2d Sess.]

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List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

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, 1970, and specifies how they are affected.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the headnotes of two paragraphs are amended to reflect the current titles of the Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Administration Commissioner and of the Assistant Secretary for Model Cities. It is also amended to reflect their superior's new titles in the Schedule C authorities for the positions of the Staff Assistants to the Directors of the Office of Housing Management and of the Office of Renewal Assistance; and it is amended to simplify the title of the position of Private Secretary to the Deputy Assistant Secretary in the Office of the Assistant Secretary for Metropolitan Planning and Development. Effective on publication in the FEDERAL REGISTER, the headnote of paragraph (b); subparagraphs (5) and (7), and the headnote of paragraph (c); subparagraph (7) of paragraph (d); and the headnote of paragraph (e) under § 213.-3384 are amended as set out below.

§ 213.3384 **Department of Housing and Urban Development.**

* * * * *

(b) *Office of the Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Administration Commissioner.* * * *

(c) *Office of the Assistant Secretary for Renewal and Housing Management.* * * *

(5) One Staff Assistant to the Director, Office of Housing Management.

* * * * *

(7) One Staff Assistant to the Director, Office of Renewal Assistance.

* * * * *

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

(7) One Private Secretary to the Deputy Assistant Secretary.

* * * * *

(e) *Office of the Assistant Secretary for Model Cities.* * * *

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

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

[F.R. Doc. 70–10455; Filed, Aug. 11, 1970; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1443—OILSEEDS

Subpart—Cottonseed Oil and Meal Purchase Program Regulations (1970)

PURCHASES BY CCC

Correction

In F.R. Doc. 70–10166 appearing at page 12455 in the issue of Wednesday, August 5, 1970, a line should be inserted following the twenty-third line of § 1443.64(e)(3) reading as follows: "quality requirements of Rule 248 of such".

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, in paragraph (e)(5) relating to the State of Mississippi, subdivisions (i) relating to Attala, Copiah, Holmes, Lauderdale, Newton, Warren, and Yazoo Counties; (iv) relating to Madison County; (v) relating to Madison and Hinds Counties; (vi) relating to Rankin County; (vii) relating to Scott County; and (viii) relating to Carroll County are deleted.

2. In § 76.2, in paragraph (e)(17) relating to the State of Virginia, subdivision (v) relating to Sussex and Dinwiddie Counties is deleted.

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

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

The amendments release all of Attala, Copiah, Holmes, Lauderdale, Newton, Warren, Yazoo, and portions of Madison, Hinds, Rankin, Scott, and Carroll Counties in Mississippi, and portions of Sussex and Dinwiddie Counties in Virginia from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2. Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded areas.

The amendments relieve certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to affected persons. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C. this 7th day of August 1970.

GEORGE W. IRVING, Jr.,
Administrator, Agricultural Research Service.

[F.R. Doc. 70–10538; Filed, Aug. 11, 1970; 8:51 a.m.]

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 **Modified certified brucellosis areas.**

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. The entire State;
Alaska. The entire State;
Arizona. The entire State;
Arkansas. The entire State;
California. The entire State;
Colorado. The entire State;
Connecticut. The entire State;
Delaware. The entire State;
Florida. Alachua, Baker, Bay, Bradford, Brevard, Broward, Calhoun, Charlotte, Citrus, Clay, Collier, Columbia, Dade, De Soto, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hendry, Hernando, Holmes, Indian River, Jackson, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Liberty, Madison, Manatee, Marion, Martin, Monroe, Nassau, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Putnam, St. Johns, St. Lucie, Santa Rosa, Sarasota, Seminole, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington Counties;
Georgia. The entire State;
Hawaii. The entire State;
Idaho. The entire State;
Illinois. The entire State;
Indiana. The entire State;
Iowa. The entire State;
Kansas. The entire State;
Kentucky. The entire State;
Louisiana. The entire State;
Maine. The entire State;
Maryland. The entire State;
Massachusetts. The entire State;
Michigan. The entire State;
Minnesota. The entire State;
Mississippi. The entire State;
Missouri. The entire State;
Montana. The entire State;
Nebraska. The entire State;
Nevada. The entire State;
New Hampshire. The entire State;
New Jersey. The entire State;
New Mexico. The entire State;
New York. The entire State;
North Carolina. The entire State;
North Dakota. The entire State;
Ohio. The entire State;
Oklahoma. Adair, Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Caddo, Canadian, Carter, Cherokee, Cimarron, Cleveland, Coal, Comanche, Cotton, Craig, Creek, Custer, Delaware, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Latimer, Le Flore, Lincoln, Logan, Love, McClain, McCurtain, McIntosh, Major, Marshall, Mayes, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, Roger Mills, Rogers, Seminole, Sequoyah, Stephens, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, and Woodward Counties;
Oregon. The entire State;
Pennsylvania. The entire State;
Rhode Island. The entire State;
South Carolina. The entire State;
South Dakota. Aurora, Beadle, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Corson, Custer, Davison, Day, Deuel, Dewey, Douglas, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hyde, Jackson, Jerauld, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Marshall, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Stanley, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;
Tennessee. The entire State;
Texas. Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comal, Comanche, Concho, Cook, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Denton, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fayette, Fisher, Floyd, Foard, Freestone, Gaines, Garza, Gillespie, Glasscock, Goliad, Gray, Grayson, Gregg, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hays, Hemphill, Hidalgo, Hill, Hockley, Hood, Houston, Howard, Hudspeth, Hutchinson, Irion, Jack, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufmann, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lee, Leon, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, McCullouch, McLennan, McMullen, Madison, Marion, Martin, Mason, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Moore, Morris, Motley, Nacaddoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Potter, Presidio, Rains, Randall, Reagan, Reel, Reeves, Refugio, Roberts, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Val Verde, Van Zandt, Ward, Washington, Webb, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala Counties;
Utah. The entire State;
Vermont. The entire State;
Virginia. The entire State;
Washington. The entire State;
West Virginia. The entire State;
Wisconsin. The entire State;
Wyoming. The entire State;
Puerto Rico. The entire area;
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 29 F.R. 16210, as amended, 9 CFR 78.16)

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

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): Martin and St. Lucie Counties in Florida; Angelina and Goliad Counties in Texas.

The amendment deletes the following areas from the list of areas designated as modified certified brucellosis areas because it has been determined that such areas no longer come within the definition of § 78.1(i): Choctaw County in Oklahoma; Camp County in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of August 1970.

E. E. SAULMON,
Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 70–10504; Filed, Aug. 11, 1970; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Regulatory Docket No. 10492]

[Special Federal Aviation Reg. 26]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Approval of Import Aircraft Engines, Propellers, Materials, Parts, and Appliances

The purpose of this Special Federal Aviation Regulation (SFAR) is to provide for the approval, on a selective basis, of aircraft engines, propellers, materials, parts, and appliances, manufactured in a foreign country with which the United States has an agreement for the acceptance of powered aircraft for export and import.

Section 21.29 of Part 21 provides for the issuance of a type certificate for a product that is manufactured in a foreign country with which the United States has an agreement for the acceptance of these products for export and import and that is to be exported into the United States. Section 21.183(c) implements § 21.29 and provides for the issuance of airworthiness certificates for aircraft type certificated in accordance with § 21.29. There are 20 foreign countries with which the United States has bilateral agreements. A majority of these agreements cover aircraft and components of those aircraft imported into the United States. However, five of the agreements also cover engines and propellers that are not part of an aircraft imported into the United States and one agreement also covers appliances that are not part of an aircraft, aircraft engine, or propeller imported into the United States.

In addition to the foregoing, since § 21.183(c) provides only for the approval of aircraft type certificated under § 21.29, the FAA recently amended Part 21 to provide for the individual approval of type certificated aircraft engines and propellers being imported into the United

States. Similar action was taken with respect to materials, parts, and appliances, manufactured in a foreign country. In this connection, and consistent with § 21.29, the FAA added §§ 21.500 and 21.502 (Amendment 21–25, 34 F.R. 14068) which provide for the approval of aircraft engines, propellers, materials, parts, and appliances, manufactured in a foreign country with which the United States has an agreement for the acceptance of such aircraft engines, propellers, materials, parts, and appliances, for export and import. It should be noted that the term "part" includes subassemblies and as used in the regulations, the ordinary dictionary definition is applied to subassembly. Thus, an aircraft subassembly is a structural unit manufactured or assembled separately but designed to be incorporated with other units in the final assembly of the aircraft.

In issuing Amendment 21–25, it was anticipated that appropriate amendments to the various bilateral agreements would be accomplished to accommodate these regulations. However, the renegotiation of the pertinent bilaterals has taken longer than expected, and the new requirements have created difficulties for U.S. manufacturers who use imported aircraft engines, propellers, materials, parts, and appliances, on aircraft manufactured in the United States. The new regulations have also created concern for various foreign manufacturers who have been granted approvals of their products, materials, parts, and appliances in the past.

In the light of the foregoing, the FAA considers that it is in the public interest to provide for the continued approval of aircraft engines, propellers, materials, parts, and appliances pending the appropriate amendment of those bilateral agreements where such amendment is in the mutual interest of the United States and the foreign country involved. This Special Federal Aviation Regulation is designed to provide for the continuance on an interim basis of such approvals. It is anticipated that the necessary amendments to the bilateral agreements will be accomplished in approximately 18 months. This regulation should have no adverse affect on safety since it limits the approval of aircraft engines, propellers, materials, parts (including subassemblies), and appliances, to those manufactured in a foreign country with which the United States has an agreement for the acceptance of powered aircraft for export and import provided that the Administrator (1) has previously approved a product or a material, part, or appliance, manufactured in that country that is of the same kind as the product, material, part, or appliance, for which approval is requested or, in the case of a subassembly to be incorporated on an aircraft designed and manufactured in the United States, has previously approved any other subassembly manufactured in that country and (2) has determined that the country utilizes acceptable quality control standards and certification and approval procedures. Finally the regulation provides for the adoption of appropriate procedures in agreements between the Administrator and the competent aeronautical authorities of the various countries of manufacture for the execution of the provisions of this regulation.

In view of the immediate need for this action pending the revision of the bilateral agreements, and since this regulation relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective in less than 30 days.

In consideration of the foregoing, the following Special Federal Aviation Regulation is adopted to become effective August 8, 1970:

SFAR No. 26

Contrary provisions of §§ 21.29, 21.500, and 21.502 of the Federal Aviation Regulations notwithstanding—

1. A type certificate may be issued under § 21.29 for an aircraft engine or propeller manufactured in a foreign country with which the United States has a currently effective bilateral agreement for the acceptance of powered aircraft for export and import and that is to be imported into the United States if (i) a type certificate has previously been issued by the Administrator for a product manufactured in that country which is of the same kind as the product for which a type certificate is requested; and (ii) the Administrator determines that the design standards and practices, the quality control standards, and the certification procedures utilized by such country for the particular product being imported are the equivalent of those required in the United States.

2. Aircraft engines, propellers, materials, parts (including subassemblies), or appliances (hereinafter referred to as aircraft components), manufactured in a foreign country with which the United States has a currently effective bilateral agreement for the acceptance of powered aircraft may be approved under § 21.500 or § 21.502, as applicable, if (i) an approval has previously been issued by the Administrator for an aircraft component manufactured in that country which is of the same kind as the aircraft component for which approval is requested; and (ii) the Administrator determines that the quality control standards and the certification and approval procedures utilized by such country for the particular aircraft component being imported are the equivalent of those required in the United States.

3. Aircraft subassemblies not covered under paragraph 2 that are to be incorporated on aircraft designed and manufactured in the United States, and that are manufactured in a foreign country with which the United States has a currently effective bilateral agreement for the acceptance of powered aircraft may be approved if (i) an approval has previously been issued by the Administrator for any other subassembly manufactured in that country; (ii) the Administrator determines that the quality control standards and the certification and approval procedures utilized by that country for the particular subassembly being imported are equivalent to those required in the United States; and (iii) the competent aeronautical authorities of the country certify that the subassembly meets the applicable design requirements.

4. Appropriate procedures for the execution of the provisions contained in paragraphs 1, 2, and 3 of the regulation may be embodied in agreements between the Administrator and the competent aeronautical authorities of the country of manufacture of the aircraft component.

5. In the event that the Administrator determines that the quality control standards and certification and approval procedures being utilized in the foreign countries to which this regulation is applicable no longer meet the quality control and certification and approval requirements equivalent to those required in the United States, the approval given under this regulation for the import into the United States of those aeronautical products covered by the regulation will be terminated.

This special regulation shall terminate March 1, 1972, unless sooner rescinded or superseded.

(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 August 3, 1970.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70–10487; Filed, Aug. 11, 1970; 8:47 a.m.]

[Airworthiness Docket No. 70–WE–28–AD; Amdt. 39–1064]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch Turboprop Engine TPE331–3W–301A

Pursuant to the authority delegated to me by the Administrator (31 F.R. 13697) an airworthiness directive was adopted on July 24, 1970, and made effective immediately as to all known U.S. operators or owners of certain serial number AiResearch Model TPE331–3W–301A turboprop engines installed in, but not limited to Handley-Page Model C10A aircraft. The airworthiness directive required a replacement of the high speed pinion assembly P/N 869441–2 per AiResearch Service Bulletin No. 622, dated July 24, 1970, or later FAA-approved revision.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known operators or owners of AiResearch Model TPE331–3W–301A turboprop engines by specific serial numbers by individual telegrams dated July 24, 1970.

These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER and an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Pursuant to the authority of the Federal Aviation Act of 1958, as amended, delegated to me by the Administrator, the following airworthiness directive applicable to AiResearch Model TPE331–3W–301A engines, S/N P01001 through P–01010 and P–01012, P–01014, and P–01015, installed in but not limited to Handley-Page Model C10A aircraft is effective upon receipt of this telegram.

This directive necessary because of a serious condition which may be caused by backing off of the high speed pinion retaining nut. To prevent engine failures from this cause, the following is required: Replace the high speed pinion assembly R/N 869441–2 in accordance with AiResearch telegraphic service bulletin No. 622, dated July 24, 1970, or later FAA-approved revision, prior to further use.

This amendment is effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated July 24, 1970.

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

Issued in Los Angeles, Calif., on August 3, 1970.

LEE E. WARREN,
Acting Director,
FAA Western Region.

[F.R. Doc. 70–10488; Filed, Aug. 11, 1970; 8:47 a.m.]

[Airspace Docket No. 70–CE–26]

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

Alteration of Control Zone and Transition Area

On page 7656 of the FEDERAL REGISTER dated May 16, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Rhinelander, Wis.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following changes:

(1) The Rhinelander-Oneida County Airport coordinates recited in the Rhinelander, Wis., control zone and transition area alteration as "latitude 45°37'50" N., longitude 89°27'40" W." are changed to read "latitude 45°38'00" N., longitude 89°27'30" W.".

(2) The Grott Airport coordinates recited in the Rhinelander, Wis., transition area alteration as "latitude 45°30'45" N., longitude 89°33'35" W." are changed to read "latitude 45°31'00" N., longitude 89°33'40" W.".

These amendments shall be effective 0901 G.m.t., October 15, 1970.

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

Issued in Kansas City, Mo., on July 14, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

(1) In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

RHINELANDER, WIS.

Within a 5-mile radius of Rhinelander-Oneida County Airport (latitude 45°38'00" N., longitude 89°27'30" W.); within 2½ miles each side of the Rhinelander VORTAC 229° radial extending from the 5-mile radius zone to 6½ miles southwest of the VORTAC; and within 2½ miles each side of the Rhinelander VORTAC 322° radial extending from the 5-mile radius zone to 6½ miles northwest of the VORTAC.

(2) In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

RHINELANDER, WIS.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Rhinelander-Oneida County Airport (latitude 45°38'00" N., longitude 89°27'30" W.); and within an 8-mile radius of the Drott Airport (latitude 45°31'00" N., longitude 89°33'40" W.); and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of the Rhinelander VORTAC; within 9½ miles southeast and 4½ miles northwest of the Rhinelander VORTAC 229° radial extending from the 17-mile radius area to 18½ miles southwest of the VORTAC; within 9½ miles southwest and 4½ miles northeast of the Rhinelander VOR TAC 322° radial extending from the 17-mile radius area to 18½ miles northwest of the VORTAC; within 9½ miles northwest and 4½ miles southeast of the Rhinelander VOR TAC 031° radial extending from the 17-mile radius area to 18½ miles northeast of the VORTAC; and within 9½ miles northwest and 4½ miles southeast of the Rhinelander VORTAC 058° radial extending from the 17-mile radius area to 23½ miles northeast of the VORTAC.

[F.R. Doc. 70–10489; Filed, Aug. 11, 1970; 8:47 a.m.]

[Airspace Docket No. 70–CE–30]

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

Alteration of Transition Area

On page 7657 of the FEDERAL REGISTER dated May 16, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Salem, Ill.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following changes: The Salem-Leckrone Airport coordinates recited in the Salem, Ill., transition area alteration as "latitude 38°38'40" N., longitude 88°57'50" W." are changed to read "latitude 38°38'45" N., longitude 88°57'45" W.".

This amendment shall be effective 0901 G.m.t., October 15, 1970.

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

Issued in Kansas City, Mo., on July 14, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

SALEM, ILL.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Salem-Leckrone Airport (latitude 38°38'45" N., longitude 88°57'45" W.); and within 2 miles each side of the 003° bearing from Salem-Leckrone Airport, extending from the 5-mile radius area to 6½ miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 003° bearing from Salem-Leckrone Airport, extending from the north edge of V–446 to 25 miles north of the airport, excluding the portion which overlies the Vandalia, Ill., transition area.

[F.R. Doc. 70–10490; Filed, Aug. 11, 1970; 8:47 a.m.]

[Airspace Docket No. 70–CE–32]

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

Alteration of Control Zone and Transition Area

On page 7657 of the FEDERAL REGISTER dated May 16, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Decatur, Ill.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following change: The longitude coordinate recited in the Decatur, Ill., Airport control zone and transition area alteration as "longitude 88°52'10" W." is changed to read "longitude 88°51'50" W.".

This amendment shall be effective 0901 G.m.t., October 15, 1970.

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

Issued in Kansas City, Mo., on July 14, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

(1) In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

DECATUR, ILL.

Within a 5-mile radius of Decatur Airport (latitude 39°50'05" N., longitude 88°51'50" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

(2) In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

DECATUR, ILL.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Decatur Airport (latitude 39°50'05" N., longitude 88°51'50" W.); and that airspace extending upward from 1,200 feet above the surface within a 23-mile radius of the Decatur VOR excluding the airspace within the Springfield, Ill., transition area.

[F.R. Doc. 70-10491; Filed, Aug. 11, 1970; 8:47 a.m.]

[Airspace Docket No. 70-CE-34]

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

Alteration of Control Zone and Transition Area

On page 7658 of the FEDERAL REGISTER dated May 16, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Bemidji, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following changes: The coordinates recited in the Bemidji, Minn. Municipal Airport, control zone and transition area alteration as "latitude 47°30'35" N., longitude 94°-55'50" W." are changed to read "latitude 47°30'30" N., longitude 94°55'55" W.".

This amendment shall be effective 0901 G.m.t., October 15, 1970.

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

Issued in Kansas City, Mo. on July 14, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

(1) In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

BEMIDJI, MINN.

Within a 5-mile radius of Bemidji Municipal Airport (latitude 47°30'30" N., longitude 94°55'55" W.); within 1½ miles each side of the Bemidji VORTAC 138° radial, extending from the 5-mile radius zone to the VORTAC; and within 3½ miles each side of the 262° bearing from Bemidji Municipal Airport, extending from the 5-mile radius zone to 8 miles west of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

BEMIDJI, MINN.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Bemidji Municipal Airport (latitude 47° 30'30" N., longitude 94°55'55" W.); within 5 miles each side of the Bemidji VORTAC 135° radial, extending from the 7-mile radius area to 19½ miles southeast of the VORTAC; within 5 miles each side of the Bemidji VORTAC 318° radial, extending from the 7-mile radius area to 8 miles northwest of the VORTAC; and within 4½ miles north and 9½ miles south of the 262° bearing from Bemidji Municipal Airport, extending from the airport to 18½ miles west of the airport; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of Bemidji VORTAC, extending from the 318° radial, clockwise to the 014° radial; within a 23½-mile radius of Bemidji VOR TAC extending from the 014° radial clockwise to the 285° radial; within 4½ miles northeast and 9½ miles southwest of the Bemidji VORTAC 318° radial, extending from the VORTAC to 18½ miles northwest of the VORTAC; and within 4½ miles southwest and 9½ miles northeast of the Bemidji VORTAC 135° radial, extending from the 23½-mile radius area to 30 miles southeast of the VORTAC.

[F.R. Doc. 70-10492; Filed, Aug. 11, 1970; 8:47 a.m.]

[Airspace Docket No. 70-CE-36]

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

Alteration of Control Zone and Transition Area

On pages 7436 and 7437 of the FEDERAL REGISTER dated May 13, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Minot, N. Dak.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., October 15, 1970.

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

Issued in Kansas City, Mo., on July 14, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

(1) In § 71.171 (35 F.R. 2000), the following control zones are amended to read:

a. Minot, N. Dak. (International Airport):

Within a 5-mile radius of Minot International Airport (latitude 48°15'40" N., longitude 101°16'45" W.); within 4 miles each side of the Minot VORTAC 129° radial, extending from the 5-mile radius zone to 9 miles southeast of the VORTAC; within 4 miles each side of the Minot VORTAC 260° radial, extending from the 5-mile radius zone to 9½ miles west of the VORTAC; within 4 miles each side of the Minot VORTAC 327° radial, extending from the 5-mile radius zone to 9½ miles northwest of the VORTAC; and within 4 miles each side of the Minot VOR TAC 097° radial, extending from the 5-mile radius zone to 8½ miles east of the VORTAC, excluding the portion which overlies the Minot AFB control zone.

b. Minot, N. Dak. (Air Force Base):

Within a 5-mile radius of Minot AFB (latitude 48°24'55" N., longitude 101°21'25" W.); within 2½ miles each side of the Deering TACAN 113° radial, extending from the 5-mile radius zone to 7 miles southeast of the TACAN; and within 2½ miles each side of the Deering TACAN 303° radial, extending from the 5-mile radius zone to 7 miles northwest of the TACAN.

(2) In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

MINOT, N. DAK.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Minot AFB (latitude 48°24'55" N., longitude 101°21'25" W.); within a 10-mile radius of Minot International Airport (latitude 48°15'40" N., longitude 101°16'45" W.); within 5 miles each side of the Minot VOR TAC 260° radial, extending from the 10-mile radii areas to 12 miles west of the VORTAC; within 5 miles each side of the Minot VORTAC 129° radial extending from the 10-mile radius area to 12 miles southeast of the VORTAC; and within 5 miles each side of the Minot VORTAC 097° radial, extending from the 10-mile radius area to 12 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Deering TACAN; and that airspace extending upward from 5,700 feet MSL within a 50-mile radius of Deering TACAN, excluding the area north of latitude 49°00'00" N., and the area which overlies V-430 and V-15.

[F.R. Doc. 70-10493; Filed, Aug. 11, 1970; 8:47 a.m.]

[Airspace Docket No. 70-CE-38]

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

Alteration of Control Zone and Transition Area

On page 7658 of the FEDERAL REGISTER dated May 16, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Alexandria, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., October 15, 1970.

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

Issued in Kansas City, Mo., on July 14, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

(1) In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

ALEXANDRIA, MINN.

Within a 5-mile radius of Alexandria Municipal Airport (latitude 45°52'00" N., longitude 95°23'40" W.); and within 2 miles each side of the Alexandria VORTAC 231° radial, extending from the 5-mile radius zone to 2 miles southwest of the VORTAC.

(2) In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

ALEXANDRIA, MINN.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Alexandria Municipal Airport (latitude 45°52'00" N., longitude 95°23'40" W.); and within 2 miles each side of the Alexandria VORTAC 231° radial, extending from the 7-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of the Alexandria VORTAC, extending from the 306° radial clockwise to the 148° radial; within 4½ miles southeast and 9½ miles northwest of the Alexandria VORTAC 051° and 231° radials extending from 6 miles southwest to 18½ miles northeast of the VORTAC; and within 5 miles each side of the Alexandria VORTAC 231° radial, extending from 9½ miles southwest to 21½ miles southwest of the VORTAC.

[F.R. Doc. 70-10494; Filed, Aug. 11, 1970; 8:47 a.m.]

[Airspace Docket No. 70-CE-60]

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

Designation, Alteration and Revocation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Rapid City, S. Dak. (Municipal Airport), control zone, to add the Rapid City, S. Dak. (Regional Airport) control zone, and to alter the Rapid City, S. Dak. (Ellsworth AFB) control zone.

The Rapid City, S. Dak., Municipal Airport, has been renamed the Rapid City Regional Airport. Therefore, it is necessary to revoke the Rapid City (Municipal Airport) control zone and to alter the Rapid City (Ellsworth AFB) control zone which presently refers to the Airport as Rapid City Municipal Airport and to add a Rapid City (Regional Airport) control zone in order to reflect the airport change in name. Action is taken herein to reflect this change.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., October 15, 1970, as hereinafter set forth:

(1) In § 71.171 (35 F.R. 2054), the following control zone is revoked: Rapid City, S. Dak. (Municipal Airport).

(2) In § 71.171 (35 F.R. 2054), the following control zone is added:

RAPID CITY, S. DAK. (REGIONAL AIRPORT)

Within a 5-mile radius of Rapid City Regional Airport (latitude 40°02'30" N., longitude 103°03'20" W.); within 3 miles each side of the Rapid City VOR 155° and 335° radials, extending from the 5-mile radius zone to 8 miles southeast of the VOR; and within 3 miles each side of the Ellsworth AFB TACAN 129° radial, extending from the Rapid City, S. Dak. (Ellsworth AFB), 5-mile radius zone to 8 miles Southeast of the TACAN, excluding the portion north of a line between the INTs of the 5-mile radius zone and the Rapid City, S. Dak. (Ellsworth AFB), 5-mile radius zone.

(3) In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

RAPID CITY, S. DAK. (ELLSWORTH AFB)

Within a 5-mile radius of Ellsworth AFB (latitude 44°08'45" N., longitude 103°06'15" W.); and within 2½ miles each side of the Ellsworth AFB TACAN 322° radial, extending from the 5-mile radius zone to 7 mines northwest of the TACAN, excluding the portion which overlies the Rapid City, S. Dak. (Regional Airport) control zone.

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

Issued in Kansas City, Mo., on July 10, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-10495, Filed, Aug. 11, 1970; 8:48 a.m.]

[Airspace Docket No. 70-CE-61]

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

Revocation of Additional Control Areas and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Moberly, Mo., transition area and additional control areas at Macon, Mo., and Quincy, Ill.

The instrument approach procedures for Omar N. Bradley Airport at Moberly, Mo., have been canceled, with the result that there is no longer any requirement for the designation of a transition area for their protection. In addition, Ozark Air Lines no longer serves Moberly and the additional control area designation for the protection of their direct route authorizations from Moberly to Columbia, Mo., and from Moberly to Quincy, Ill., are no longer required. Therefore, it is necessary to revoke the Moberly, Mo., transition area and the additional control areas at Macon, Mo., and Quincy, Ill. Action is taken herein to effect these changes.

Since these actions revoke a transition area and additional control areas, it imposes no additional burden on any person and consequently notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., October 15, 1970, as hereinafter set forth:

(1) In § 71.181 (35 F.R. 2134), the following transition area is revoked: Moberly, Mo.

(2) In § 71.163 (35 F.R. 2046), the following additional control areas are revoked:

a. Macon, Mo.
b. Quincy, Ill.

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

Issued in Kansas City, Mo., on July 10, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-10496; Filed, Aug. 11, 1970; 8:48 a.m.]

[Airspace Docket No. 70-CE-65]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Grandview, Mo., transition area.

The public use instrument approach procedure for Johnson County Airport, Grandview, Mo., has been altered by moving the approach radial by 5°. Therefore, it is necessary to alter the Grandview transition area to reflect this radial change. This alteration does not involve the designation of any additional airspace.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the change may be accomplished by final rule action.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 15, 1970, as hereinafter set forth:

In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

GRANDVIEW, MO.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Richards-Gebaur AFB (latitude 38°50'50" N., longitude 94°33'20" W.); within a 6-mile radius of Johnson County Airport (latitude 38°51'00" N., longitude 94°44'15" W.); and within 3 miles each side of the 183° bearing from Johnson County Airport, extending from the 6-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within the area bounded on the south by latitude 38°00'00" N., on the west by the east edge of V-12; on the north by the arc of a 10-mile radius circle centered on the Kansas City, Mo., Municipal Airport (latitude 39°07'20" N., longitude 94°35'30" W.); and on the east by the west edge of V-159, excluding the portion which overlies the Emporia and Wichita, Kans., transition areas.

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

Issued in Kansas City, Mo., on July 10, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R Doc. 70-10497; Filed, Aug. 11, 1970; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8641]

PART 13—PROHIBITED TRADE PRACTICES

American Home Products Corp.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170-52 Medicinal, therapeutic, healthful, etc.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified order to cease and desist, American Home Products Corp., New York, N.Y., Docket No. 8641, June 9, 1970]

In the Matter of American Home Products Corp., a Corporation

Order modifying a cease and desist order upon remand, dated July 15, 1969, 34 F.R. 13866, pursuant to a decision of the Court of Appeals, Sixth Circuit, dated Feb. 10, 1970, 421 F. 2d 845, by providing that paragraph I.A.(4) shall be modified to read: "Afford any relief from pain or itching associated with hemorrhoids in excess of affording temporary relief of pain and itching of hemorrhoidal tissue in many cases."

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

I. *It is ordered,* That respondent American Home Products Corp., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating or causing the dissemination of any advertisement by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, in connection with the offering for sale, sale or distribution of Preparation H Ointment or Suppositories, or any other nonprescription drug product offered for sale for the treatment or relief of hemorrhoids or piles or any of its symptoms, which:

A. Represents directly or by implication that the use of such product will:

(1) Reduce, shrink, or afford any relief of hemorrhoidal veins themselves: *Provided, however,* That nothing contained herein shall be construed to prohibit the dissemination of any advertisement which represents that the use of such product will help reduce swelling of hemorrhoidal tissue caused by edema, infection, or inflammation, or that the use of such product will help reduce swelling of hemorrhoidal tissue by lubricating the affected area;

(2) Avoid the need for surgery as a treatment for hemorrhoids or hemorrhoidal symptoms;

(3) Heal, cure, or remove hemorrhoids, or eliminate the problem of hemorrhoids;

(4) Afford any relief from pain or itching associated with hemorrhoids in excess of affording temporary relief of pain and itching of hemorrhoidal tissue in many cases;

(5) Afford any other type of relief, or have any other effect on, hemorrhoids or hemorrhoidal symptoms.

B. Contains any reference to the word "Bio-Dyne"; or contains any reference to any other ingredient either singly or in combination unless each such ingredient is effective in the treatment or relief of hemorrhoids or any of its symptoms and unless the specific effect thereof is expressly and truthfully set forth.

II. *It is further ordered,* That respondent and its officers, representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of Preparation H Ointment or Suppositories, or any other nonprescription drug product offered for sale for the treatment or relief of hemorrhoids or any of its symptoms, in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph I hereof.

III. In the event that respondent at any time in the future markets any nonprescription drug preparation for the treatment or relief of hemorrhoids or any of its symptoms for which it desires to make any of the representations now prohibited under paragraph I of this order, it may petition the Commission for a modification of the order. Such petition shall be accompanied by a showing that the representation is not false or misleading within the meaning of the Federal Trade Commission Act, and, if such has been the case, that the specific representation has been accepted as part of the labeling for such product by the Secretary of the Department of Health, Education, and Welfare under the provisions of the Federal Food, Drug and Cosmetic Act as it is presently constituted or as it may hereafter be amended.

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

Issued: June 9, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-10518; Filed, Aug. 11, 1970; 8:49 a.m.]

[Docket No. 8643]

PART 13—PROHIBITED TRADE PRACTICES

Grove Laboratories

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170-52 Medicinal, therapeutic, healthful, etc.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified order to cease and desist, Grove Laboratories, a division of Bristol-Myers Co., St. Louis, Mo., Docket No. 8643, June 9, 1970]

In the Matter of Grove Laboratories, a Division of Bristol-Myers Co.

Order modifying, pursuant to a decision of the U.S. Court of Appeals, Fifth Circuit, October 14, 1969, 418 F. 2d 489, and judgment dated November 21, 1969, a cease and desist order dated June 13, 1967, 32 F.R. 9648, by allowing a manufacturing drug firm to state that its products would temporarily relieve pain and itching and help to reduce swelling associated with hemorrhoids in many cases.

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

I. *It is ordered,* That respondent Bristol-Myers Co., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating or causing the dissemination of any advertisement by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, in connection with the offering for sale, sale or distribution of The Pazo Formula Ointment and The Pazo Formula Hemmorrhoid Suppositories, or any other nonprescription drug products offered for sale for the treatment or relief of hemmorrhoids or piles or any of its symptoms, which:

A. Represents directly or by implication that the use of such products will:

(1) Reduce, shrink, or afford any relief of hemorrhoidal veins themselves: *Provided, however,* That nothing contained herein shall be construed to prohibit the dissemination of any advertisement which represents that the use of such products will help reduce swelling of hemorrhoidal tissue caused by edema, infection, or inflammation, or that the use of such products will help reduce swelling of hemorrhoidal tissue by lubricating the affected area;

(2) Avoid the need for surgery as a treatment for hemorrhoids or hemorrhoidal symptoms;

(3) Heal, cure, or remove hemorrhoids, or eliminate the problem of hemorrhoids;

(4) Afford any relief from pain or itching associated with hemorrhoids in excess of affording temporary relief of pain and itching of hemorrhoidal tissue in many cases;

(5) Afford any other type of relief, or have any other effect on, hemorrhoids or hemorrhoidal symptoms.

B. Contains any reference to any ingredient or ingredients either singly or in combination unless each such ingredient is effective in the treatment or relief of hemorrhoids or any of its symptoms and unless the specific effect thereof is expressly and truthfully set forth.

II. *It is further ordered,* That respondent and its officers, representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of The Pazo Formula Ointment and The Pazo Formula Hemorrhoid Suppositories, or any other nonprescription drug product offered for sale for the treatment or relief of hemorrhoids or any of its symptoms, in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph I hereof.

III. In the event that respondent at any time in the future markets any nonprescription drug preparation for the treatment or relief of hemorrhoids or any of its symptoms for which it desires to make any of the representations now prohibited under paragraph I of this order, it may petition the Commission for a modification of the order. Such petition shall be accompanied by a showing that the representation is not false or misleading within the meaning of the Federal Trade Commission Act, and, if such has been the case, that the specific representation has been accepted as part of the labeling for such product by the Secretary of the Department of Health, Education, and Welfare under the provisions of the Federal Food, Drug and Cosmetic Act as it is presently constituted or as it may hereafter be amended.

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

Issued: June 9, 1970.

By the Commission.

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

[F.R. Doc. 70-10519; Filed, Aug. 11, 1970; 8:49 a.m.]

[Docket No. 8718]

PART 13—PROHIBITED TRADE PRACTICES

Lenox, Inc.

Subpart—Combining or conspiring: § 13.425 *To enforce or bring about resale price maintenance.* Subpart—Maintaining resale prices: § 13.1155 *Price schedules and announcements.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified order to cease and desist, Lenox, Inc., Trenton, N.J., Docket No. 8718, June 24, 1970]

In the Matter of Lenox, Inc., a corporation

Order modifying a cease and desist order dated April 9, 1968, 33 F.R. 7487, pursuant to a decision of the Court of Appeals, Second Circuit, dated October 10, 1969, 417 F. 2d 126, which held that Commission could not forbid respondent from making resale price maintenance agreements in States where such agreements are lawful; and further modifying the order, pursuant to a new judgment upon rehearing by the court, dated March 10, 1970, by allowing respondent to enter into resale price maintenance contracts and providing for the repeal of one section if at the end of 2 years respondent can show competition has been restored.

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

It is ordered, That respondent, Lenox, Inc., a corporation, and its officers, agents, representatives, employees, successors, and assigns, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of fine china dinnerware, giftware, and artware, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from hindering, suppressing, or eliminating competition or from attempting to hinder, suppress, or eliminate competition between or among dealers handling respondent's products by:

1. Requiring dealers, through a franchise agreement or other means, to agree that they will resell at prices specified by respondent or that they will not resell below or above specified prices;

2. Requiring prospective dealers to agree, through direct or indirect means, that they will maintain respondent's specified resale prices as a condition of buying respondent's products;

3. Requesting dealers, either directly or indirectly, to report any person or firm who does not observe the resale prices suggested by respondent, or acting on reports so obtained by refusing or threatening to refuse sales to the dealers so reported;

4. Harassing, intimidating, coercing, threatening or otherwise exerting pressure on dealers, either directly or indirectly, to observe, maintain, or advertise established resale prices;

5. Selling to dealers at a mark down or discount from a resale or retail price for a period of 3 years following the effective date of this order: *Provided, however,* That respondent may, 2 years following the effective date of this order, upon a showing that competition in the resale of its products has been restored, petition the Commission to repeal this provision;

6. Publishing, disseminating or circulating to any dealer, any price list, price book or other document indicating any resale or retail prices for a period of 3 years following the effective date of this order. Provided, however, that respondent may, 2 years following the effective date of this order, upon a showing that competition in the resale of its products has been restored, petition the Commission to repeal this provision;

7. Utilizing any other cooperative means of accomplishing the maintenance of resale prices fixed by respondent;

8. Requiring or inducing, by any means, dealers or prospective dealers to refrain, or to agree to refrain, from reselling respondent's products to any dealers or distributors;

9. Nothing hereinabove contained shall be construed to limit or otherwise affect any resale price maintenance contracts that respondent may enter into in conformity with section 5 of the Federal Trade Commission Act, as amended by the McGuire Act (66 Stat. 632 [1952], 15 U.S.C. 45 [a]);

10. (a) Failing to sell or refraining from selling to any dealer who desires to purchase from respondent and who was terminated after January 1, 1960, for failing to maintain respondent's "suggested" resale prices and who is located in any State of the United States in which resale price maintenance contracts are unlawful or in the District of Columbia;

(b) Failing to sell or refraining from selling to any dealer who desires to purchase from respondent who was terminated after January 1, 1960, for selling to another dealer for resale.

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

Issued: June 24, 1970.

By the Commission.

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

[F.R. Doc. 70-10520; Filed, Aug. 11, 1970; 8:49 a.m.]

[Docket No. 8719]

PART 13—PROHIBITED TRADE PRACTICES

Youngstown Carpet Guild Distributors Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.75 *Free goods or services;* § 13.155 *Prices:* 13.155-10 Bait; 13.155-100 Usual as reduced, special, etc.; § 13.240 *Special or limited offers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified order to cease and desist, Youngstown Carpet Guild Distributors Co. et al., Hyattsville, Md., Docket No. 8719, July 13, 1970]

In the Matter of Youngstown Carpet Guild Distributors Co., a Corporation, and Paul Kahn and Morton S. Falkow, Individually and as Officers of Said Corporation

Order modifying an earlier order dated December 20, 1966, 32 F.R. 448, by adding

a new paragraph requiring respondent to maintain adequate records which disclose the facts relating to former retail prices from which the validity of savings can be established.

The modified order to cease and desist, is as follows:

It is ordered, That this proceeding be, and it hereby is reopened.

It is further ordered, That the Commission's order of December 20, 1966, be and it hereby is, modified by adding thereto as paragraph 8 the following:

8. Failing to maintain adequate records which disclose the facts upon which representations as to former prices, comparative prices, and the usual and customary retail prices of merchandise, and as to savings afforded to purchasers, and similar representations of the type dealt with in paragraph 7 of this order, are based, and from which the validity of any such claim can be established.

Issued: July 13, 1970.

By the Commission.

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

[F.R. Doc. 70-10521; Filed, Aug. 11, 1970; 8:49 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

POLYURETHANE RESINS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP OB2500) filed by Cargill Inc., Cargill Building, Minneapolis, Minn. 55402, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of 2,2'-(*p*-phenylenedioxy) diethanol as a curing agent in the preparation of polyurethane resins for use in contact with dry bulk food. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2522(b) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2522 **Polyurethane resins.**

* * * * * *

(b) * * *

List of substances	*Limitations*
* * *	* * *
2,2'-(*p*-Phenylenedioxy) diethanol-----	As a curing agent.
* * *	* * *

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

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

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

Dated: August 3, 1970.

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

[F.R. Doc. 70-10471; Filed, Aug. 11, 1970; 8:46 a.m.]

PART 121—FOOD ADDITIVES

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

PAPER AND PAPERBOARD

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8B2246) filed by Amoco Chemicals Corp., 130 East Randolph Drive, Chicago, Ill. 60601, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of an additional optional substance, as set forth below, in coatings for paper and paperboard for use in contact with aqueous and fatty foods. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2526(b)(2) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2526 **Components of paper and paperboard in contact with aqueous and fatty foods.**

* * * * * *

(b) * * *

(2) * * *

List of substances	*Limitations*
* * *	* * *
Styrene - dimethylstyrene - α - methylstyrene copolymers produced by polymerizing equimolar ratios of the three comonomers such that the finished copolymers have a minimum average molecular weight of 835 as determined by ASTM Method D 2503.	For use only in coatings for paper and paperboard intended for use in contact with nonfatty food and limited to use at a level not to exceed 50% by weight of the coating solids.
* * *	* * *

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

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

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

Dated: August 3, 1970.

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

[F.R. Doc. 70-10470; Filed, Aug. 11, 1970; 8:46 a.m.]

PART 121—FOOD ADDITIVES

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

ANTIOXIDANTS AND/OR STABILIZERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP OB2437) filed by ICI America, Inc., 151 South Street, Stamford, Conn. 06904, and other relevant material, concludes that § 121.2566 should be amended to provide for an additional safe use of the antioxidant and/or stabilizer set forth below in styrene polymers identified in § 121.2510. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended by adding limitation No. 5

to the item "Tris(2-methyl-4-hydroxy-5-*tert*-butylphenyl)butane," as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

	Limitations
* * *	* * *
Tris(2-methyl-4-hydroxy-5-*tert*-butylphenyl) butane.	For use only: * * * 5. At levels not to exceed 0.2 percent by weight of polystyrene and/or modified polystyrene polymers identified in § 121.2510.
* * *	* * *

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

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

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

Dated: August 3, 1970.

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

[F.R. Doc. 70–10469; Filed, Aug. 11, 1970; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 248—INTRODUCTION OF NEW CLOTHING AND TEXTILE ITEMS INTO DEPARTMENT OF DEFENSE SUPPLY SYSTEM

Discontinuance of Part

Codification of Part 248 is discontinued.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 70–10464; Filed, Aug. 11, 1970; 8:45 a.m.]

Title 29—LABOR

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1500—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

Subpart C—Employment of Minors Between 14 and 16 Years of Age (Child Labor Reg. 3)

EXPERIMENTAL SCHOOL SUPERVISED AND SCHOOL ADMINISTERED WORK-EXPERIENCE AND CARRIER EXPLORATION PROGRAM; HAZARDOUS OCCUPATIONS IN AGRICULTURE

Pursuant to section 3(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(l)) and Reorganization Plan No. 2 of 1946 (3 CFR 1943–48 Comp., p. 1064), § 1500.35a of Title 29, Code of Federal Regulations (34 F.R. 17804), is hereby amended in the manner indicated below. The purpose of the amendment is to provide expressly that, where employment in agriculture is permitted under the section, employment in occupations declared particularly hazardous for the employment of minors below the age of 16 years is excepted from the permission.

Notice and public procedure concerning the amendment are found impracticable and contrary to the public interest within the meaning of 5 U.S.C. 533 (b)(3)(B) because (1) the rule is minor since there are few risks not presently restricted under the express terms of § 1500.35a(c); and (2) in any event it is in the public interest to afford immediate protection from any remaining risks in employment in agriculture not expressly covered by the terms of § 1500.35a(c). The amendment shall be effective upon publication in the FEDERAL REGISTER. Good cause is found for not providing further delay in effective date because little or no time lag is needed to adjust the new rule, which does little or no more than what Part 1500 already requires, and in any event because there is an immediate need to protect all children from employment in agriculture in occupations found particularly hazardous for their employment.

Section 1500.35a(c)(2) is amended to read as follows:

§ 1500.35a Work experience and career exploration programs.

* * * * *

(c) Employment of minors enrolled in a program approved pursuant to the requirements of this section shall be permitted in all occupations except the following:

* * * * *

(2) Occupations declared to be hazardous for the employment of miners between 16 and 18 years of age in Subpart E of this part, and occupations in agriculture declared to be hazardous for the employment of minors below the age of 16 in Subpart E–1 of this part.

* * * * *

(Sec. 3, 52 Stat. 1061, as amended; 29 U.S.C. 203)

Signed at Washington, D.C., this 6th day of August 1970.

J. D. HODGSON,
Secretary of Labor.

[F.R. Doc. 70–10502; Filed, Aug. 11, 1970; 8:48 a.m.]

Title 42—PUBLIC HEALTH

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

SUBCHAPTER G—PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Wasatch Front Intrastate Air Quality Control Region

On April 21, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 6398) to amend Part 81 by designating the Wasatch Front Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c–2(a)) was held on May 1, 1970. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.52, as set forth below, designating the Wasatch Front Intrastate Air Quality Control Region, is adopted effective on publication.

§ 81.52 Wasatch Front Intrastate Air Quality Control Region.

The Wasatch Front Intrastate Air Quality Control Region (Utah) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Utah:

Davis County.	Utah County.
Salt Lake County.	Weber County.
Tooele County.	

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c–2(a), 1857g(a))

Dated: July 30, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70–10308; Filed, Aug. 11, 1970; 8:45 a.m.]

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Cook Inlet Intrastate Air Quality Control Region

On June 2, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 8499) to amend Part 81 by designating the Anchorage Intrastate Air Quality Control Region, hereafter referred to as the Cook Inlet Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on June 8, 1970. Due consideration has been given to all relevant material presented, with the result that the Region has been renamed the Cook Inlet Intrastate Air Quality Control Region. No change has been made in the boundaries proposed.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.54, as set forth below, designating the Cook Inlet Intrastate Air Quality Control Region, is adopted effective on publication.

§ 81.54 Cook Inlet Intrastate Air Quality Control Region.

The Cook Inlet Intrastate Air Quality Control Region (Alaska) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Alaska:
Greater Anchorage Area Borough.
Kenai Peninsula Borough.
Matanuska-Susitna Borough.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; U.S.C. 1857c-2(a), 1857g(a))

Dated: July 30, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-10309; Filed, Aug. 11, 1970; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

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

§ 1914.4 List of designated areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Florida	Alachua	Gainesville	E 12 001 1130 01	Department of Community Affairs, 225 West Jefferson St., Tallahassee, Fla. 32303. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, Fla. 32303.	Office of the City Manager, City Hall, Post Office Box 490, Gainesville, Fla. 32601.	August 7, 1970.
Do	Pinellas	Belleaire Shores	E 12 103 0202 01	do	Office of the Mayor-Commissioner, 1740 Gulf Blvd., Belleaire Shores, Fla. 33535.	Do.
Kansas	Shawnee	Topeka	E 20 177 5400 01	Kansas Water Resources Board, 1134S State Office Bldg., Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	City Engineering Department, City Hall, Seventh and Quincy Sts., Topeka, Kans. 66603.	Do.
Maryland	Prince Georges	Entire county except Laurel.	E 24 033 0000 01	Department of Water Resources, State Office Bldg., Annapolis, Md. 21404. Maryland Insurance Department, 301 West Preston St., Baltimore, Md. 21201.	Department of Inspections and Permits, County Service Bldg., Hyattsville, Md. 20781.	Do.
Massachusetts	Bristol	Westport	E 25 005 1441 01	Division of Water Resources, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Town Office Bldg., Main Rd., Westport, Mass. 02790.	Do.
Minnesota	Clay	Unincorporated areas.	E 27 027 0000 01	Minnesota Department of Conservation, 345 Centennial Bldg., St. Paul, Minn. 55101. Commissioner of Insurance, State of Minnesota, State Office Bldg., Room 210, St. Paul, Minn. 55101.	Office of the Codes Administrator, Clay County Planning Commission, Post Office Box 533, Moorehead, Minn. 56560.	Do.
New Jersey	Atlantic	Ventnor	E 34 001 3440 01	Department of Environmental Protection, Division of Water Policy and Supply, Post Office Box 1390, Trenton, N.J. 08625. Department of Banking and Insurance, State House Annex, Trenton, N.J. 08625.	Office of the City Engineer, City Hall, Ventnor City, N.J. 08406.	Do.
Do	Burlington	Burlington	E 34 005 0480 01	do	Office of the City Clerk, City Hall, 432 High St., Burlington, N.J. 08016.	Do.
Do	Union	Springfield	E 34 039 3207 01	do	Office of the Township Clerk, Municipal Bldg., Springfield, N.J. 07081.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Texas	Dallas	Garland	E 48 113 2590 01	Texas Water Development Board, 301 West Second St., Austin, Tex. 78711. State Board of Insurance, 11th and San Jacinto, Austin, Tex. 78701.	Office of the City Engineer, City Hall, Post Office Box 189, Garland, Tex. 75040.	August 7, 1970.
Do	Matagorda	Bay City	E 48 321 047 01	do	City Hall, 1901 5th St., Bay City, Tex. 77414.	Do.
Do	do	Palacios	E 48 321 5160 01	do	Office of the City Secretary, City Hall, 205 4th St., Palacios, Tex. 77465.	
Do	Refugio	Unincorporated areas.	E 48 391 0000 01	do	Office of the County Clerk, County Courthouse, 808 Commerce St., Refugio, Tex. 78377.	Do.
Do	do	Refugio	E 48 391 5700 01	do	Office of City Secretary, City Hall, Drawer F, Refugio, Tex. 78377.	Do.

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

Issued: August 11, 1970.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[F.R. Doc. 70–10445; Filed, Aug. 11, 1970; 8:45 a.m.]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Florida	Alachua	Gainesville	T 12 001 1130 01	Department of Community Affairs, 225 West Jefferson St., Tallahassee, Fla, 32303, State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee Fla. 32303.	Office of the City Manager, City Hall, Post Office Box 490, Gainesville, Fla. 32601.	August 11, 1970.
Do	Pinellas	Belleaire Shores	T 12 103 0202 01	do	Office of the Mayor-Commissioner, 1740 Gulf Blvd., Belleaire Shores, Fla. 33535.	Do.
Kansas	Shawnee	Topeka	T 20 177 5400 01	Kansas Water Resources Board, 1134S State Office Bldg., Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	City Engineering Department, City Hall, 7th. and Quincy Sts., Topeka, Kans. 66603.	Do.
Maryland	Prince Georges	Entire county except Laurel.	T 24 033 0000 01	Department of Water Resources, State, Office Bldg., Annapolis, Md, 21404, Maryland Insurance Department, 301 West Preston St., Baltimore Md. 21201.	Department of Inspections and Permits, County Service Bldg., Hyattsville, Md. 20781.	Do.
Massachusetts	Bristol	Westport	T 25 005 1441 01	Division of Water Resources, State Office Bldg,. 100 Cambridge St., Boston, Mass. 02202. Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Town Office Bldg., Main Road, Westport, Mass. 02790.	Do.
Minnesota	Clay	Unincorporated areas.	T 27 027 0000 01	Minnesota Department of Conservation, 345 Centennial Bldg., St. Paul, Minn. 55101. Commissioner of Insurance, State of Minnesota, State Office Bldg., Room 210, St. Paul, Minn. 55101.	Office of the Codes Administrator, Clay County Planning Commission, Post Office Box 533, Moorehead, Minn. 56560.	Do.
New Jersey	Atlantic	Longport Borough.	H 34 001 1770 01 H 34 001 1770 02	Department of Environmental Protection, Division of Water Policy and Supply, Post Office Box 1390, Trenton, N.J. 08625. Department of Banking and Insurance, State House Annex, Trenton, N.J. 08625.	Borough Clerk's Office, Borough Hall, 2301 Atlantic Ave., Longport, N.J. 08403.	July 7, 1970.
Do	do	Ventnor	T 34 001 3440 01	do	Office of the City Engineer, City Hall, Ventnor City, N.J. 08406.	August 11, 1970.
Do	Burlington	Burlington	T 34 005 0480 01	do	Office of the City Clerk, City Hall, 432 High St., Burlington, N.J. 08016.	Do.
Do	Union	Springfield	T 34 039 3207 01	do	Office of the Township Clerk, Municipal Bldg., Springfield, N.J. 07081.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Texas	Dallas	Garland	T 48 113 2590 01	Texas Water Development Board, 301 West Second St., Austin, Tex. 78711. State Board of Insurance, 11th and San Jacinto, Austin, Tex. 78701.	Office of the City Engineer, City Hall, Post Office Box 189, Garland, Tex. 75040.	August 11, 1970.
Do	Matagorda	Bay City	T 48 321 047 01	do	City Hall, 1901 5th St., Bay City, Tex. 77414.	Do.
Do	do	Palacios	T 48 321 5160 01	do	Office of the City Secretary, City Hall, 205 4th St., Palacios, Tex. 77465.	
Do	Refugio	Unincorporated areas.	T 48 391 0000 01	do	Office of the County Clerk, County Courthouse, 808 Commerce St., Refugio, Tex. 78377.	Do.
Do	do	Refugio	T 48 391 5700 01	do	Office of City Secretary, City Hall, Drawer F, Refugio, Tex. 78377.	Do.

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

Issued: August 11, 1970.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[F.R. Doc. 70–10446; Filed, Aug. 11, 1970; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1 (Rev. 5), Amdt. 23]

OI REG. 1—OIL IMPORT REGULATION

Appeals

By Proclamation 3969, the composition of the Oil Import Appeals Board was changed by eliminating representation thereon of the Department of Defense and by substituting therefor a representative of the Department of Justice. A representative of the Department of Justice was promptly designated. Section 21 of Oil Import Regulation 1 (Revision 5) is amended to reflect the new composition of the Board.

Section 21(a) of Oil Import Regulation 1 (Revision 5), as amended, is amended to read as follows:

Sec. 21 Appeals.

(a) There is in the Department of the Interior an Oil Import Appeals Board comprised of a representative each from the Departments of the Interior, Justice and Commerce designated, respectively, by the heads of such Departments. The Board shall elect a Chairman from its own membership.

* * * * *

FRED J. RUSSELL,
Acting Secretary of the Interior.

AUGUST 7, 1970.

[F.R. Doc. 70–10610; Filed, Aug. 11, 1970; 8:50 a.m.]

[Oil Import Reg. 1 (Rev. 5), Amdt. 22]

OI REG. 1—OIL IMPORT REGULATION

Allocation of Imports of No. 2 Oil

In the FEDERAL REGISTER of June 20, 1970 (35 F.R. 10153), notice was given of a proposed section to be added to Oil Import Regulation 1 to provide for the allocation of imports of No. 2 fuel oil to independent deep water terminal operators in District I.

Twenty-six timely submissions were received. There were objections to the grant of such allocations, to the volume of imports to be allocated, and to the category of persons among whom the imports would be allocated; however, these matters are governed by Presidential Proclamation 3990 and could not be considered with regard to these regulations.

All comments on the substance of the proposed section have been carefully considered, and the new section 30 which is hereby added to Oil Import Regulation 1 (Revision 5), reflects various revisions of the proposal in the light of those comments. In accordance with several recommendations, the physical specifications of No. 2 fuel oil have been revised. Changes also have been made in the definition of "deep water terminal."

The requirements for eligibility for an allocation have been simplified (paragraph (c) of section 30) by the deletion of references to ownership of oil and first delivery in District I—matters which are related to qualified terminal inputs and which are covered in paragraph (f). Similiarly, no minimum quantity is now specified in respect of a throughput agreement.

Paragraph (d) of the proposal has been changed to 15 days instead of 10 days after publication of this section in the FEDERAL REGISTER for the filing of applications. Paragraph (f) of the proposal has been reorganized for clarity. A substantive change in paragraph (f) was recommended in several of the comments to reduce the likelihood that imports under this section would be directed to industrial use. Consequently, paragraph (f)(4) of the proposal has been eliminated.

In line with several suggestions, provision has been made (paragraph (f)(2) of section 30) to enable an eligible person to claim as qualified terminal inputs of No. 2 fuel oil which he obtains from the deep water terminal of a person ineligible by reason of an allocation of imports of crude oil.

Subdivision (f)(1)(iii) of section 30 was added in response to a situation disclosed by the comments. Under the conditions specified in that subdivision, a terminal input may be claimed when oil is withdrawn from a deep water terminal.

Application forms are now available, and each person interested in obtaining an allocation should request in writing (preferably by telegram) an allocation form from Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240. The Oil Import Administration will mail forms to persons to whom it now has reason to believe may be interested. However, the Oil Import Administration's information is not complete and errors of omission may occur. Accordingly, in the absence of a specific written request, no person may rely upon receiving an application form.

Section 30, reading as follows, is added to Oil Import Regulation 1 (Revision 5):

Sec. 30 Allocations of No. 2 Fuel Oil—District I.

(a) For the purpose of this section:

(1) The term "No. 2 fuel oil" means a finished product which has the following physical and chemical characteristics:

Closed cup flash point °F.	Minimum 100.
Pour point °F	Maximum 20.
Water and sediment, percent.	Maximum 0.10.
Carbon residue on 10 percent residuum percent.	Maximum 0.35.
Distillation temperature °F. 90 percent point.	Maximum 675.
	Minimum 540.
Viscosity, Saybolt Universal Seconds at 100 °F.	Maximum 40.0.
	Minimum 33.0.
Gravity A.P.I.	Minimum 30.0.

(2) The term "Western Hemisphere" means North America, Central America, South America, and the West Indies.

(3) The term "deep water terminal" means a permanent land installation which:

(i) Consists of bulk storage tanks having not less than 100,000 barrels of operational capacity, pumps and pipelines used for storage, transfer and handling of No. 2 fuel oil;

(ii) Is on waterways that permit the safe passage to the installation of a tanker rated 15,000 cargo deadweight tons, drawing not less than 25 feet of water; and

(iii) Has a berth that will permit the delivery of No. 2 fuel oil into the installation by direct connection from a tanker rated at 15,000 cargo deadweight tons, drawing not less than 25 feet of water, and moored in the berth. Cargo deadweight tons represent the carrying capacity of a tanker, in tons of 2,240 pounds, less the weight of fuel, water, stores and other items necessary for use on a voyage.

(4) The term "throughput agreement" means an agreement which provides for the delivery to a deep water terminal by a person of No. 2 fuel oil which he owns and for a right in such person to withdraw on call an identical quantity of such oil from the terminal. Any transaction between persons involving sales, purchases, or exchanges of No. 2 fuel oil which were designed to gain allocation benefits for a person who would not otherwise be eligible shall not be deemed to constitute a throughput agreement.

(b) For the period July 1, 1970 through December 31, 1970, 40,000 B/D of imports of No. 2 fuel oil which is manufactured in the Western Hemisphere from crude oil produced in the Western Hemisphere are available for allocation in District I to eligible persons having qualified terminal inputs of No. 2 fuel oil in this district.

(c) (1) Except as provided in subparagraph (2) of this paragraph, a person shall be eligible for an allocation of imports into District I of No. 2 fuel oil under paragraph (e) of this section:

(i) If he is in the business in District I of selling No. 2 fuel oil and has under his management and operational control a deep water terminal which is located in District I and in which No. 2 fuel oil is handled, or

(ii) If he is in the business in District I of selling No. 2 fuel oil and has a throughput agreement with a deep water terminal operator in District I who does not have a crude oil import allocation in Districts I–IV.

(2) No person who has an allocation of imports into Districts I–IV of crude oil under sections 9, 10, or 25 of this regulation shall be eligible for an allocation under paragraph (e) of this section.

(d) A person seeking an allocation under paragraph (e) of this section must file an application with the Administrator on such form as he may prescribe no later than fifteen (15) days after the publication of this section in the FEDERAL REGISTER. The application shall disclose such information as the Administrator may deem necessary in such detail as he may require.

(e) (1) Except as provided in subparagraph (2) of this paragraph, each eligible applicant under this section shall receive an allocation of imports into District I of No. 2 fuel oil which has been manufactured in the Western Hemisphere from crude oil produced in the Western Hemisphere computed according to the following formula:

$$\frac{\text{Applicant's qualified terminal inputs—average b/d}}{\text{Average b/d of all qualified terminal inputs for the period April 1, 1969 through March 31, 1970}} \times 40{,}000 \text{ average b/d of No. 2 fuel oil}$$

If an applicant eligible under this section has an allocation under section 13 of this regulation of imports into Districts I–IV of finished products for the period January 1, 1970, through December 31, 1970, the allocation computed under the first sentence of this paragraph shall be reduced by the amount of the applicant's allocation of imports of finished products under section 13 expressed as average barrels daily for 184 days.

(2) The Administrator shall allocate among all eligible applicants the quantity of imports resulting from reductions under the second sentence of subparagraph (1) according to the following formula:

$$\frac{\text{Total reductions}}{\text{Total of subparagraph (1) allocations}} \times \text{Applicant's allocation under subparagraph (1)}$$

(f) (1) An eligible applicant may count as qualified terminal inputs quantities of No. 2 fuel oil:

(i) Delivered during the 12-month period ending March 31, 1970, into a deep water terminal in District I which was under his management and operational control or into a deep water terminal with which the eligible applicant had a throughput agreement, if he owned the oil when it was placed in the terminal and if the delivery constituted the first delivery of that oil to a deep water terminal in District I; or

(ii) Which the applicant owned, sold to a Federal agency or to any agency of a State or a political subdivision of a State, and delivered during the 12-month period ending March 31, 1970, to a deep water terminal in District I for the account of such agency, providing such delivery constituted the first delivery of that oil to a deep water terminal in District I; or

(iii) Which was delivered to applicant's deep water terminal in District I as a first delivery into a deep water terminal in District I under a written agreement to purchase such oil and to which, pursuant to such agreement, the applicant took title during the 12-month period ending March 31, 1970, upon withdrawal by him from the terminal.

(2) For the purpose of this paragraph (f), storage of No. 2 fuel oil at a refinery in which the oil was produced or delivery of No. 2 fuel oil into a deep water terminal under the management and operational control of a person who has an allocation of imports of crude oil into Districts I–IV shall not be deemed to be a first delivery to a deep water terminal in District I.

(g) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred. Licenses issued under allocations made pursuant to this section shall permit the importation only of No. 2 fuel oil which is manufactured in the Western Hemisphere from crude oil produced in the Western Hemisphere. No. 2 fuel oil imported under an allocation made pursuant to this section shall be sold for use as fuel in District I.

FRED J. RUSSELL,
Acting Secretary of the Interior.

AUGUST 7, 1970.

I concur:

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

[F.R. Doc. 70–10609; Filed, Aug. 11, 1970; 8:50 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 119—SEAL

A new seal has been adopted for the Post Office Department and has been filed in the office of the Secretary of State in accordance with section 303, title 39 of the United States Code. Accordingly, Part 119 of Title 39, Code of Federal Regulations, is revised. Part 119 as revised is as follows:

Sec.
119.1 Purpose.
119.2 Authority.
119.3 Description.
119.4 Custody.

AUTHORITY: The provisions of this Part 119 issued under 5 U.S.C. 301, 39 U.S.C. 303, 501.

§ 119.1 Purpose.

The purpose of this part is to describe and give official notice of the seal of the Post Office Department.

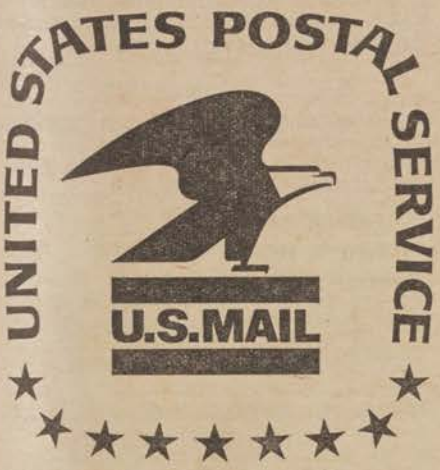
§ 119.2 Authority.

The illustration and description of the seal of the Post Office Department contained in this document is identical to the illustration and description of the seal of the Post Office Department which has been filed in the office of the Secretary of State pursuant to section 303 of title 39, United States Code.

§ 119.3 **Description.**

(a) Seal: A stylized bald eagle poised for flight, facing to the viewer's right and above two horizontal bars between which are the words, "U.S. Mail", surrounded by a square border with rounded corners consisting of the words "United States Postal Service" on left, top, and right, and the base consisting of nine five-pointed stars.

(b) The color representation of the seal shows a white field on which the eagle appears in dark blue, the words "U.S. Mail" in black, the bar above it in light red, the bar below in medium blue, and the border consisting of the words "United States Postal Service" and stars all in ochre.



§ 119.4 **Custody.**

The seal shall remain in the custody of the Postmaster General, or such officer or employee of the Department as he designates and shall be affixed to all certificates and attestations that may be required from the Department.

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 70-10602; Filed, Aug. 11, 1970; 8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18588; FCC 70-838]

LICENSE TERMS

Report and order. In the matter of amendment of Parts 81, 83, 85, 87, 89, 91, 93, 95, and 99 of the Commission's rules regarding license terms; Docket No. 18588.

1. The notice of proposed rule making in the above-entitled matter was adopted by the Commission June 25, 1969, and was published in the FEDERAL REGISTER July 2, 1969 (34 F.R. 11148). It provided for the amendment of the various sections of the Safety and Special Radio Services rules, except for the Amateur Radio Service, governing the license term for radio stations. The time for filing comments and reply comments has passed.

2. The proposed rule changes provide generally that licenses may be granted for a period of 5 years from the date of the original issuance of the license, its modification or renewal. The amendments bring the rules into conformity with actual licensing practices which have been followed in most of the Safety and Special Radio Services since the enactment of Public Law 87-439, 76 Stat. 58 in 1962, amending section 307(e) of the Communications Act. The principal purpose of the rule making proposal was to change the licensing practices followed in all of the Public Safety Radio Services except the Special Emergency Radio Service. In the Public Safety Radio Services,[1] a license expiration schedule has been followed whereby all the Public Safety licenses in a State expire on the same month and day, every 4 years, each State having a different expiration date by month and year. New licenses are issued to expire on the State's next scheduled expiration date, except in those instances when the grant would thereby result in a term of less than 1 year. In that event, the State's next succeeding expiration date is used. Applications for modification are granted only for the balance of the unexpired term of the license being modified. When the application for modification is submitted in the last year of the original license term, the State's next succeeding expiration date is utilized to fix the term of the modified license. In our notice of proposed rule making, we contemplated that this schedule would be discontinued.

3. The only comments received in response to the notice of proposed rule making were submitted by the California State Communications Division. California did not oppose the adoption of the proposed amendments, nor their application to the majority of licensees. However, California stated that its situation, and that of other licensees responsible for the administrative maintenance of a large number of licenses, was different and required an exception to the licensing scheme contemplated in the proposed new rules. It was submitted that the grant of full 5-year terms in response to applications for new, modified or renewal licenses, and the discontinuance of the expiration schedule, would make the task of maintaining its own license expiration records more difficult. California believes that it will have to build a "Tickler file" containing 1,500 to 2,000 cards bearing license information, and that the maintenance of such a file will greatly increase the chances for errors and omissions. California proposes that a licensee having a large number of licenses should be allowed to establish a mutually agreeable license renewal schedule with the Commission. In this way, license renewals could be programed over a 5-year period, and, what California describes as the "burdensome peak workload cycles" under which the Commission labors, would be reduced. California contends that programing renewals over a 5-year period with the assistance of a license renewal schedule would accomplish the intent of the rule changes.

4. Our objectives in this rule making proceeding are three-fold: To reduce the amount of time spent processing applications filed to obtain a renewal in any of the Public Safety Radio Services; to conform our rules to the licensing practices followed in the vast majority of our Safety and Special Radio Services; and to make these practices uniform throughout the services. The licensing expiration schedule which California proposes, designed to operate over a 5-year period, would not attain this first objective. While it may be convenient for State and local governments to have all their Public Safety licenses expire according to schedule, the use of the expiration schedule entails a considerable administrative workload to the Commission. Its discontinuance, and the adoption of the practice of issuing modifications for full 5-year terms in the Public Safety Radio Services, will permit the Commission to conduct its business with more dispatch to the benefit of the public. This will result because there will be fewer and less frequent applications filed and processed by granting modifications for 5-year terms, and the number of applications solely to obtain a renewal will be greatly reduced. As we pointed out in our notice of proposed rule making, about one-fourth of all Public Safety licenses are modified each year, and, therefore, over a 4-year period, nearly all of these licenses are modified. Treating an application for a modification as an application for a renewal will substantially reduce the number of applications filed to obtain a renewal; only those licenses which have not been modified during the term of a license will have to be specifically renewed. And as to these, there will be a further reduction in the number of renewal applications which we process each year. Renewals will be required only every 5 years, instead of every 4 years as under the existing expiration schedule. Thus, even aside from the savings effected by granting modifications for full 5-year terms, there would be roughly, a 20 percent reduction in each year's renewal processing workload.

5. The rule governing license terms in the Disaster Communications Service was originally adopted in contemplation of the use of an expiration schedule similar to that used in the Public Safety Radio Services. However, such a schedule has not been utilized in this service, and the practice of issuing licenses has followed that of the other Safety and Special Radio Services. Amending § 99.15 of our rules will conform the rule to the practice actually followed.

6. There will be no change in the licensing practices followed in the Amateur Radio Service. Because certain operating time and code speed requirements must be satisfied before an Amateur license is renewed, applications for

[1] In the Special Emergency Radio Service, 5-year grants have been issued for initial licenses, modifications and renewals.

modification are not granted for full license terms, but only for the balance of the unexpired term, unless accompanied by a specific request for renewal and a statement indicating satisfaction of the renewal requirements. No change is contemplated in this practice, and no amendments will be made to the Amateur rules.

7. Applications for the minor modification of those stations listed in section 309(b) of the Act and § 1.962 of the rules provide another exception to the general grant of 5-year license terms. The Commission must issue a public notice whenever a new or renewal application is made for one of those listed stations, and also when an application is made for the substantial modification of an existing license for such a station. With the issuance of a public notice, these applications are subject to certain pregrant procedures, including the possibility that a petition to deny the application will be filed, before a grant can be made. Applications for the minor modification of the license of a section 309(b) station are granted, if in order, only for the remainder of the license term, and, as provided by section 309(c), are not placed on public notice. Were we to grant such applications full license terms, this action would, in effect, convert the application to one for renewal as well as for a minor modification. The renewal element would require the issuance of a public notice and make the application subject to all of the pregrant delays associated with the 309(c) procedures. Given the limited nature of the application, this would serve no useful purpose. Therefore, we will continue to grant applications for the minor modification of a section 309(b) station only for the unexpired term of the license. However, when such an applicant also requests a new full term—a renewal, in other words—then the application will be treated as one for modification and renewal, and a public notice will be issued.

8. In view of the foregoing: *It is ordered*, Pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, that, effective September 15, 1970, Parts 81, 83, 85, 87, 89, 91, 93, 95 and 99 of the Commission's rules are amended as set forth below. *It is further ordered*, That this proceeding is terminated.

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

Adopted: August 5, 1970.

Released: August 7, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[2]

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

Chapter I of Title 47 is amended as follows:

[2] Commissioner Johnson concurring in the result.

PART 81—STATIONS ON LAND IN MARITIME SERVICES

1. Section 81.65(a) is amended to read:

§ 81.65 License term.

(a) Licenses for stations in the maritime service will normally be issued for a term of 5 years from the date of original issuance, major modification, or renewal.

* * * * *

PART 83—STATIONS ON SHIPBOARD IN MARITIME SERVICES

2. Section 83.63(a) is amended to read:

§ 83.63 License term.

(a) Licenses for stations in the maritime service will normally be issued for a term of 5 years from the date of original issuance, major modification, or renewal.

* * * * *

PART 85—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

3. Section 85.61(a) is amended to read:

§ 85.61 License term.

(a) Licenses for Alaska-public fixed stations and stations in the maritime services in Alaska will normally be issued for a term of 5 years from the date of original issuance, major modification or renewal.

* * * * *

PART 87—AVIATION SERVICES

4. In § 87.49 the headnote and paragraph (a) are amended to read:

§ 87.49 License term.

(a) Licenses for stations in the Aviation Services will normally be issued for a term of 5 years from the date of original issuance, major modification, or renewal.

* * * * *

PART 89—PUBLIC SAFETY RADIO SERVICES

5. In § 89.73 paragraph (a) is amended to read:

§ 89.73 License term.

(a) Licenses for stations in the Public Safety Radio Services will normally be issued for a term of 5 years from the date of original issuance, major modification, or renewal.

* * * * *

PART 91—INDUSTRIAL RADIO SERVICES

6. In § 91.63 paragraph (a) is amended to read:

§ 91.63 License term.

(a) Licenses for stations in the Industrial Radio Services will normally be issued for a term of 5 years from the date of original issuance, major modification, or renewal.

* * * * *

PART 93—LAND TRANSPORTATION RADIO SERVICES

7. In § 93.63 paragraph (a) is amended to read:

§ 93.63 License term.

(a) Licenses for stations in the Land Transportation Radio Services will normally be issued for a term of 5 years from the date of original issuance, major modification, or renewal.

* * * * *

PART 95—CITIZENS RADIO SERVICE

8. In § 95.33 the headnote and text are amended to read:

§ 95.33 License term.

Licenses for stations in the Citizens Radio Service will normally be issued for a term of 5 years from the date of original issuance, major modification, or renewal.

PART 99—DISASTER COMMUNICATIONS SERVICE

9. Section 99.15 is amended to read:

§ 99.15 License term.

Licenses in the Disaster Communications Service will normally be issued for a term of 5 years from the date of original issuance, major modification, or renewal.

[F.R. Doc. 70-10544; Filed, Aug. 11, 1970; 8:51 a.m.]

[Docket No. 12221; FCC 70-787]

PART 91—INDUSTRIAL RADIO SERVICES

Single Sideband Systems; Correction

In the matter of amendment of Part 91 (formerly 11) of the Commission's rules to provide technical standards for the governing of single sideband systems operating on frequencies below 10 MHz; Docket No. 12221, RM-1039. Petition of the American Petroleum Institute to amend Part 91 of the Commission's rules to regularize the use of single sideband and convert operations on the frequencies 2292, 2398 and 4637.5 kHz to its use.

The Report and Order, FCC 70-787, released July 24, 1970, and published in the FEDERAL REGISTER on July 30, 1970, 35 F.R. 12206, is corrected by changing

the date appearing in § 91.112(k) from "July 22, 1970" to "July 22, 1971".

Released: August 7, 1970.

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

[F.R. Doc. 70-10545; Filed, Aug. 11, 1970; 8:51 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1; Amdt. 1-35]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Organizational Changes

The purpose of this amendment is to revise certain portions of Part 1 of the regulations of the Office of the Secretary to reflect recent organizational changes in that office, including the abolition of the position of Assistant Secretary for Public Affairs and the creation of the position of Assistant Secretary for Safety and Consumer Affairs. The offices formerly under the Assistant Secretary for Public Affairs are consolidated into the Office of Congressional Relations and the Office of Public Affairs, to report directly to the Secretary and the Under Secretary. The Offices of Hazardous Materials and Pipeline Safety are removed from their former position under the Assistant Secretary for Systems Development and Technology and, together with the newly created Offices of Safety Program Coordination and Consumer Affairs, are placed under the Assistant Secretary for Safety and Consumer Affairs. Finally, two of the offices under the Assistant Secretary for Systems Development and Technology have been renamed to reflect functional changes. Corresponding changes are made to the delegations to the officials concerned.

Since this amendment relates only to the internal management of the Department, notice and public procedure thereon are not required and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, effective August 11, 1970, Part 1 of Title 49, Code of Federal Regulations, is amended as set forth below.

(Sec. 9, Department of Transportation Act; 49 U.S.C. 1659)

Issued in Washington, D.C., on August 6, 1970.

JOHN A. VOLPE,
Secretary of Transportation.

1. Paragraphs (a), (e), and (f) of § 1.23 are amended to read as follows:

§ 1.23 Structure.

* * * * *

(a) *Secretary.* The Secretary and Under Secretary are assisted by the Deputy Under Secretary, the Executive Secretariat, the Contract Appeals Board, the Departmental Office of Civil Rights, the Office of Congressional Relations, and the Office of Public Affairs, all of which report directly to the Secretary. The National Transportation Safety Board performs its functions in the Department of Transportation independently of the Secretary. The Assistant Secretaries and the General Counsel report directly to the Secretary.

* * * * *

(e) *Office of the Assistant Secretary for Systems Development and Technology.* This office is composed of the Offices of Research and Development Policy, Plans and Resources; Systems Engineering; Noise Abatement; and Telecommunications.

(f) *Office of the Assistant Secretary for Safety and Consumer Affairs.* This office is composed of the Offices of Safety Program Coordination; Hazardous Materials; Pipeline Safety; and Consumer Affairs.

* * * * *

2. Paragraphs (a), (d), and (e) of § 1.24 are amended to read as follows:

§ 1.24 Spheres of primary responsibility.

(a) *Secretary and Under Secretary with the assistance of Deputy Under Secretary.* Overall planning, direction, and control of Departmental affairs, including specifically civil rights, Congressional relations, public affairs, programing, and budgeting.

* * * * *

(d) *Assistant Secretary for Systems Development and Technology.* Scientific and technological research and development advancing transportation capability as to its safety, effectiveness, economy, and viability; technological input to development of transportation policy; abatement of noise generated by transportation equipment; telecommunications.

(e) *Assistant Secretary for Safety and Consumer Affairs.* Safety program coordination; regulation of the transportation of hazardous materials; regulation of transportation of natural and other toxic gas by pipeline; consumer affairs.

* * * * *

3. Paragraph (e) of § 1.27 is amended to read as follows:

§ 1.27 Secretarial succession.

* * * * *

(e) Assistant Secretary for Safety and Consumer Affairs.

* * * * *

4. Paragraphs (g), (h), (i), (j), and (k) of § 1.57 are deleted and the following inserted in place thereof:

§ 1.57 Delegations to Assistant Secretary for Systems Development and Technology.

* * * * *

(g) Serve as official sponsor of the Department of Transportation Citizens Advisory Committee on Transportation Quality.

(h) Chair the Department of Transportation Research and Development Management Council.

(i) Provide the technical direction required by the Transportation Systems Center to ensure it optimum use as a Departmental in-house research, development, and technological facility.

5. Section 1.58 is amended to read as follows:

§ 1.58 Delegations to Assistant Secretary for Safety and Consumer Affairs.

The Assistant Secretary for Safety and Consumer Affairs is delegated authority to—

(a) Serve as the Department's principal point of contact in relationships with government, State, regional, local, and private groups and organizations in matters of transportation safety.

(b) Serve as the Department's point of contact in relationships with public and private organizations and groups devoted to consumer interests, services, or affairs.

(c) Serve as coordinator for intradepartmental safety and consumer affairs programs.

(d) Perform the functions, powers, and duties of the Secretary pursuant to the Natural Gas Pipeline Safety Act of 1968 (Public Law 90-481). This authority, which has been redelegated to the director of Pipeline Safety, includes:

(1) Adoption of interim minimum Federal safety standards for pipeline facilities and the transportation of gas.

(2) Establishment of minimum Federal safety standards for the transportation of gas and pipeline facilities.

(3) Establishment of the Technical Pipeline Safety Standards Committee.

(4) Administration of State certifications, agreements, reports, and records and other compliance provisions under the Act.

[F.R. Doc. 70-10484; Filed, Aug. 11, 1970; 8:47 a.m.]

[OST Docket No. 1; Amdt. 1-34]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Organizational Changes

The purpose of this amendment is to revise certain portions of Part 1 of the regulations of the Office of the Secretary to reflect recent creation of the Office of Public Affairs, in the Department, to report directly to the Secretary and to state the sphere of primary responsibility of that office.

Since this amendment relates only to the internal management of the Department, notice and public procedure thereon are not required and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, effective August 11, 1970, § 1.24 of Title 49, Code of Federal Regulations, is amended by adding the following new paragraph at the end thereof:

§ 1.24 Spheres of primary responsibility.

* * * * *

(k) *Office of Public Affairs.* Principal staff to the Secretary on relationships of

the Department with the communications media and the public in promoting an understanding of national transportation needs, a cooperative approach to all interests concerned to the satisfaction of those needs, and support of departmental policies, programs, and services in the interest of safety and efficiency in transportation.

(Sec. 9, Department of Transportation Act; 49 U.S.C. 1659)

Issued in Washington, D.C., on July 27, 1970.

JOHN A. VOLPE,
Secretary of Transportation.

[F.R. Doc. 70-10483; Filed, Aug. 11, 1970; 8:47 a.m.]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC-37 (Sub No. 12)]

PART 1048—COMMERCIAL ZONES

Seattle-Tacoma, Wash., Commercial Zone; Correction

By its report and order, decided June 10, 1970 (served June 25, 1970), 111 M.C.C. 718, 35 F.R. 10662, the Commission, Division 1, redefined, in part, the commercial zone of Seattle, Wash.

The redefined limits of the Seattle, Wash., commercial zone, appearing at 111 M.C.C. 723-724, and 111 M.C.C. 740-741 and 35 F.R. 10662 contain certain inadvertent errors in paragraph (c).

Paragraph (c) should read as follows:

§ 1048.24 Seattle, Wash.

* * * * *

(c) All points more than 5 miles beyond the municipal limits of Seattle (1) within a line as follows: Beginning at that point south of Seattle where the eastern shore of Puget Sound intersects the line described in paragraph (b) of this section, thence southerly along the eastern shore of Puget Sound to Southwest 192d Street, thence easterly along Southwest 192d Street to the point where it again intersects the line described in paragraph (b) of this section; and (2) within a line as follows: Beginning at the junction of the southern corporate limits of Kent, Wash., and Washington Highway 181, and extending south along Washington Highway 181 to the northern corporate limits of Auburn, Wash., thence along the western, southern, and eastern corporate limits of Auburn to the junction of the northern corporate limits of Auburn and Washington Highway 167, thence northerly along Washington Highway 167 to its junction with the southern corporate limits of Kent, Wash., including all points on the highways named.

* * * * *

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-10530; Filed, Aug. 11, 1970; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 80]

COAL MINE HEALTH AND SAFETY

Notification, Investigation, Reports and Records of Accidents

Notice is hereby given that in accordance with the provisions of sections 103(e) and 111 of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173) and pursuant to the authority vested in the Secretary of the Interior under section 508 of the Act, it is proposed to add Part 80, as set forth below, to Subchapter O, Chapter I of Title 30, which shall apply to all coal mines and which provides procedures with respect to notification, investigation, reporting and recording of accidents occurring in coal mines.

Interested persons may submit written comments, suggestions or objections to the Director, Bureau of Mines, Washington, D.C. 20240, no later than 30 days following publication of this notice in the FEDERAL REGISTER.

FRED J. RUSSELL,
Under Secretary of the Interior.

AUGUST 6, 1970.

Subpart A—Definitions

Subpart B—Notification of Accidents

Subpart C—Operator's Investigation and Records of Accidents

Subpart D—Operator's Reports to the Bureau of Mines

AUTHORITY: The provisions of this Part 80 issued under secs. 103(e), 111, and 508 of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173).

Subpart A—Definitions

§ 80.1 Definitions.

As used in this Part 80:

(a) "Coal mine" means an area of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed upon, under, or above, the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities.

(b) "Accident" includes (1) the death of, or any injury to, any person (whether or not time is lost); (2) a mine explosion, mine ignition, mine fire, or mine inundation; (3) an unintentional roof fall (except in abandoned panels or in areas which are inaccessible or unsafe for inspection; (4) any collapse of a highwall in a surface mine; (5) an unintentional or incomplete detonation of explosives, including blasting agents; (6) a coal outburst; (7) the entrapment of any person; (8) damage to shafts or ventilation facilities or to hoisting or haulage facilities; (9) an event at a mine which causes the death of, or bodily injury to, persons other than persons on the mine property; or (10) any other event that could have resulted in death or injury had any person been in the immediate area.

(c) "Work injury" means any injury or occupational disease suffered by a person which arises out of and in the course of his work.

(d) "Fatal injury" means any work injury resulting in death regardless of the time intervening between injury and death.

(e) "Nonfatal injury" means any work injury which does not result in death but which either results in any permanent impairment to the injured person or causes the injured person to lose one full day or more from work after the day of injury. As used in this definition "permanent impairment" means total incapacitation of the injured person for any gainful work, or total or partial loss of, or loss of use of, any member or function of the body.

(f) "Disabling injury" means either a fatal injury or a nonfatal injury.

(g) "Other injury" means a work injury other than a disabling injury which requires treatment by a physician, or hospitalization for observation, or assignment to another regularly established job, or restricts work or motion. However, "other injury" does not include any injury requiring only first aid treatment by a person who is not a physician.

Subpart B—Notification of Accidents

§ 80.10 Scope.

Section 103(e) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 813(e)), requires that in the event of any accident occurring in a coal mine, the operator shall notify the Secretary of the Interior thereof and shall take appropriate measures to prevent the destruction of any evidence which would assist in investigating the cause or causes thereof. The regulations in this Subpart B provide for the immediate notification of the Bureau of Mines, Department of the Interior, of the occurrence of any accident described in § 80.11, in order to afford the Bureau an opportunity to conduct a prompt investigation. The submission of reports which are required by Subpart D of this part will constitute adequate notification of the Bureau with respect to accidents other than those described in § 80.11.

§ 80.11 Notification by operator.

The operator of a coal mine shall, using the fastest available means of communication, immediately notify the District or Subdistrict Coal Mine Safety Office of the Bureau of Mines of the District in which the mine is located of the occurrence of any of the following accidents:

(a) A fatal injury;

(b) A serious nonfatal injury that the operator or a medical officer believes could result in the death of the injured person;

(c) A death occurring on mine property;

(d) A mine fire not extinguished within 30 minutes;

(e) A mine explosion;

(f) An ignition of gas or dust or combination thereof;

(g) A mine inundation;

(h) A coal outburst of sufficient intensity that it appears likely that, had any persons been in the immediate area, death or injury could have occurred;

(i) A fall of roof, face, or rib of sufficient magnitude to restrict ventilation or the passage of men on active working sections and a fall of roof at or above the anchorage zone when roof bolts are used for control of roof;

(j) Any collapse of a highwall in a surface mine;

(k) An unintentional or incomplete detonation of explosives, including blasting agents;

(l) The entrapment of any person;

(m) Damage to shafts and ventilation facilities;

(n) Damage to hoisting or haulage facilities used for the transportation of men, when such damage interferes with its use for the transportation of men; or

(o) Any physical event at a mine which causes death to persons other than persons on the mine property.

§ 80.12 Investigation by Bureau of Mines.

Following any notification received in accordance with § 80.11, the Coal Mine Health and Safety District or Subdistrict Manager shall determine whether an investigation of the accident will be conducted by the Bureau of Mines. If he

determines that an investigation will be conducted, he shall promptly advise the operator of the approximate date and time of such investigation and instruct him, to the extent compatible with rescue and recovery work, to take appropriate measures to preserve any evidence which might assist in determining the cause or causes of the accident.

Subpart C—Operator's Investigation and Records of Accidents

§ 80.20 Scope.

Section 111(a) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 821(a)), requires that all accidents shall be investigated by the operator or his agent to determine the cause and the means of preventing a recurrence, and that records of such accidents and investigations shall be kept, and the information made available to the Secretary or his representative, and the appropriate State agency. Section 111(a) of the Act also requires that such records shall be open for inspection by interested persons and that the records shall include man-hours worked and shall be reported for periods determined by the Secretary of the Interior. The regulations in this Subpart C prescribe the nature and the extent of the information to be included in such records, and the period and manner in which reports of accidents so recorded shall be submitted to the Secretary.

§ 80.21 Investigation.

The operator's investigation shall develop sufficient information to pinpoint in detail the initiating cause and all subsequent or following events which contributed to or resulted in the accident. Whenever possible working notes made during the course of the investigation should be retained as a part of the record.

§ 80.22 Written record.

(a) The written record of each investigation of an accident shall contain:

(1) The identification number of the record of investigation entered in the first column of the "Daily Ledger: Coal-Mine Accidents" required to be maintained by § 80.31.

(2) The date and hour upon which the accident occurred.

(3) The date and hour the investigation was started.

(4) The name of the person or persons who made the investigation.

(5) The specific location of the accident and a description of the location.

(6) Names, occupation at the time of the accident, and pertinent occupational experience for all persons who received disabling injuries and other injuries.

(7) A narrative description of the accident, including all pertinent related events prior to the accident; measurements of any dimension or clearance; type of equipment or machinery; noise level, visibility, lighting (in general terms); any identifiable human behavioral factors contributing to the accident; or any other element contributing to or related to the accident.

(8) A description of the steps taken, or to be taken in the future to avoid a recurrence, including, where appropriate, suggestions for modification or improvement in operating rules and regulations, working rules and regulations, safety standards, modification of equipment, training of personnel, or any other changes needed to prevent recurrence of the accident.

(b) Additional records shall be kept as follows of all unintentional roof falls of a size that would restrict ventilation or the passage of men:

(1) A plot of the roof fall on a mine map.

(2) A rough sketch or sketches of suitable scale showing the dimensions of the fall, the type and location of the roof support used, the type and thickness of the strata above the coalbed, and a statement of the depth of overburden in the affected area. Abnormalities in the immediate roof structure also shall be located and described.

§ 80.23 Maintenance of records.

The written records of investigations of accidents required by this Subpart C shall be maintained at the mine for a period of 3 years from the date of the accident and shall be open for inspection by interested persons.

§ 80.24 Reporting of written records.

A report of the accidents recorded as required in this Subpart C shall be made to the Bureau of Mines in the manner described in Subpart D of this part.

Subpart D—Operator's Reports to the Bureau of Mines

§ 80.30 Scope.

Pursuant to section 111(b) of the Federal Coal Mine Health and Safety Act (30 U.S.C. 821(b)), the regulations in this Subpart D prescribe additional records of accidents to be maintained, the information to be recorded therein, and the time and manner in which information on accidents is to be reported to the Secretary of the Interior.

§ 80.31 Daily ledger.

(a) The operator of a coal mine shall maintain at the mine office a "Daily ledger: Coal-Mine Accidents" (Form 6–1498) in which there shall be recorded for each accident, by date of occurrence, specified information with respect to the accident. The ledger form is organized to facilitate the compilation of summary data for the quarterly report required by § 80.32. A daily ledger shall be open for inspection by interested persons and shall be maintained at the mine for a period of 3 years from the date of the accident which constitutes the last entry in that ledger.

(b) The first copy of Form 6–1498 will be mailed to each operator. Additional copies may be obtained, as needed, from District and Subdistrict offices in the Coal Mine Health and Safety Districts of the Bureau of Mines.

§ 80.32 Quarterly report.

(a) For each calendar quarter, the operator of a coal mine shall prepare and submit to the Bureau of Mines a report on Form 6–1459Q, "Operator's Quarterly Report of Coal-Mine Accidents" containing man-hours worked and a summary of the information on all accidents recorded in the daily ledgers maintained as required by § 80.31. The report shall be filed with the Bureau on or before the 15th day of the month following the expiration of a quarter—that is, April 15, July 15, October 15, and January 15.

(b) A copy of Form 6–14590 will be mailed to each operator at the end of each reporting period.

§ 80.33 Individual injury report.

The operator of a coal mine shall file individual injury reports with the Bureau of Mines as follows:

(a) Following any accident at a mine involving a fatal injury the operator shall immediately file a complete report of such injury on Form 6–1420 "Employer's Report of Coal Mine Injury."

(b) On or before the 15th day of each month the operator shall file a report on Form 6–1420 "Employer's Report of Coal Mine Injury" with respect to each nonfatal injury that occurred at the mine during the immediately preceding month.

(c) In the event the disability of an injured person extends beyond the end of the month in which the injury occurs, the operator shall report the termination of the injury either in Part A (2) of Form 6–1423AM, "Injuries and Employment, Bituminous Coal and Lignite Mines" or in Part A(2) of Form 6–1420AM, "Injuries and Employment, Pennsylvania Anthracite Mines," whichever is appropriate, for the month when the injured person returns to work. (Section 80.34 covers reports on Form 6–1423 AM and Form 6–1420AM.)

(d) Copies of Form 6–1420 will be mailed to each operator at least once a year.

§ 80.34 Summary reports of injuries and employment.

(a) On or before the 15th day of each month, the operator of a coal mine in which, during the operation of the mine, 20 men or more were employed on any calendar day shall file with the Bureau of Mines a report for the immediately preceding month either on Form 6–1423 AM "Injuires and Employment, Bituminous Coal and Lignite Mines" or on Form 6–1420AM "Injuries and Employment, Pennsylvania Anthracite Mines," whichever is appropriate. Reports must be made for months during which the mine is idle. However, an operator need supply the general information required by Part C of Form 6–1423AM or of Form 6–1420AM only in the report for the month of December.

(b) On or before January 15 of each year, the operator of a coal mine who is not required to file monthly reports pursuant to paragraph (a) of this section shall file a report for the preceding calendar year with the Bureau of Mines either on Form 6–1423AM "Injuries and Employment, Bituminous and Lignite

Mines" or on Form 6–1420AM "Pennsylvania Anthracite Mines," whichever is appropriate.

(c) The reports referred to in paragraphs (a) and (b) of this section require summaries of fatal injuries and nonfatal injuries, and statistics on employment and production, and general mine information.

(d) A copy of Form 6–1423AM or of Form 6–1420AM will be mailed to each operator at the end of each reporting period.

§ 80.35 Place to file reports; additional forms.

Unless otherwise provided, all reports required by this Subpart D shall be filed with—

Bureau of Mines, Department of the Interior, Washington, D.C. 20240.

Additional copies of all forms referred to in this subpart may be obtained at the same address.

[F.R. Doc. 70–10516; Filed, Aug. 11, 1970; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 981]

ALMONDS GROWN IN CALIFORNIA

Proposed Expenses of Control Board and Rate of Assessment for 1970–71 Crop Year

Notice is hereby given of a proposal regarding expenses of the Almond Control Board for the 1970–71 crop year and rate of assessment for that crop year, pursuant to §§ 981.80 and 981.81 of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981; 35 F.R. 11372), regulating the handling of almonds grown in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Control Board has unanimously recommended for the 1970–71 crop year beginning July 1, 1970, a budget of expenses in the total amount of $105,000 and an assessment rate of 0.08 cent per pound of almonds (kernel weight basis). Expenses in that amount and the assessment rate are specified in the proposal hereinafter set forth.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 8th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 981.320 Expenses of the Control Board and rate of assessment for the 1970–71 crop year.

(a) *Expenses.* Expenses in the amount of $105,000 are reasonable and likely to be incurred by the Control Board during the crop year beginning July 1, 1970, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said crop year, payable by each handler in accordance with § 981.81, is fixed at 0.08 cent per pound of almonds (kernel weight basis).

Dated: August 7, 1970.

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

[F.R. Doc. 70–10539; Filed, Aug. 11, 1970; 8:51 a.m.]

[7 CFR Part 1099]

[Docket No. AO–183–A25]

MILK IN PADUCAH, KY., MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Paducah, Ky., marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Paducah, Ky., on July 9, 1970, pursuant to notice thereof which was issued June 26, 1970 (35 F.R. 10695).

The material issues on the record of the hearing relate to:

1. Automatic pooling of a supply plant operated by a cooperative association, and

2. Whether an emergency exists which requires the omission of a recommended decision.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The order should be amended to provide that, in the case of a supply plant operated by a cooperative association, the milk which the association causes to be delivered to other pool plants directly from the farms of member producers should be considered a receipt at the supply plant of the association for the purpose of determining the qualification of such plant as a pool plant. Further the cooperative association which operates it also must have delivered to pool distributing plants during the month, or during the immediately preceding 12-month period, at least two-thirds of the total volume of producer milk delivered to all plants by producers who are members of such cooperative association. Such total shall include both direct-delivered milk and the milk moved to pool plants from the cooperative association plant to be qualified.

The cooperative association, which represents all the producers supplying the Paducah market at the present time, proposed that a supply plant operated by a cooperative association be a pool plant if during the month, or during the immediately preceding 12-month period, the total volume of milk received at other pool plants from producers who are members of such association, plus the milk moved to such plants from the plant of the cooperative association, is at least two-thirds of the total volume of producer milk delivered to all plants by producers who are members of such cooperative association.

The association operates a plant which has receiving and storage facilities at Paducah, Ky. Here the milk which is in excess of the requirements of pool distributing plants is assembled for transfer to nonpool plants for use in manufactured dairy products. Usually, such milk is merely reloaded from small pickup tanks to larger tanks on the premises of the plant. On other occasions, the milk is received in the plant and later reloaded for delivery to manufacturing plants. Very little milk actually is moved from the association plant to the distributing plants in the market even though it provides a supply-balancing function in the Paducah market.

The association witness stated that it is becoming increasingly difficult for the cooperative association to insure that the plant will continue to meet the shipping requirements for a pool supply plant as set forth in the order.

There are two reasons for this. The pool distributing plants are scattered throughout the marketing area. Except

for one small plant in Paducah, they are closer to the producers' farms than is the association plant. Thus, it is more economical to move directly from the farm to the handlers' plants than it is to haul it to Paducah, receive it at the cooperative association plant, reloaded it and haul it back to distributing plants closer to where the milk was produced.

Another compelling factor is that three of the four pool distributing plants are not equipped to receive substantial amounts of milk from another plant. Two of these plants are very small and handle less than a tank load of milk per day. A third plant is so located that it is extremely difficult to maneuver a large tank truck to a point where it can be unloaded into the plant. As a result, only occasional loads of supplemental milk are moved from the cooperative supply plant to the plants of other handlers.

In past years, the association was able to keep its plant qualified by receiving some milk there and moving it to other pool plants. Such a procedure is no longer feasible because the plants which received most of such milk have ceased operations. Four former pool distributing plants have closed since May 1968. One plant closed in that month. Two others ceased operation in 1969. In June 1970 another large plant ceased to bottle milk. Thus, the opportunity for the association to qualify its plants by meeting the present shipping requirements has been severely curtailed.

The plant nevertheless serves a very useful function for the market. All the excess supplies are received or assembled at the plant for movement to manufacturing plants. Because only two manufacturing plants are within reasonable hauling distance, both of them located well beyond the limits of the Paducah milkshed, it is necessary that the milk be assembled before being moved to these plants.

A witness for the proponent cooperative association testified that not only is it impractical to divert milk directly from the farm to these plants because of the distances involved, but also that the plants are reluctant, and at times unwilling, to accept milk in the small tank trucks used for farm pickup. Thus, the association has no choice but to assemble the milk at Paducah and reload it into larger tanks for delivery to these plants.

During the fall and winter months, the excess milk of the market is sometimes moved to other markets for Class I use. The local cooperative association is a division of Dairymen, Inc., which has members who are producers in several markets in the southeastern part of the United States. When shortages occur in one of these markets, Dairymen, Inc., calls on its divisions in other markets to ship their excess milk to make up the deficit.

The witness for the cooperative association stated that, in view of the limited shipments from the cooperative plant to other pool plants in the Paducah market, a situation easily could develop where the plant might supply more milk to pool plants under some other order, and thus become subject to regulation under such order rather than under the Paducah order. He stated that this would create a chaotic situation, particularly if the plant became subject to different orders in succeeding months. He also expressed the fear that producers would be adversely affected if such a shift of regulation occurred during a month when the so-called "Louisville Plan" was in operation.

It was his contention that the cooperative plant should be subject to regulation under the Paducah order as long as the association continues to supply the major portion of its producer members' milk to Paducah regulated handlers, and its shipments to other order markets are occasional and incidental to the handling of the reserve supplies of the Paducah market.

The primary function of the plants, as previously indicated, is to serve as a balancing and surplus disposal plant for the Paducah market. Its shipments to other markets are incidental to and an integral part of the orderly disposition of the reserve supply in the Paducah market. In view of the plant's association with the Paducah market and the fact that it is operated by a cooperative association whose producer members constitute the entire source of the supply for this market, it is reasonable that the plant continue to be a pool plant under the Paducah order as long as the association operating it continues to be a principal supplier of the Paducah market.

While the proposed amendment submitted by the cooperative association would insure the plant's continued pooling in Paducah when not supplying milk to other markets, it would not prevent the plant from becoming subject to regulation under some other order if its shipments to plants under the other order were to exceed the actual movements of milk from the Paducah plant to the pool plants of other Paducah handlers.

Most of the orders in the southeast, to which milk might be moved, provide that a supply plant shall be subject to regulation when it meets the specified shipping requirements of the particular order and delivers a greater percentage of its milk to plants defined as pool plants under such order than is delivered to pool plants under the other order to which it might be subject. In view of the limited volume of milk actually moving through the Paducah plant, even small shipments of milk to other order plants could result in a shift of the regulation of such plant from Paducah. It is concluded therefore that the milk which is delivered directly to pool plants from the farms of member producers shall be considered a receipt at the cooperative association supply plant for the purposes of qualifying such plant as a pool plant in Paducah. Under such a provision, it would be unlikely that its shipments to other markets would result in the plant becoming a pool plant under some other order as long as the current supply of producer milk of the association continues to be primarily associated with the Paducah market.

The cooperative association witness stated that the two-thirds requirement should apply to milk received either in the current month or in the immediately preceding 12-month period. He stated that this is necessary to insure continued pooling of the cooperative association plant in the event unforeseen circumstances make it impossible to meet the two-thirds requirement in a particular month. He pointed out that four pool distributing plants have ceased operating within the past 2-year period. Although he had no knowledge of the likelihood of any other plant closing, such a possibility always exists.

He also pointed out that the remaining plants distribute milk over a wide area, including portions of adjoining milk marketing areas. If one of such plants closed or became subject to regulation under an other order, it might be impossible for the association to meet the two-thirds requirement in the month in which this occurred. Permitting continued pooling of the association plant on the basis of its performance in the preceding 12-month period will promote orderly marketing, since it will afford the association time to adjust its operations to the changed marketing conditions.

No testimony was offered in opposition to the proposed amendment.

2. The due and timely execution of the functions of the Secretary in this proceeding does not unavoidably require the omission of a recommended decision.

The cooperative association urged the omission of a recommended decision. It indicated that it was imperative that the order be amended as soon as possible to insure the continued pooling of the association plant. It pointed out that the months for qualifying a supply plant run from August through January. It felt the amendment should be made effective August 1 or soon thereafter to insure the plant's continued pool status.

It can be expected that the plant will continue to be a pool plant for the month of August and, unless it has substantial shipments of milk to pool plants under other orders in August, will likewise continue to be a pool plant for the month of September.

In these circumstances, it appears there is no emergency which would justify the omission of a recommended decision.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied

for the reasons previously stated in this decision.

GENERAL FINDINGS

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

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

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

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Paducah, Kentucky, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

Revise § 1099.8(b) by adding at the end thereof the following:

§ 1099.8 **Pool plant.**

* * * * *

(b) * * * *And provided further*, That in the case of a supply plant operated by a cooperative association which supplies to other pool plants at least two-thirds of the producer milk of its producer members (including both the milk delivered directly from the farms of member producers and that delivered from the plant of the association) delivered to all plants during the current month or during the immediately preceding 12-month period, the milk which such association causes to be delivered to the pool plants of other handlers in its capacity as a handler pursuant to § 1099.10 (e), shall be considered as having been received first at the plant of such cooperative association for the purpose of qualifying such plant as a pool plant pursuant to this paragraph.

Signed at Washington, D.C., on August 7, 1970.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70-10540; Filed, Aug. 11, 1970; 8:51 a.m.]

Packers and Stockyards Administration

[9 CFR Part 201]

STOCKYARD OWNERS AND MARKET AGENCIES

Rates and Charges; Time and Place To File Schedules and Amendments; Extension of Time

On May 21, 1970, there was published in the FEDERAL REGISTER (35 F.R. 7811) a notice of a proposal to amend § 201.22 (9 CFR 201.22) of the regulations under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), so as to modify, under certain conditions, the filing and notice requirements contained in section 306(c) of the Act (7 U.S.C. 207(a)) with respect to tariff supplements relating to charges for professional veterinary fees. The notice provided that written data, views, or arguments concerning the proposal should be filed in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., not later than July 24, 1970.

On May 28, 1970, there was published in the FEDERAL REGISTER (35 F.R. 8368–8369) a notice of a proposal to amend § 201.43 (b) and (c) of the regulations under the Packers and Stockyards Act (9 CFR 201.43) regarding payment and accounting for livestock. The notice provided that written data, views, or arguments concerning the proposal should be filed in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., within 60 days from the publication of the notice.

In response to the request of interested persons, the time for filing such written data, views, or arguments is hereby extended to and including August 20, 1970, with respect to both proposals.

Done at Washington, D.C., this 6th day of August 1970.

DONALD A. CAMPBELL,
Administrator.

[F.R. Doc. 70-10506; Filed, Aug. 11, 1970; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-SO-61]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Raleigh, N.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

RALEIGH, N.C.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Raleigh-Durham Airport (lat. 35°52'21" N., long. 78°47'02" W.); within 9.5 miles northwest and 4.5 miles southeast of the 045° bearing from Leesville RBN, extending from the RBN to 18.5 miles northeast of the RBN; within 9.5 miles northwest and 4.5 miles southeast of Raleigh-Durham ILS localizer southwest course, extending from the LOM to 18.5 miles southwest; within 9.5 miles northwest and 4.5 miles southeast of Raleigh-Durham VORTAC 231° radial, extending from the VORTAC to 18.5 miles southwest of the VORTAC.

The proposed alteration is required to provide adequate controlled airspace protection for IFR aircraft executing the LOC(BC)RWY 23 Instrument Approach Procedure.

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

Issued in East Point, Ga., on August 4, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-10498; Filed, Aug. 11, 1970; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Ch. I]

[Docket No. RM-102-2]

CERTAIN TYPES OF LIGHT WATER, NUCLEAR POWER REACTORS

Consideration of Possible Statutory Finding of Practical Value; Extension of Comment Period and Postponement of Hearing

Notice is hereby given that the Atomic Energy Commission has extended the time for filing comments in the above-captioned proceeding to September 9, 1970, and postponed the public rule making hearing, originally scheduled for August 17, 1970, as announced in a notice of proposed rule making published in the FEDERAL REGISTER on June 26, 1970 (35 F.R. 10460), until September 17, 1970. The public rule making hearing will begin at 10 a.m. on that date in Room P-110, U.S. Atomic Energy Commission, 7920 Norfolk Avenue, Bethesda, Md.

(Sec. 102, 68 Stat. 936; 42 U.S.C. 2132; sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 10th day of August 1970.

For the Atomic Energy Commission.

F. T. HOBBS,
Assistant Secretary.

[F.R. Doc. 70-10605; Filed, Aug. 11, 1970; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 399]

[Docket No. 21866-1; PSDR-25]

TREATMENT OF FLIGHT EQUIPMENT DEPRECIATION AND RESIDUAL VALUES FOR RATE PURPOSES

Proposed Statement of Policy

Notice is hereby given that the Civil Aeronautics Board is proposing to amend Part 399 of the regulations by the addition of a new § 399.44, which would establish the Board's policy in the treatment of flight equipment depreciation and residual values for ratemaking purposes. The proposed amendment and a statement explaining its principal features are set forth below. The rules are proposed under the authority of sections 204 and 404 of the Federal Aviation Act of 1958, as amended (72 Stat. 743 and 760; 49 U.S.C. 1324 and 1374), and section 553 of the Administrative Procedure Act (80 Stat. 378, 381; 5 U.S.C. 553).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before September 9, 1970, and reply comments received on or before September 23, 1970, will be considered by the Board before taking action. Each party to the Domestic Passenger Fare Investigation, Docket 21866, shall serve a copy of its response hereto and of its reply comments on all other parties to that investigation. Upon receipt by the Board, copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated: August 6, 1970.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

Explanatory statement. This rule making proceeding constitutes Phase 1 of the Domestic Passenger Fare Investigation.[1] The Board has previously determined, without objection, that three of the phases in that proceeding should be handled through rule making proceedings. The issue of flight equipment depreciation, encompassed herein, is the subject of one of these phases to be so processed. The purpose of this proceeding, therefore, is to establish the appropriate service lives and residual values for aircraft flight equipment for purposes of determining passenger fare levels. This is proposed to be accomplished by an amendment to Part 399, the Board's policy statements.[2]

The Board last formally considered depreciation standards in connection with the over-all fare level in the General Passenger-Fare Investigation decided in 1960.[3] In that case, we established the service lives for piston-powered and jet aircraft at seven and 10 years respectively, with a 5-year service life for jet engines. A 15-percent residual value was approved for all aircraft and engines, except that a 5-percent residual was established for jet engines. The 1960 standards are clearly obsolete. Indeed, for a number of years, the Board has used significantly longer service lives for jet-powered aircraft than those established in the General Passenger-Fare Investigation.[4] These longer service lives reflect the favorable obsolescence experience of jet transport type aircraft, as well as the introduction of new and improved aircraft types. Our intention, therefore, is to adopt new depreciation standards which more accurately reflect the reasonably foreseeable service lives and residual values of the aircraft types employed by the air carriers.

Our objective in fixing depreciation rates is to come as close as possible to correlating depreciation charges with the actual decline in value. Ideally, depreciation rates should be established at levels which result in neither gain nor loss upon disposition of the aircraft. Capital gains upon disposition mean that excessive depreciation has been charged the rate payer, whereas capital losses are indicative of noncompensatory depreciation charges, and impose a financial burden on the carriers.

The amount of depreciation accrued each year in relation to the asset cost is dependent on the combination of the service life and the residual value assigned. The residual value is the predetermined portion of the asset cost excluded from depreciation. It is intended to represent a fair and reasonable estimate of recoverable value as at the end of the service life of the asset. The service life is the period between the date the asset is placed in service and its date of estimated retirement.

As indicated in appendix A,[5] a combination of a 12-year service life with a 15-percent residual value results in an annual depreciation charge of 7.1 percent of the total asset cost. The same result would ensue from a combination of a 14-year service life with no residual value assigned. However, if the 14-year service life were coupled with a 15 percent residual value, the annual depreciation charge would drop to 6.1 percent of the total asset cost, a reduction of approximately 14 percent in depreciation charges from that computed under the 12 year/15 percent residual policy.

Unfortunately, there is no scientific basis for accurately projecting either the service life or the residual value of any given aircraft type. Aircraft do not deteriorate in a physical sense. Under normal maintenance, they can be kept in an operational state for indefinite periods of time. Thus, depreciation is essentially caused by the loss in market value of the aircraft attributable to technological obsolescence factors. This loss in value is affected by such matters as the development of new aircraft types which are more economical or more attractive to the public; the availability of secondary markets for used aircraft types which may be obsolete in the hands of the original carrier but are useful to others; supply-demand relationships at any given period of time; and monetary

[1] That investigation is an omnibus inquiry into the domestic passenger fare level and structure, and has been broken down into a number of phases, each involving specific substantive issues. See Order 70-2-121, Feb. 26, 1970.

[2] The Board does not contemplate that there will be any necessity for an evidentiary hearing on this issue. However, any interested person who believes that a hearing is required should support his request with the evidence which he intends to submit at such hearing. All parties should be on notice that in the event that an evidentiary hearing is held, its scope will be confined to the introduction into evidence of the materials contained in this notice, the comments submitted in response, and cross-examination thereon, except that the examiner may determine that additional evidence is required in order to assure a fair hearing.

[3] 32 C.A.B. 291 (1960).

[4] See, for example, the service lives employed in fixing MAC minimum rates.

[5] Appendices A, B, C, and D filed as part of original document.

inflation. Inherent in the interplay of these and other factors is the presence of so many variables that only a rough forecast of service lives and residual values is attainable. And this forecast must to a large degree be predicated on judgment.

For purposes of this notice, we have given great weight to the judgment of the carriers themselves, as reflected in their own depreciation policies. In the past, the carriers' policies have been conservative in the sense that depreciation rates have more than covered actual depreciation as measured by the decline in market value. As shown in appendix B,[5] the trunkline and local service carriers have realized profits of over $100 million on retirement of operating property during the 10-year period from 1960 to 1969. This sum reflects only the amounts reported in CAB Account 8181.1, Capital Gains on Retirement of Operating Property. Additional gains, applicable to the retirement of equipment withdrawn from operations prior to disposal, i.e., nonoperating property and equipment, are reported along with gains and losses on disposition of the securities of others in a separate account, CAB Account 8181.2, Capital Gains and Losses—Other. In addition, some carriers defer gains related to installment sales, taking such gains into income concurrently with the receipt of installment payments from the purchasers. One of the major trunkline carriers, alone, had a balance of $13.7 million in deferred gains on installment sales as of December 31, 1969.

The carriers' current depreciation practices are summarized in appendix C.[5] As indicated therein, the trunkline and local service carriers are currently booking multiengine turbine aircraft depreciation over service lives ranging from 10 to 16 years, with residual values in the range of 10 to 15 percent, with some exceptions.[6]

The terms of long-term leases are also indicative of the judgment of carriers and financial experts as to the reasonable service lives of aircraft. As shown in appendix D,[5] the trunkline and local service carriers were leasing a considerable quantity of aircraft on a long-term basis as of December 31, 1969. A total of 367 aircraft are included in this appendix. Excluded from the listing are an additional 27 aircraft on lease to the carriers for periods ranging from 4 months to 8 years. The lease periods of the aircraft covered in the appendix range from 10 to 18 years, with a weighted average term of 14.2 years.

Aircraft not in operation at year-end 1969, but then on order, include the Boeing 747, the McDonnell Douglas DC–10, and the Lockheed L–1011. The Boeing 747 is a 376 passenger aircraft (in typical airline two-class service configuration) powered by four engines. An all-economy seating version can accommodate 490 passengers. The DC–10 and the L–1011 aircraft are both powered by three engines, and each will provide approximately 255 passengers in dual-class configuration.

At the end of 1969, a total of 74 B–747's were on order for the domestic trunkline carriers, with a delivery schedule of 45 in 1970, 25 in 1971, and four in 1972. This group of carriers also had on order 83 DC–10's and 89 L–1011's, with initial delivery scheduled for mid-1971.

At year-end 1969, Trans World reported that it had not determined depreciation rates for the B–747's scheduled for delivery in early 1970. However, we note from data reported by Pan American that this carrier is depreciating this type aircraft for Form 41 reporting purposes over a service life of 16 years, with a residual value of 4.4 percent of cost value. Recently,[7] Pan American was granted an exemption relating to a lease transaction involving the B–747 aircraft over a term of 16 years.

Conclusions. In light of presently available information and based on our current best judgment, we are proposing standards for the depreciation life and residual value of multiengine turbine aircraft types for ratemaking purposes, as follows:

	Service life in years	Residual value—percent of cost
Turbofan equipment:		
4-engine	14	15
3-engine	14	15
2-engine	14	15
Turbojet equipment:		
4-engine	12	15
2-engine	10	15
Turboprop equipment:		
4-engine	10	15
2-engine	10	15
Wide-body equipment:		
4-engine	16	15
3-engine	16	15

In reaching our decision to set the depreciable life of the various equipment groupings for ratemaking purposes, we have given due consideration to service lives assigned by the individual carriers for Form 41 reporting purposes, the terms of the leases that the carriers have in effect at the end of calendar year 1969, and the obsolescence factor related to the development of new generation equipment.

In regard to residual value, there is significantly less agreement among the carriers as to currently assigned valuations. We are of the view that a 15 percent residual value should be used in all instances. We base this judgment in the light of the consistently high value of equipment disposed of in the last 10 years, persistent inflationary factors in the economy, and a rising cost/price pattern for sophisticated aircraft.

We would expect that carriers commenting on the proposed residual values would include in their communications factual data, by aircraft types, relating to all fully depreciated aircraft, and aircraft owned for a period of at least 8 years, which were sold during the 10-year period from 1960 to 1969. For each aircraft sold, indicate the airframe license number, date acquired, date sold, years owned (e.g., 10.75 years), depreciable service life, cost value at time of sale (including value of engines and other flight equipment), net book value, amount realized, gain or loss, and the amount realized as a percentage of the cost value.

Finally, consistent with our established policies for commercial ratemaking purposes, the depreciation charges should be based on the conventional straight-line method of accrual and adjustments of reported data should be made over the entire life of the equipment involved.

Proposed rule. It is proposed to amend Part 399, Statements of General Policy (14 CFR Part 399), by the addition of a new § 399.44, as follows:

§ 399.44 Flight equipment depreciation and residual values.

(a) For ratemaking purposes, it is the policy of the Board that flight equipment depreciation will be based on the conventional straight-line method of accrual, employing the service lives and residual values set forth below:

	Service life in years	Residual value—percent of cost
Turbofan equipment:		
4-engine	14	15
3-engine	14	15
2-engine	14	15
Turbo-jet equipment:		
4-engine	12	15
2-engine	10	15
Turboprop equipment:		
4-engine	10	15
2-engine	10	15
Wide-body equipment:		
4-engine	16	15
3-engine	16	15

(b) For ratemaking purposes (other than subsidy determinations), adjustments of depreciation accrued on a carrier's books will be made over the service life of the equipment involved.

[F.R. Doc. 70–10527; Filed, Aug. 11, 1970; 8:50 a.m.]

[5] Appendices A, B, C, and D filed as part of original document.

[6] TWA and United assign a stated residual value (generally $100,000 per airframe) rather than express the residual value as a percent of the cost value. By relating the stated residual values to cost values, these carriers have, in effect, assigned residual values ranging from 1 to 3 percent to the cost values.

[7] Order 70–4–105, Apr. 21, 1970.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 87]

[Docket No. 18931; FCC 70–834]

AVIATION SERVICES

Channel Spacing To Provide Additional Frequencies

In the matter of amendment of Parts 2 and 87 of the rules to provide additional frequencies in the 128.825–132.025 MHz band by permitting the use of 25 kHz channel spacing; Docket No. 18931, RM–1507.

1. Aeronautical Radio, Inc. (ARINC) has requested changes in §§ 87.67(b)

and 87.295(b) of the rules to authorize a 6A9 emission and, in effect, to double the number of assignable frequencies in the 128.825–132.025 MHz band. ARINC provides radio communication services primarily to the air transport industry and is the licensee of numerous enroute radio stations operating on these frequencies. ARINC proposes that the number of frequencies be doubled by permitting the use of 25 kHz channel spacing rather than the 50 kHz now authorized.

2. In support of its request for 25 kHz spacing ARINC asserts that additional aeronautical channels are necessary to fill its functions and that "channel splitting" as has been used in the maritime, and land mobile services should now be applied to the Aviation Radio Service to provide the additional communications capability required by the air transport industry. ARINC further asserts that current production model aircraft being delivered to the U.S. airlines are now equipped with equipment capable of operating on channels spaced 25 kHz and that considerable interest has been engendered to exploit this capability.

3. In support of its request for rule changes to permit the use of a 6A9 emission ARINC asserts that data link operations is an accepted fact within Government and non-Government agencies and will replace many functional requirements now fulfilled by voice communication. ARINC also states that this type of operation can assimilate the ever increasing communications requirements resulting from the introduction of highly sophisticated aircraft in the aeronautical community.

4. We agree with ARINC that this may be the time to begin channel splitting in the aeronautical radio service and therefore believe that the requested rule changes to provide for 25 kHz channel spacing in the aeronautical bands here involved should be proposed.

5. With respect to ARINC's request for rule changes to permit a 6A9 emission, we are not persuaded that there is now, or will soon be, a sufficient need for this kind of emission on the subject frequencies. Furthermore, ARINC has not furnished sufficient specific information as to the precise type of emission [1] or how or under what circumstances it would be used so that an evaluation could be made of its feasibility and of the extent to which interference may be caused to voice communications on these frequencies that are allocated internationally for aeronautical safety purposes. We are, therefore, reluctant, on the basis of the information now before us, to propose a rule change that would permit 6A9 emission. On the other hand, we are unwilling to conclude that there might not now be a need for additional emissions on these or other aeronautical frequencies in the interest of more effective utilization of the spectrum, provided this can be achieved without degradation of the service and undue interference to other communications. There may be a need to develop or refine our policy in this respect. Therefore, comments from interested parties are invited.

6. The proposed amendment to the rules, as set forth below, is issued pursuant to authority contained in section 4(1), and 303 (b), (g) and (r) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before September 14, 1970, and reply comments on or before September 24, 1970. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

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

Adopted: August 5, 1970.

Released: August 7, 1970.

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

§ 2.106 [Amended]

1. In Part 2, § 2.106 is amended by changing the footnote reference in column 10 for the frequency band 128.825–132 MHz from NG34 to NG____, and a new NG footnote is added to read as follows:

NG____ The spacing between frequency assignments in this band shall be 25 kHz: *Provided, however,* That transmitters designated to operate on a bandwidth of 50 kHz and type accepted for use in this band prior to January 1, 1971, may continue to be used until January 1, 1976. The first and last assignable frequencies are those indicated in column 10.

§ 87.67 [Amended]

2. In § 87.67, the table of frequencies in paragraph (b) (1) is amended by adding a new footnote designator "5" for class A–3 emission in the "Above 50 MHz" column for the figure "50". The explanation of this new footnote reads as follows:

[5] In the band 128.825–132.025 MHz the authorized bandwidth is 25 kHz: *Provided, however,* That transmitters designed to operate on a bandwidth of 50 kHz and type accepted for use in this band prior to January 1, 1971, may continue to be used until January 1, 1976.

3. In § 87.295, the frequencies listed in paragraph (b) are amended to read:

§ 87.295 Continental U.S. (excluding Alaska).

* * * * *

(b) * * *

MHz	*MHz*	*MHz*	*MHz*
128.850	129.650	130.450	131.250
128.875	129.675	130.475	131.275
128.900	129.700	130.500	131.300
128.925	129.725	130.525	131.325
128.950	129.750	130.550	131.350
128.975	129.775	130.575	131.375
129.000	129.800	130.600	131.400
129.025	129.825	130.625	131.425
129.050	129.850	130.650	131.450
129.075	129.875	130.675	131.475
129.100	129.900	130.700	131.500
129.125	129.925	130.725	131.525
129.150	129.950	130.750	131.550
129.175	129.975	130.775	131.575
129.200	130.000	130.800	131.600
129.225	130.025	130.825	131.625
129.250	130.050	130.850	131.650
129.275	130.075	130.875	131.675
129.300	130.100	130.900	131.700
129.325	130.125	130.925	131.725
129.350	130.150	130.950	131.750
129.375	130.175	130.975	131.775
129.400	130.200	131.000	131.800
129.425	130.225	131.025	131.825
129.450	130.250	131.050	131.850
129.475	130.275	131.075	131.875
129.500	130.300	131.100	131.900
129.525	130.325	131.125	131.925
129.550	130.350	131.150	131.950
129.575	130.375	131.175	131.975
129.600	130.400	131.200	132.000
129.625	130.425	131.225	

[F.R. Doc. 70–10547; Filed, Aug. 11, 1970; 8:52 a.m.]

[1] The authorized emissions, modulations and transmission characteristics and identifying symbols are set forth in § 2.201 of the Commission's rules. Paragraph (d) specifies the numbered suffix symbols for types of transmission such as telephony, telegraphy, television or facsimile. The number 9 symbol is listed last, as a general category, and is for "All cases not covered by the above".

[47 CFR Parts 2, 91, 93]

[Docket No. 18932; FCC 70–835]

INDUSTRIAL AND LAND TRANSPORTATION RADIO SERVICES

Allocation and Assignment of Frequencies

In the matter of amendment of Parts 2, 91, and 93 of the Commission's rules, concerning the allocation and assignment of frequencies in the 72–76 MHz band; Docket No. 18932, RM–1135, RM–1068.

1. The Association of American Railroads (AAR), and the Special Industrial Radio Services Association, Inc. (SIRSA), have filed petitions requesting amendment of the rules to permit operation of low power, portable remote control devices in the 72–76 MHz band in the Railroad and Special Industrial Radio Services. In support of its request for rule making (RM 1068), the AAR states that a need now exists for the use of radio in connection with the remote control of switching operations in yards and terminals. Signaling devices of this type are not compatible with ordinary voice communications and therefore cannot be operated in conjunction with existing yard and terminal radio systems on the same or adjacent frequencies in use in the same or nearby yards. The need for these systems relates to both the remote control operation of locomotives solely by radio and to the remote control of the locomotive by means of positive signals sent to the engineer in the cab.

Examples of the use which remote control could be used include the safer coupling of cars by locomotives and also directing locomotives through hazardous or obstructed terminal driveways by the operator after he has altered pedestrian and vehicular traffic.

2. The SIRSA, in its request for rule making (RM–1135), argues that those eligible in the Special Industry Radio Service are also finding an increasing number of applications in which the use of low power portable remote control devices could significantly enhance the safety of both lives and property. Included are devices used in the mining industry for the remote control of railroad locomotives which switch and dump train coal cars in a coal mining operation or the control equipment used to pour concrete from the large buckets on dam construction projects. However, SIRSA states that the present restrictions imposed upon the Special Industrial use of the frequencies in the 72–76 MHz range have severely limited the employment of these frequencies for control devices.

3. The Association of Maximum Service Telecasters, Inc. (AMST) filed a statement taking no position for or against allocation of the frequencies for the purpose contained in AAR's petition. However, it urges that if the rules are so amended, that adequate safeguards be afforded against interference to television service on channels 4 and 5 as the Commission has provided in other proceedings. In this regard, in 1964, the Commission amended its rules to provide for manufacturers use of frequencies in the 72–76 MHz band for apparatus and equipment control, safety communications, and certain other purposes. This use involves low or so-called "flea" powered (1 w input) radio transmitters, and all use of the frequencies is subject to the condition that no harmful interference be caused to reception on television channels 4 or 5. Report and order in Docket No. 15131, FCC 64–221, 29 F.R. 3703.

4. In the aforesaid proceeding, the Commission refused to include other radio services in the proposal because it was not persuaded at that time to undertake "* * * any wholesale exploitation of the subject bands by 'flea' powered users." The Commission went on to state, however, that "At some later date (it) may consider the advisability of expanding 'flea power' operations, including the possibility of inter-service sharing of frequencies devoted to 'flea' power use." In view of the extensive and successful use of "flea" powered operations by the manufacturers, and the fact that harmful interference to television reception on channels 4 and 5 has not materialized to any extent, it appears desirable at this time to expand the availability of these facilities to licensees in other radio services. In so concluding, we note SIRSA's contention that equipment manufacturers have now developed sophisticated equipment capable of performing safety oriented functions on low power, portable remote control devices.

5. Accordingly, we propose to amend our rules as follows:

(a) Ten channels in the 72–76 MHz band now available exclusively to the Manufacturers Radio Service for low power (1 w) use would be made available also to the Railroad and the Special Industrial Radio Services for the same type use.

(b) Because of the safety oriented uses involved, applications for use of the frequencies will be required to show evidence of frequency coordination between the three services involved.

(c) All transmitters operating on the subject frequencies would be required to operate solely within the boundaries or confines of the yard or terminal or area of heavy construction. Because changes in the area of radio operation may adversely affect safety operations of other licensees using these frequencies, the Commission will issue all licenses for specific and limited areas. Accordingly, a new application accompanied by evidence of frequency coordination will have to be submitted and approved by the Commission before operations can be commenced at a new construction site.

(d) Tone, as well as voice transmissions will be permitted and multiple frequency systems may be authorized.

(e) Use of the frequencies will be subject to the condition that no harmful interference be caused to reception of television channels 4 or 5.

6. With respect to the power limitation of 1 w, the AAR states that a 5-w limitation is the lowest power that would permit reliable communications in their proposed use of the frequencies. We, however, do not believe that such a proposal has been adequately justified. Permissible railroad use of these frequencies is to be confined to the limits of a railroad yard or terminal and in most cases, line of sight. In the absence of a showing to the contrary, it would appear that the 1-w equipment will provide adequate signals.

7. The proposed amendments, which are to be found set forth below, are issued under the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

8. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before September 15, 1970, and reply comments on or before September 25, 1970. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

9. In accordance with the provisions set forth in § 1.419 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: August 5, 1970.

Released: August 7, 1970.

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

I. Part 2 of the Commission's rules is amended as follows:

1. In § 2.106, Footnote NG49 is amended to read:

§ 2.106 Table of Frequency Allocations.

* * * * *

NG49 The following frequencies may be authorized for low-powered (1 watt input) mobile operations in the radio services shown subject to the condition that no interference is caused to the reception of television stations operating on channels 4 and 5:

MANUFACTURERS RADIO SERVICE

MHz	*MHz*	*MHz*	*MHz*
72.02	72.12	72.22	72.32
72.04	72.14	72.24	72.34
72.06	72.16	72.26	72.36
72.08	72.18	72.28	72.38
72.10	72.20	72.30	72.40

SPECIAL INDUSTRIAL RADIO SERVICE, MANUFACTURERS RADIO SERVICE, RAILROAD RADIO SERVICE

MHz	*MHz*	*MHz*	*MHz*
72.44	72.56	75.48	75.56
72.48	72.60	75.52	75.60
72.52	75.44		

* * * * *

II. Part 91 of the Commission's rules is amended as follows:

1. In § 91.8, paragraph (a)(1)(iii) is amended to read:

§ 91.8 Policy governing the assignment of frequencies.

(a) * * *

(1) * * *

(iii) Any application involving a frequency in the 72–76 MHz band for operational fixed station installation.

* * * * *

2. Section 91.503 is amended by the addition of paragraph (b) to read:

§ 91.503 Station limitations.

* * * * *

(b) Mobile stations proposed to be operated on frequencies within the 72 and 75 MHz bands will be authorized subject to the following conditions:

(1) Authorization for multiple frequency operations will be granted notwithstanding the provisions of § 91.8(c).

(2) All communications must be conducted within the boundaries or confines of plant, factory, shipyard, mill, mine, farm, ranch, or construction area.

(3) All operation on frequencies in the 72 and 75 MHz bands is subject to the condition that no interference is caused to the reception of television stations operating on Channels 4 or 5. Interference will be considered to occur whenever reception of a regularly used television signal is impaired by signals radiated by stations operating under these rules in the 72 and 75 MHz bands, regardless of the quality of such reception or the strength of the signal so used. In order to minimize the hazard of such interference, it shall be the duty of the licensee to determine whether interference is being caused to television reception, wherever television receivers other than those under the control of the licensee, are located within 100 feet of any point where the stations licensed under these rules may be operated. In any case, it shall be the responsibility of the licensee to correct at its own expense, any such interference and if the interference cannot be eliminated by the

application of suitable techniques, the operation of the offending transmitter shall be suspended. If the complainant refuses to permit the licensee to apply remedial techniques which demonstrably will eliminate the interference without impairment of the original reception, the licensee is absolved of further responsibility.

* * * * *

3. In § 91.504, the frequency table in paragraph (a) is amended with respect to the frequencies listed below, and new subparagraphs (30) and (31) are added to paragraph (b), to read:

§ 91.504 Frequencies available.

(a) * * *

SPECIAL INDUSTRIAL RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	General reference	Limitations
* * *	* * *	* * *	* * *
72.44	Mobile	72 MHz mobile	30, 31
72.46	Operational fixed	72 MHz fixed	3
72.48	Mobile	72 MHz mobile	30, 31
72.50	Operational fixed	72 MHz fixed	3
72.52	Mobile	72 MHz mobile	30, 31
72.54	Operational fixed	72 MHz fixed	3
72.56	Mobile	72 MHz mobile	30, 31
72.58	Operational fixed	72 MHz fixed	3
72.60	Mobile	72 MHz mobile	30, 31
72.62	Operational fixed	72 MHz fixed	3
* * *	* * *	* * *	* * *
75.42	Operational fixed	75 MHz fixed	3
75.44	Mobile	75 MHz mobile	30, 31
75.46	Operational fixed	75 MHz fixed	3
75.48	Mobile	75 MHz mobile	30, 31
75.50	Operational fixed	75 MHz fixed	3
75.52	Mobile	75 MHz mobile	30, 31
75.54	Operational fixed	75 MHz fixed	3
75.56	Mobile	75 MHz mobile	30, 31
75.58	Operational fixed	75 MHz fixed	3
75.60	Mobile	75 MHz mobile	30, 31
75.62	Operational fixed	75 MHz fixed	3
* * *	* * *	* * *	* * *

(b) * * *

(30) This frequency is available on a shared basis in the Manufacturers, Special Industrial and Railroad Radio Services. Applications for the assignment of a new frequency or to change the area of operation of an existing station shall be accompanied by evidence of frequency coordination between all of the services sharing the frequency.

(31) The maximum transmitter final amplifier plate input power that will be authorized is one watt; and each station authorized will be classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the operational functions of a base or fixed station. The antennas of transmitters operating on this frequency must be directly mounted or installed upon the transmitting unit: *Provided, however,* That when permanently installed aboard a vehicle, antenna and transmitter may be separated as required for convenience in mounting. Horizontal polarization will not be allowed; and the gain of antennas employed shall not exceed that of a half wave dipole. The maximum bandwidth that will be authorized is 20 kHz. This frequency is available for voice or tone control transmissions, and subject to the condition that interference will not be caused to the reception of television Channels 4 or 5. No protection from television interference will be afforded licensees operating on this frequency.

* * * * *

4. In § 91.730, the frequency table in paragraph (a) is amended with respect to the frequencies listed below, and paragraph (b) (19) is added to read:

§ 91.730 Frequencies available.

(a) * * *

MANUFACTURERS RADIO SERVICE FREQUENCY TABLE

Frequency	Class of station(s)	Limitations
* * *	* * *	* * *
72.44	Mobile	8, 19
72.48	do	8, 19
72.52	do	8, 19
72.56	do	8, 19
72.60	do	8, 19
75.44	do	8, 19
75.48	do	8, 19
75.52	do	8, 19
75.56	do	8, 19
75.60	do	8, 19
* * *	* * *	* * *

(b) * * *

(19) This frequency is available on a shared basis in the Manufacturers, Special Industrial and Railroad Radio Services. Applications for the assignment of a new frequency or to change the area of operation of an existing station shall be accompanied by evidence of frequency coordination between all of the services sharing the frequency.

III. Part 93 of the Commission's rules is amended as follows:

1. Section 93.352 is amended by the addition of a new paragraph (b) to read:

§ 93.352 Frequencies below 952 MHz available for base and mobile stations.

* * * * *

(b) Subject to the condition that no harmful interference will be caused to reception of television channels 4 or 5, the following frequencies are available for assignment to mobile stations in the Railroad Radio Service on a shared basis with stations in the Manufacturers Radio Service and the Special Industrial Radio Service:

72.44	72.56	75.48	75.60
72.48	72.60	75.52	
72.52	75.44	75.56	

Mobile stations proposed to be operated on these frequencies will be authorized subject to the following conditions:

(1) All communications must be conducted within the boundaries and confines of railroad terminals and yards.

(2) All operation on frequencies in the 72 and 75 MHz bands is subject to the condition that no interference is caused to the reception of television stations operating on Channels 4 and 5. Interference will be considered to occur whenever reception of a regularly used television signal is impaired by signals radiated by stations operating under these rules in the 72 and 75 MHz bands, regardless of the quality of such reception or the strength of the signal so used. In order to minimize the hazard of such interference, it shall be the duty of the licensee to determine whether interference is being caused to television reception wherever television receivers other than those under the control of the licensee, are located within 100 feet of any point where the stations licensed under these rules may be operated. In any case, it shall be the responsibility of the licensee to correct at its own expense, any such interference and if the interference cannot be eliminated by the application of suitable techniques, the operation of the offending transmitter shall be suspended. If the complainant refuses to permit the licensee to apply remedial techniques which demonstrably will eliminate the interference without impairment of the original reception, the licensee is absolved of further responsibility.

(3) Applications for use of any of the frequencies must be accompanied by evidence of frequency coordination among all of the services sharing the frequency.

(4) The maximum transmitter final amplifier plate input power that will be authorized is one watt; and each station authorized will be classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the operational functions of a base or fixed station. The antennas of transmitters operating on this frequency must be directly mounted or installed upon the transmitting unit: *Provided, however,* That when permanently installed aboard a vehicle, antenna and transmitter may be separated as required for convenience in mounting. Horizontal polarization will not be allowed; and the gain of antennas employed shall not exceed that of a half wave dipole. The maximum bandwidth that will be authorized is 20 kHz. This frequency is available for voice or tone control transmissions and subject to the condition that interference will not be caused to the reception of television Channels 4 or 5. No protection from television interference will be afforded licensees operating on this frequency.

* * * * *

[F.R. Doc. 70-10548; Filed, Aug. 11, 1970; 8:52 a.m.]

[47 CFR Part 73]

[Docket No. 18928; FCC 70-816]

TELEPHONE INTERVIEW PROGRAMS

Licensee Control of Matter Broadcast; Correction

In the matter of amendment of Part 73 of the Commission's rules and regulations to provide for licensee control of matter broadcast during telephone interview programs on standard, FM and TV broadcast stations; Docket No. 18928.

Because of an inadvertent omission, these errata are issued so that the appendix to the notice of proposed rule making adopted July 22, 1970 (FCC 70-816) and published in the FEDERAL REGISTER of July 29, 1970, 35 F.R. 12132, will read as follows:

1. Sections 73.127, 73.302, 73.592, and 73.677 are added to read as follows:

§ 73.127 Telephone interview programs.

(a) Whenever a licensee or a permittee of a standard broadcast station broadcasts programs consisting in whole or in part of telephone conversations with members of the public, the licensee shall record such conversations and shall retain the recordings for at least 15 days from date of broadcast. During this period, such recordings shall be made available to interested parties for monitoring at the studios or offices of each station which broadcasts the programs.

(b) Licensees or permittees who broadcast programs consisting in whole or in part of telephone conversations with members of the public shall, prior to the broadcast of such telephone conversations, exercise reasonable diligence to ascertain the correct names and addresses of those members of the public whose conversations are broadcast. Lists of the names and addresses of such persons shall be made available for at least 15 days from date of broadcast for inspection by interested parties in the studios or general offices of such station which broadcasts the program.

§ 73.302 Telephone interview programs.

(a) Whenever a licensee or a permittee of an FM broadcast station broadcasts programs consisting in whole or in part of telephone conversations with members of the public, the licensee shall record such conversations and shall retain the recordings for at least 15 days from date of broadcast. During this period, such recordings shall be made available to interested parties for monitoring at the studios or offices of each station which broadcasts the program.

(b) Licensees or permittees who broadcast programs consisting in whole or in part in of telephone conversations with members of the public shall, prior to the broadcast of such telephone conversations, exercise reasonable diligence to ascertain the correct names and addresses of those members of the public whose conversations are broadcast. Lists of the names and addresses of such persons shall be made available for at least 15 days from date of broadcast for inspection by interested parties in the studios or general offices of such station which broadcasts the program.

§ 73.592 Telephone interview programs.

(a) Whenever a licensee or a permittee of a noncommercial educational FM broadcast station broadcasts programs consisting in whole or in part of telephone conversations with members of the public, the licensee shall record such conversations and shall retain the recordings for at least 15 days from date of broadcast. During this period, such recordings shall be made available to interested parties for monitoring at the studios or offices of each station which broadcasts the program.

(b) Licensees or permittees who broadcast programs consisting in whole or in part of telephone conversations with members of the public shall, prior to the broadcast of such telephone conversations, exercise reasonable diligence to ascertain the correct names and addresses of those members of the public whose conversations are broadcast. Lists of the names and addresses of such persons shall be made available for at least 15 days from date of broadcast for inspection by interested parties in the studios or general offices of such station which broadcasts the program.

§ 73.677 Telephone interview programs.

(a) Whenever a licensee or a permittee of a television broadcast station broadcasts programs consisting in whole or in part of telephone conversations with members of the public, the licensee shall record such conversations and shall retain the recordings for at least 15 days from date of broadcast. During this period, such recordings shall be made available to interested parties for monitoring at the studios or offices of each station which broadcasts the program.

(b) Licensees or permittees who broadcast programs consisting in whole or in part of telephone conversations with members of the public shall, prior to the broadcast of such telephone conversations, exercise reasonable diligence to ascertain the correct names and addresses of those members of the public whose conversations are broadcast. Lists of the names and addresses of such persons shall be made available for at least 15 days from the date of broadcast for inspection by interested parties in the studios or general offices of such station which broadcasts the program.

Released: August 6, 1970.

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

[F.R. Doc. 70-10546; Filed, Aug. 11, 1970; 8:51 a.m.]

[47 CFR Part 74]

[Docket No. 18940; FCC 70-858]

INSTRUCTIONAL TELEVISION FIXED STATIONS

Operation of Low Power Relay Stations (Translators or Boosters)

In the matter of amendment of Part 74, Subpart I of the Commission's rules and regulations governing instructional television fixed stations to provide for the operation of low power relay stations (translators or boosters); Docket No. 18940, RM-1599, RM-1613.

1. On April 15, 1970, the Jerrold Electronics Corp. (Jerrold), filed a petition (RM-1599) requesting that the Commission amend its rules to provide for the use of low power relay stations in the Instructional Television Fixed Service (ITFS). On May 5, 1970, the Solid State Division, Micro-Link Products (Micro-Link) of Varian Associates also filed a petition (RM-1613) requesting a similar amendment of the rules, but using a different technical concept. Jerrold states that these low power relay stations are needed to relay the signals of the ITFS station to receiving locations which are shielded from direct reception by intervening obstructions, both natural or man-made. This occurs frequently even though the receiving locations are located within the normal range of the ITFS transmitter. The use of tall towers or remote receiving locations to secure direct reception is often frustrated by local ordinances, physical limitations, safety hazards or financial considerations. It is concluded that schools that cannot receive the ITFS programs suffer considerable curriculum disadvantage.

2. Jerrold proposes, as a solution to this problem, the use of a low power repeater or booster station to relay the ITFS signal over or around an obstruction to a rooftop antenna at the shadowed school, by using "back-to-back" dishes (antenna) typically used at microwave frequencies. It states that to make this technique practical at 2.5 GHz it would be necessary to insert a linear amplifier between the dishes, with approximately 40 db of amplification. This would then permit dishes of a practical size for these frequencies and sufficient gain to provide a suitable signal up to approximately 1 mile. To provide for the use of economical low power repeaters for this purpose Jerrold proposes that the Commission's rules be amended in the following respects: (1) That § 74.934(a)(1) be amended so that low power repeaters not be required to be turned off in the absence of a signal on the individual channel that is being relayed; (2) that provisions be made to permit the use of opposite antenna polarization at the input and output of a signal booster used for this purpose; (3) that § 74.935 be amended to permit a booster to operate with a total output not greater than 50 milliwatts or that such a device operate with up to four channels in its passband, each limited to 100 micro-watts; and (4) that § 74.950 (f) be amended so low power relay stations would not be required to be equipped with an automatic gain control capability. It is claimed that any signal variations caused by fading will be unaffected by the introduction of a linear repeater and fall well within the AGC capability of the television receivers utilizing this service.

3. Micro-Link, in its petition states it had filed a request for a waiver of the Commission's rules so that they could provide a low power translator to relay the transmissions of an ITFS station

over or around obstructions in the transmission path to a school not in the line of sight to the ITFS stations. It had requested that the requirement of the automatic gain control and the automatic turn-off features be waived for these low power relay stations because these circuits are costly and not required for this specialized use. It proposes that the rules be amended to accommodate low power translators for this use, and urges that its petition be considered along with Jerrold's in this proceeding. Both pleadings will be considered at this time.

4. Section 74.950(f) of the Commission's rules requires that an ITFS licensee meet the requirements of 74.750 (c), (e) and (f) of the Television Broadcast Translator Station rules. These rules require that an automatic gain control circuit (AGC) be provided so that the output signal is maintained within plus or minus two db with an input signal variation of 30 db. Also required are automatic controls to place the relay transmitter in a nonradiating condition when no signal is being received. Compliance with the foregoing rules is difficult for equipment capable of handling more than one channel. Since an ITFS licensee may use up to four channels, and many of them do, it is more economical to use four-channel relay equipment. AGC and automatic shut-off circuits are complex and expensive if required for each individual channel in multichannel signal booster or translator equipment. When the rules for the ITFS service were drafted it was assumed, as in the translator service, single channel translators or signal boosters would be used whenever it became necessary to use a relay station, and that the requirements contained in the Television Translator Rules would be applicable. Because of the development of multichannel ITFS equipment, the proposed rules will eliminate references to the translator rules.

5. The Commission believes that a rule making proceeding should be instituted looking toward amending the rules so that the ITFS service would be permitted to use simple low-power translator or signal booster transmitters as relay stations. This would permit the use of a simple low-cost transmitter that could relay up to the four channels authorized to a single ITFS licensee to be used in situations where the receiving location, because of obstructions in the transmission path, cannot obtain a satisfactory signal from its ITFS station. Both Jerrold and Micro-Link state that it is very difficult to provide AGC circuits for each individual channel in a transmitter that has a pass-band great enough to accommodate more than one television channel. It was pointed out that with a linear amplifier no more signal variation (fading) would be introduced than is already in the path, and that the AGC circuits in the television receiver are capable of handling those variations. Therefore they contend that these circuits are not necessary in low-power relay transmitters. Accordingly we propose deletion of the AGC feature in these low-power transmitters.

6. The translator rules require that the translator or signal booster be equipped with circuits so that after a suitable delay the transmitter be turned off, or put in a nonradiating condition when the input signal leaves the air. The petitioners request that low power relay stations be excepted from this "turn-off" requirement. Jerrold argues, in the case of boosters, when there is no input signal there can be no output signal, and with no local oscillator there will be no locally generated signals which would cause spurious outputs. Micro-Link argues, in the case of the translator method of relaying the signal, that the output drops to a very low value when the input signal leaves the air, and because of the very low power used any signal radiated would be so weak it would not cause interference on the channel. However, neither mentions the possibility of amplifying any noise or extraneous signals that may be on the frequency in the absence of a strong overriding signal. We believe that any transmitter that is not being used should be put in a nonradiating state, and that even though it is a very low power transmitter it adds to the manmade type of noise level on these frequencies. This is a type of pollution of the usable portion of the frequency spectrum, which has always been of great concern to the Commission. This "smog" level is becoming a very serious problem particularly in the metropolitan areas of our country. Therefore, we believe it is not desirable to leave idle transmitters in a radiating condition when not in use. We would consider the equipment to be in use, in the case of multichannel equipment, when one or any combination of channels is capable of relaying a signal. Therefore, the proposed rules will require that sufficient circuitry be included to turn the translator or signal booster off when the last used signal leaves the air.

7. Jerrold requests that the rules be amended to permit antennas of opposite polarization at the input and output of a signal booster, stating this would add to the isolation between the input and output and help to prevent regeneration and/or oscillation. This would be particularly true for a booster where the input and output are on the same channel. The Commission believes the present ITFS rules permit the use of opposite polarization for a relay station but, the proposed rules will be modified to specifically provide for it.

8. Certain editorial corrections as to cross references to other sections of the Commission's rules are contained in §§ 74.933 and 74.934(a)(5) of the proposed rules.

9. Accordingly, pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, it is proposed to amend Part 74, Subpart I of the Commission's rules as set forth below.

10. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before September 15, 1970, and reply comments on or before September 25, 1970. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

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

Adopted: August 5, 1970.

Released: August 7, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

1. In § 74.932, paragraph (c) is amended to read:

§ 74.932 Eligibility and licensing requirements.

* * * * *

(c) An application for a new instructional television fixed station or for changes in the facilities of an existing station shall specify the location of the transmitter, all proposed receiving installations, response transmitters and any relay or booster transmitters which will be under the control of the applicant or will be equipped for reception by the applicant. If reception is also intended at unspecified locations, i.e., if power is deliberately radiated to locations or areas so that voluntary reception will be possible, the applications shall include a complete statement as to the purpose of such additional reception.

2. In § 74.933, paragraph (a)(2) is amended to read:

§ 74.933 Remote control operation.

(a) * * *

(2) An operator meeting the requirements of § 74.966 shall be on duty at the remote control position and in actual charge thereof at all time when the station is in operation.

* * * * *

3. In § 74.934, paragraph (a)(5) is amended to read:

§ 74.934 Unattended operation.

(a) * * *

(5) In cases where the antenna supporting structure of an unattended station is required to have aeronautical hazard markings pursuant to the provisions of Part 17 of this chapter, the licenseee shall provide for inspection and logging of observations of such markings as required by §§ 17.47 and 17.49 of this chapter.

* * * * *

4. In § 74.950, paragraph (f) is amended to read:

§ 74.950 Equipment performance and installation.

* * * * *

[1] Commissioner Cox abstaining from voting.

(f) Transmitting apparatus (translators and boosters) used solely for relaying signals received from other ITFS stations and operating in the manner described in § 74.934(a)(2) shall meet the following requirements before being type accepted by the Commission.

(1) The frequency converter and associated amplifiers shall be so designed that the electrical characteristics of a standard television signal introduced into the input terminals will not be significantly altered by passage through the apparatus except as to frequency and amplitude. The overall response of the apparatus within its assigned channel when operating at its rated power output and measured at the output terminals, shall provide a smooth curve, varying within limits separated by no more than 4 decibels: *Provided, however,* That means may be provided to reduce the amplitude of the aural carrier below those limits, if necessary to prevent intermodulation which would mar the quality of the retransmitted picture or result in emissions outside of the assigned channel.

(2) The suppression of emissions appearing outside of the assigned channel shall comply with § 74.936 (b) and (c).

(3) The local oscillator employed in the frequency converter shall maintain its operating frequency within 0.02 percent of its rated frequency when subjected to variations in ambient temperature between minus 30 degrees and plus 50 degrees centigrade and variations in power line voltage between 85 percent and 115 percent of the rated supply voltage.

(4) The apparatus shall contain automatic circuits which will maintain the peak visual power output constant within 2 decibels when the strength of the input signal is varied over a range of 30 decibels and which will not permit the peak visual power output to exceed the maximum rated power output under any conditions. If a manual adjustment is provided to compensate for different average signal intensities, provision shall be made for determining the proper setting for the control. If improper adjustment of the control, could result in improper operation a label bearing a suitable warning shall be affixed at the adjustment control: *Provided, however,* That apparatus with an output of 50 milliwatts peak visual power per channel or less need not comply with this paragraph, provided the equipment is so designed that the authorized output power of the transmitter cannot be exceeded by an increase in the input signal.

(5) The apparatus shall be equipped with automatic controls which will place it in a nonradiating condition when no signal is being received on the input channel, either due to absence of a transmitted signal or failure of the receiving portion of the translator. In the case of equipment relaying (translators or boosters) more than one channel it shall be turned off in the absence of the last signal to be relayed. The automatic control may include a time delay feature to prevent interruptions in the translator operation caused by fading or other momentary failures of the incoming signal.

(6) The tube(s) or transistor(s) employed in the final radio frequency amplifier shall be of the appropriate power rating to provide the rated power output of the translator. The normal operating constants for operation at the rated power output shall be specified. The apparatus shall be equipped with suitable meters or meter jacks so that appropriate voltage and current measurements may be made while the apparatus is in operation.

(7) Boosters used in this service shall comply with all the provisions of this paragraph except with subparagraph (3) of this paragraph. However, in addition the isolation between the input and output circuits of the booster, including the receiving and transmitting antenna systems shall be at least 20 decibels greater than the maximum overall gain of the booster amplifier. Boosters may use opposite antenna polarization of the input and output antennas.

5. In § 74.982, paragraph (e) is amended to read:

§ 74.982 Station identification.

* * * * *

(e) In cases where an instructional television fixed station is operating as a relay for signals originating at a station operated by some other licensee, its call sign may be transmitted by the originating station if suitable arrangements can be made with the other licensee or in lieu thereof, means shall be provided for the transmission of the call sign by the relay transmitter itself.

[F.R. Doc. 70-10549; Filed, Aug. 11, 1970; 8:52 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 204]

[Reg. D]

RESERVES OF MEMBER BANKS

Counting Silver Coin as Reserves; Extension of Time

Notice of proposed rule making regarding an amendment to § 204.1(j) (Regulation D) was published in the FEDERAL REGISTER on June 9, 1970 (35 F.R. 8892). The purpose of the proposed amendment was to exclude from the scope of the present definition of "currency and coin" any coin that is being held principally for its bullion value (or numismatic value). Under the new definition such coin could no longer be counted as reserves by member banks. Comments on the proposal were to have been received not later than July 13, 1970.

On the basis of the response to the June 9 publication, the Board determined appropriate an extension of time until August 10, 1970, within which interested persons might further submit relevant data, views, or arguments regarding the proposal. Further comments received have satisfied the Board that the public interest would be served by again extending the time within which comments on this proposal may be submitted. Accordingly, the Board has extended until September 10, 1970, the period within which comments, views, or recommendations regarding the proposal will be received.

This notice is published pursuant to section 553(b) of title 5, United States Code, and § 262.2(a) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2 (a)).

All material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information.

By order of the Board of Governors, August 6, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-10522; Filed, Aug. 11, 1970; 8:50 a.m.]

Notices

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

[DOD Directive 5136.1]

ASSISTANT SECRETARY OF DEFENSE (HEALTH AND ENVIRONMENT)

Organizational Statement

The Secretary of Defense approved the following June 23, 1970:

I. *General.* Pursuant to the authority vested in the Secretary of Defense and the provisions of title 10, United States Code, section 136(b) as amended, one of the positions of Assistant Secretary authorized by law is hereby designated the Assistant Secretary of Defense (Health and Environment) with responsibilities, functions and authorities as prescribed herein.

II. *Responsibilities.* The Assistant Secretary of Defense (Health and Environment) is the principal staff adviser and coordinator for the Secretary of Defense for health and sanitation matters, including care and treatment of patients, preventive medicine, clinical investigations, hospitals and related health facilities, medical materiel, nutrition, and health personnel and the procurement, education and training, and retention of such personnel. He is also the principal adviser and coordinator for the Secretary of Defense for environmental quality matters.

III. *Functions.* Under the direction, authority and control of the Secretary of Defense, the Assistant Secretary of Defense (Health and Environment) shall perform the following functions within his assigned responsibilities:

A. Recommend policies and guidance governing DOD planning and program development.

B. Develop systems and standards for the administration and management of approved plans and programs.

C. Review and evaluate programs of DOD components for carrying out approved policies and standards.

D. Establish requirements for DOD research and development programs in relevant fields to be carried out by the Director of Defense Research and Engineering, and keep abreast of technical developments to provide their orderly transition to operational status.

E. Recommend appropriate steps which will provide for more effective, efficient and economical administration and operation in the Department of Defense including the elimination, transfer, reassignment, and consolidation of functions.

F. Promote close cooperation and mutual understanding between the Department of Defense, other Federal agencies, and the civil health and medical professions.

G. Provide specific policy and guidance for the procurement, professional development, and retention of medical and dental personnel, as well as such other personnel as may be required to discharge DOD health and environmental quality responsibilities.

H. Insure the identification of environmental quality problems associated with the development, production, and use of new materials and provide for their abatement and control. Where inadequate data exists concerning the effects and control of these materials, conduct studies to develop environmental control policy in consultation with appropriate heads of other agencies.

I. Consult with responsible officials in other Federal agencies at the earliest feasible stage in the planning of new activities to ensure that insofar as practical, the latest antipollution techniques and methods are used in the protection and enhancement of the environment.

J. Such other functions as the Secretary of Defense assigns.

IV. *Relationships.* A. In the performance of his functions, the Assistant Secretary of Defense (Health and Environment) shall:

1. Coordinate actions, as appropriate, with DOD components having collateral or related functions.

2. Maintain active liaison for the exchange of information and advice with DOD components, other Federal agencies, and professional groups (e.g., American Hospital Association and American Medical Association).

3. Make full use of established facilities in the Office of the Secretary of Defense, and other elements of the DOD rather than unnecessarily duplicating such facilities.

B. The heads of DOD components and their staffs shall fully cooperate with the Assistant Secretary of Defense (Health and Environment) and his staff in a continuous effort to achieve efficient administration of the Department of Defense and to carry out effectively the direction, authority and control of the Secretary of Defense.

V. *Authorities.* A. The Assistant Secretary of Defense (Health and Environment), in the course of exercising full staff functions, is hereby specifically delegated authority to:

1. Issue instructions and one-time directive-type memoranda, in writing, appropriate to carrying out policies approved by the Secretary of Defense for his assigned fields of responsibilities in accordance with DOD Directive 5025.1, "DOD Directive System".[1] Instructions to the military departments will be issued through the Secretaries of those departments or their designees. Instructions to unified and specified commands will be issued through the Joint Chiefs of Staff.

2. Obtain and provide such information, advice and assistance from DOD components as he deems necessary.

3. Communicate directly with heads of DOD components including the Secretaries of the military departments, the Joint Chiefs of Staff, the Directors of Defense Agencies, and the commanders of the unified and specified commands. Communications of the Assistant Secretary of Defense (Health and Environment) to the commanders of unified and specified commands shall be coordinated with the Joint Chiefs of Staff.

4. Communicate with other government agencies, representatives of the legislative branch, and members of the public, as appropriate, in carrying out assigned functions.

B. Other authorities specifically delegated by the Secretary of Defense to the Assistant Secretary of Defense (Health and Environment) is referenced in Section VII below.

VI. *Effective date.* This Directive is effective immediately.

VII. *Delegations of authority.* Pursuant to the authority vested in the Secretary of Defense, the Assistant Secretary of Defense (Health and Environment) has been delegated, subject to the direction, authority, and control of the Secretary of Defense, authority to: Make determinations with respect to the uniform implementation of laws relating to separation from the military departments by reason of physical disability as prescribed in DOD Directive 1332.18, "Uniform Interpretation of Laws Relating to Separation from Military Service by Reason of Physical Disability".[1]

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 70-10465; Filed, Aug. 11, 1970; 8:45 a.m.]

[1] Filed as part of original. Copies available by writing the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120, Attention: Code 300.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. A 5307]

ARIZONA

Notice of Proposed Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use-management the public lands

described below. Publication of this notice has the effect of segregating all the described lands from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. 334), and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). All of the described lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used in this order, the term "public lands" means any lands (1) withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or (2) within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands proposed for classification in this notice are shown on maps on file and available for inspection in the Phoenix District Office, Bureau of Land Management, 2929 West Clarendon, Phoenix, Ariz. 85017 and Land Office, Bureau of Land Management, 3204 Federal Building, Phoenix, Ariz. 85025.

3. The lands lie in Maricopa and Yavapai Counties including portions of the Wickenburg and Hieroglyphic Mountains. They are described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 8 N., R. 1 E.,
Sec. 1, lots 1 to 4, inclusive, and S½;
Sec. 3, lots 1 to 4, inclusive, and S½;
Sec. 4, lots 1, 2, 3, and 5, and S½;
Sec. 5, lots 1 to 4, inclusive, and S½;
Sec. 6, lot 1, lots 7 to 14, inclusive, SE¼, plus unpatented M.S. No. 4170;
Sec. 7, lots 1 to 5, inclusive, lots 7 to 14, inclusive, E½NE¼, and SE¼SW¼;
Sec. 8, lots 1 and 2, W½NE¼, and W½;
Sec. 9, N½;
Sec. 10, lots 1 to 4, inclusive, N½N½, SW¼NW¼, NE¼SE¼, and S½SE¼;
Secs. 11 to 15, inclusive, and sec. 17;
Sec. 18, lots 1 to 6, inclusive, E½W½, S½NE¼, and SE¼;
Sec. 19, E½;
Secs. 20, 21, 22, and 24;
Sec. 25, N½;
Secs. 26 and 27;
Sec. 28, W½;
Sec. 29;
Sec. 30, lots 3 and 4, E½SW¼, and SE¼;
Sec. 31, lots 1 to 7, inclusive, NE¼, E½NW¼, NE¼SW¼, and N½SE¼.

T. 9 N., R. 1 E.,
Secs. 14 and 17;
Sec. 18, lots 3 and 4, E½SW¼, and SE¼;
Sec. 19, lots 1 to 4, inclusive, E½W½, and E½;
Sec. 20, W½;
Sec. 31, lots 3 and 4, E½SW¼ less patented M.S. No. 4170.

T. 12 N., R. 1 E.,
Sec 3, lots 1 to 4, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 9, lots 5 and 7, W½NW¼, and N½SW¼;
Sec. 10, NE¼NE¼, NW¼SE¼, and S½SE¼;
Sec. 11, NE¼, E½NW¼, NW¼NW¼, and S½S½;
Sec. 22, lots 1, 2, and 6;
Sec. 23, lots 1 to 4, inclusive, NE¼, E½NW¼, NW¼NW¼, NE¼SW¼, and part M.S. No. 3991.

T. 13 N., R. 1 E.,
Sec. 13, E½E½;
Sec. 18, lots 2, 3, 4, 11, 12, and 13, S½NE¼, SE¼NW¼, E½SW¼, and NW¼SE¼;
Sec. 19, lots 12 to 24, inclusive, S½NE¼, SE¼NW¼, and E½SW¼;
Sec. 20, lot 9, lots 11 to 15, inclusive, SW¼NE¼, S½NW¼ less M.S. No. 4192, NE¼SW¼, and NW¼SE¼;
Sec. 21, lots 19 to 25, inclusive, and lot 30;
Sec. 24, E½NE¼, E½SW¼, SW¼SW¼, and SE¼;
Sec. 25, lots 1 to 4, inclusive, N½, and S½S½;
Sec. 26, lot 1, and SE¼NE¼;
Sec. 27, lots 6 and 7, SE¼NE¼, E½SW¼, and S½SE¼;
Sec. 28, lots 1, 5, and 6, NW¼SE¼, and SW¼;
Sec. 29, lots 2 to 7, inclusive, SE¼NE¼, E½SW¼, and SE¼ less M.S. No. 4175;
Sec. 30, lots 1 to 10, inclusive, and lot 16;
Sec. 32, unpatented mining claims;
Sec. 33, lots 1 to 11, inclusive, N½NW¼, and E½SE¼;
Sec. 34, lots 1 to 8, inclusive, NW¼NW¼, SW¼NE¼, and SE¼.

T. 13 N., R. 1½ E.,
Sec. 11, lots 1 to 4, inclusive;
Sec. 12, NW¼NW¼, S½SW¼, and SW¼SE¼ less patented M.S. No. 3917;
Sec. 13, W½NE¼, NW¼, and S½ less patented M.S. No. 3917;
Sec. 14, lots 1 to 4, inclusive less patented M.S. No. 3917;
Sec. 24, W½;
Sec. 25, NW¼, N½SW¼, and SW¼SW¼.

T. 8 N., R. 2 E.,
Sec. 5, lots 1 to 4, inclusive, and S½;
Sec. 6, lots 1 and 2, and SE¼;
Sec. 7, E½;
Sec. 8;
Sec. 17, N½;
Sec. 18, lots 1 to 4, inclusive, E½W½, and E½.

T. 9 N., R. 2 E.,
Sec. 29, S½NW¼ and SW¼;
Sec. 30, SE¼;
Sec. 31, lots 1 to 4, inclusive, E½W½, and E½;
Sec. 32, S½NE¼, NW¼, and S½.

T. 11 N., R. 2 E.,
Sec. 4, S½;
Sec. 5, lots 6, 7, and 8, and SW¼NW¼;
Sec. 7, S½NE¼ and NW¼NE¼;
Sec. 8, lot 3;
Sec. 9, N½SE¼ and NE¼SW¼;
Sec. 17, E½NE¼.

T. 12 N., R. 2 E.,
Sec. 8, N½NE¼ and NE¼NW¼;
Sec. 29, S½;
Sec. 30, lots 3 to 8, inclusive, and E½SW¼;
Sec. 31, lots 1 and 4, W½NE¼, SE¼NE¼, NE¼NW¼, NE¼SW¼, and N½SE¼;
Sec. 32, lots 1 to 4, inclusive, lots 6 and 7, NE¼, N½NW¼, and NE¼SE¼.

T. 13 N., R. 2 E.,
Sec. 6, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 7;
Sec. 17, W½;
Secs. 18 and 19;
Sec. 20, lots 1 to 4, inclusive, W½E½, and W½;
Sec. 29, lots 1 to 4, inclusive, W½E½, and W½;
Sec. 30;
Sec. 31, lot 1, N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 32, lots 8 to 11, inclusive.

T. 11 N., R. 3 E.,
Sec. 13, lots 1 to 4, inclusive, W½E½, and W½;
Sec. 24, lots 1 and 2, W½NE¼, and NW¼.

T. 5 N., R. 1 W.,
Sec. 1, lots 1 to 7, inclusive, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1 to 4, inclusive, E½W½, and E½;
Secs. 8 to 11, inclusive;
Sec. 12, lots 1, 2, and 3, W½NE¼, W½, and NW¼SE¼;
Sec. 13, lot 4, SW¼SE¼, and S½SW¼;
Sec. 14, S½SE¼ and SE¼SW¼;
Sec. 15, NW¼NE¼ and NW¼;
Sec. 21, S½;
Sec. 22, S½NE¼ and SE¼NW¼;
Sec. 24, lots 1 and 2;
Sec. 28;
Sec. 29, NE¼, N½SE¼, and SE¼SE¼;
Sec. 33, lots 3 and 4, NE¼, and N½SE¼;
Sec. 34, lots 1 to 4, inclusive, NW¼, and N½S½;
Sec. 35, lot 1.

T. 6 N., R. 1 W.,
Sec. 1, lots 1 to 7, inclusive, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 9, inclusive, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1 to 4, inclusive, E½W½, and E½;
Sec. 8, lots 1 to 4, inclusive, N½, N½SW¼, and SW¼SW¼;
Secs. 10 and 11;
Sec. 12, lots 1 to 4, inclusive, W½E½, and W½;
Sec. 13, lots 1 to 4, inclusive, W½E½, and W½;
Secs. 14 and 15;
Sec. 17, lots 1 to 5, inclusive, SE¼NE¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 18, lots 1 to 10, inclusive, NW¼NE¼, and E½NW¼;
Sec. 19, lots 1 to 5, inclusive, NE¼, SE¼NW¼, E½SW¼, and SE¼;
Secs. 20 and 21;
Sec. 22, S½;
Sec. 23, S½;
Sec. 24, lots 1 to 4, inclusive, W½E½, and W½;
Sec. 25, lots 1 to 4, inclusive, W½E½, and W½;
Secs. 26 to 29, inclusive;
Sec. 30, lots 1 to 4, inclusive, E½W½, and E½;
Sec. 31, lots 1 to 4, inclusive, E½W½, and E½;
Secs. 33, 34, and 35.

T. 7 N., R. 1 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lots 8 and 9, and W½SW¼;
Sec. 5, lots 3, 4, 6, and 7, S½NW¼, SW¼, and W½SE¼;
Sec. 7, N½;
Sec. 8, lot 1, NW¼NE¼, S½NE¼, NW¼, and S½;
Sec. 9, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 10, lots 1 to 7, inclusive, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Secs. 11 and 12;
Sec. 13, E½;
Sec. 15, lots 1 to 7, inclusive, W½NE¼, NW¼, N½SW¼, and NW¼SE¼;
Sec. 17;
Sec. 18, S½;
Secs. 19 and 20;
Sec. 21, lots 1 to 4, inclusive, W½E½, and W½;
Sec. 23;
Sec. 24, N½;
Sec. 25, N½ and SW¼;
Sec. 26, N½;

Sec. 27;
Sec. 28, lots 1 to 7, inclusive, W½NE¼, NW¼, N½SW¼, and NW¼SE¼;
Secs. 29, 30, 33, 34, and 35.

T. 8 N., R. 1 W.,
Sec. 1, lots 1 to 4, inclusive, and S½N½ (less M.S. No. 4170), and S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½;
Sec. 5, lots 1 to 4, inclusive, and S½NE¼;
Sec. 7, lots 1 and 2, E½W½, and E½;
Sec. 8;
Sec. 11, NE¼ (less M.S. No. 4346), NE¼NW¼, S½NW¼, and SW¼;
Sec. 12, lots 1 to 4, inclusive, NW¼NE¼, N½NW¼, SW¼NW¼, and S½ (less M.S. No. 4346);
Sec. 13, lots 1, 2, 3, 5, and 7, N½NE¼, E½NW¼ (plus unpatented mining claims), and SW¼SE¼;
Sec. 17;
Sec. 18, lots 1 to 4, inclusive, E½W½, and E½;
Sec. 19, lots 1, 2, 3, and 6, NE¼, E½NW¼, and NW¼SE¼;
Sec. 20, NW¼.

T. 9 N., R. 1 W.,
Secs. 13, 14, and 15;
Sec. 17, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, SW¼SW¼, E½SW¼, and SE¼;
Sec. 20;
Sec. 22, lots 1 to 8, inclusive, E½E½, and W½W½;
Secs. 24 and 25;
Sec. 27, lots 1 to 5, inclusive, NE¼, NW¼NW¼, S½NW¼, NW¼SW¼, and E½SE¼;
Secs. 29 and 33.

T. 6 N., R. 2 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1 to 4, inclusive, E½W½, and E½;
Secs. 8 to 12, inclusive;
Sec. 13, lot 1, NE¼, W½, N½SE¼, and SW¼SE¼;
Secs. 14, 15, 17, 22, and 23;
Sec. 24, lots 1 to 10, inclusive, and NW¼NW¼;
Sec. 25, lots 1 and 2, NE¼NE¼, S½NE¼, NW¼NW¼, S½NW¼, and S½;
Secs. 26, 27, 34, 35, and 36.

T. 7 N., R. 2 W.,
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Secs. 9 to 15, inclusive, secs. 22 to 27, inclusive, and secs. 34 and 35.

T. 8 N., R. 2 W.,
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 8, inclusive, less patented M.S. No. 1198, SE¼NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1 to 4, inclusive, less patented M.S. No. 1198, E½W½, and E½;
Sec. 9, lots 1 to 5, inclusive, N½N½, S½NE¼, S½SE¼, and NE¼SE¼;
Sec. 10, N½NW¼;
Sec. 11;
Sec. 12, N½;
Sec. 13, E½ and SE¼SW¼;
Sec. 19, lots 3 and 4, SE¼SW¼, and SW¼SE¼;
Sec. 22, N½;
Sec. 23, N½ and N½S½;
Sec. 26, S½;
Sec. 27;
Sec. 28, W½ and SE¼;
Sec. 29;
Sec. 30, lots 1 to 4, inclusive, E½W½, and E½;
Sec. 31, lots 1 to 4, inclusive, E½W½, and E½;
Secs. 33 and 34;
Sec. 35, N½SW¼.

T. 9 N., R. 2 W.,
Sec. 1, lots 1 to 8, inclusive, NW¼SW¼, and S½S½;
Sec. 4, S½SW¼;
Sec. 5, SE¼SE¼;
Sec. 8, N½NE¼;
Sec. 9, lots 1 to 4, inclusive, N½NE¼, NW¼, and SE¼;
Sec. 10, NW¼NW¼;
Sec. 11, E½, SE¼NW¼, and NE¼SW¼;
Sec. 12;
Sec. 13, W½ and NW¼NE¼;
Sec. 17, E½ and E½W½;
Sec. 20, E½E½ and NE¼NW¼;
Sec. 21, NW¼, S½SW¼, and SW¼SE¼;
Sec. 22, W½SE¼;
Sec. 23, N½NE¼ and W½;
Sec. 24, SE¼NE¼ and E½SE¼;
Sec. 25, N½NE¼, S½N½, and S½;
Sec. 26, N½NW¼, S½N½, and S½;
Secs. 27 and 28;
Sec. 29, less M.S. No. 4180;
Sec. 30, lots 1 to 6, inclusive, E½, and E½SW¼;
Sec. 31, SE¼NE¼ less patented M.S. No. 4180, S½SE¼, and NE¼SE¼;
Sec. 33, lots 1 to 5, inclusive, W½NW¼ less patented M.S. No. 4180, SE¼NW¼, and S½;
Sec. 34, lots 1 to 4, inclusive, E½, N½NW¼ less patented M.S. No. 4054, and S½SW¼;
Sec. 35, E½ and NW¼NW¼;
Sec. 36, NW¼NE¼ and NE¼NW¼.

T. 7 N., R. 3 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½ less patented M.S. No. 4324;
Sec. 10, lots 1 and 2, S½NE¼, NW¼ less M.S. No. 4319, and S½;
Sec. 11, lots 1 to 4, inclusive, NE¼, and S½;
Sec. 12, E½, N½NE¼NW¼, NW¼NW¼, W½SW¼NW¼, and W½SW¼SW¼;
Sec. 13, lot 1, NE¼NE¼, S½NE¼, W½W½W½, and SE¼;
Sec. 14;
Sec. 15, lots 1 and 2, E½, N½NW¼, SE¼NW¼, S½SW¼, and NE¼SW¼;
Sec. 21, N½NE¼, S½N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 22, E½, NW¼, NE¼SW¼, N½NW¼SW¼, SE¼NW¼SW¼, NE¼SW¼SW¼, and N½SE¼SW¼;
Sec. 23, N½, W½SW¼, N½NE¼SW¼, and N½N½SE¼;
Sec. 26, W½NW¼;
Sec. 27, N½NE¼, SW¼NE¼, NE¼NW¼, E½NW¼NW¼, NE¼SW¼NW¼, and N½SE¼NW¼.

T. 8 N., R. 3 W.,
Sec. 4, lots 1 to 12, inclusive, SE¼NE¼, SW¼NW¼, W½SW¼, and NW¼SE¼;
Sec. 5, lots 1 to 12, inclusive, and NW¼SW¼;
Sec. 6, lots 1 to 6, inclusive, S½NE¼, and SE¼;
Sec. 7, lots 1 to 5, inclusive, lot 8, and NE¼ plus unpatented mining claim;
Sec. 8, lots 1 to 12, inclusive, W½SW¼, and SE¼SW¼;
Sec. 9, lots 1 to 15, inclusive;
Sec. 10, lots 4, 5, and 6, lots 8 to 11, inclusive, W½SW¼, and SE¼SW¼;
Sec. 17, lots 1 to 14, inclusive, NW¼NW¼, and W½SW¼;
Sec. 19, lots 1 to 4, inclusive, and E½;
Sec. 20, lots 1, 2, and 3, NW¼NE¼, N½NW¼, SW¼NW¼, W½SW¼, SE¼SW¼, S½SE¼, and NE¼SE¼;
Sec. 21, lots 1 to 11, inclusive, SE¼NE¼, and S½;
Sec. 22, lots 1 to 4, inclusive, SW¼NE¼, NE¼NW¼, S½NW¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 23, lots 1 to 5, inclusive, E½, and S½SW¼;
Sec. 24;
Sec. 25, lot 1, N½, SW¼, N½SE¼, and SW¼SE¼;
Secs. 26 and 27;
Sec. 30, lots 1 to 4, inclusive, and E½;
Sec. 31, lots 1 to 4, inclusive, and E½;
Sec. 32, lots 1 to 4, inclusive, N½, NW¼SW¼, and NE¼SE¼;
Sec. 33, N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 34, less patented M.S. Nos. 4322 and 4324;
Sec. 35, less patented M.S. No. 4322;
Sec. 36, lots 1 and 2, S½NE¼, NW¼, and S½.

T. 9 N., R. 3 W.,
Sec. 21, W½SW¼;
Sec. 28, lots 1, 2, and 3, E½NE¼, W½, and NW¼SE¼;
Sec. 29, S½;
Sec. 31, lots 1, 6, and 7, and SE¼;
Sec. 32, N½NE¼;
Sec. 33, lots 1 to 10, inclusive, N½NW¼, and E½SE¼.

T. 10 N., R. 3 W.,
Sec. 18, lots 1, 3, and 4;
Sec. 19, lots 1 to 4, inclusive, less patented M.S. No. 2551;
Sec. 30, lots 3 and 4;
Sec. 31, lots 1 to 4, inclusive.

T. 8 N., R. 4 W.,
Sec. 23;
Sec. 24, S½;
Sec. 25.

The lands aggregate 165,115.71 acres.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, 2929 West Clarendon, Phoenix, Ariz. 85017.

5. A public hearing on this proposed classification will be held September 15, 1970 at 1:30 p.m. in the Maricopa County Supervisor's Auditorium, 205 West Jefferson, Phoenix, Ariz.

JOE T. FALLINI,
State Director.

AUGUST 4, 1970.

[F.R. Doc. 70-10416; Filed, Aug. 11, 1970; 8:45 a.m.]

[Serial No. AR 033050]

ARIZONA

Notice of Classification of Public Lands for Transfer Out of Federal Ownership

AUGUST 3, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2400 and 2460, the public lands described below are hereby classified for transfer out of Federal ownership under the Recreation and Public Purposes Act (44 Stat. 741).

Publication of this notice has the effect of segregating the described lands from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, except as to petition-applications under the Recreation and Public Purposes Act. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. On December 19, 1968, a notice of proposed classification of public lands for multiple-use management was published in the FEDERAL REGISTER (33 F.R. 18948). The publication of this notice of proposed classification segregated the lands described below from all appropriations, including locations under the mining laws, except as to petition-applications under the Recreation and Public Purposes Act. These public lands lie adjacent to Picacho Peak State Park and the Arizona State Parks Board had expressed an interest in enlarging the State Park to include these lands. The criteria for classification of lands for multiple-use management in 43 CFR 2420.2(c)(3) authorizes the classification of lands which should be retained in Federal ownership pending their acquisition by local Government entities. Since the State Parks Board has now applied to purchase the lands, they are being classified for transfer instead of for multiple-use management.

3. Objections to proposed classification and closure of the land to mining entry were received from persons who believe that a portion of these lands have potential for locatable mineral deposits. The State Parks Board believes that all of the public land should be included in an expanded Picacho Peak State Park. House Bill 217 was introduced in the Arizona Legislature in February 1970 to authorize the State Parks Board to apply to purchase all of the public lands described below. The Arizona State Legislature, after considering the proposed park and mineral uses, enacted House Bill 217 authorizing the State Park Board to expand Picacho Peak State Park by the purchase of this public land. On July 24, 1970, the State Parks Board filed Recreation and Public Purposes Act petition-application A 5438. The State Legislature and Parks Board have requested that these lands be dedicated to State Park use. We agree that this is the highest and best use of these lands and they are therefore being classified for transfer out of Federal ownership under the Recreation and Public Purposes Act.

4. The public lands classified by this notice are located on the southern and northern slopes of Picacho Peak in Pinal County, Ariz., and are described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 9 S., R. 9 E.,
Sec. 4, S½NW¼, SW¼, and SW¼SE¼;
Sec. 9, S½, NW¼, and W½NE¼;
Secs. 21, 22, and 23.

The land described aggregates 2,760 acres.

5. Information concerning the lands may be received by inquiry or inspection of records at the Phoenix District Office, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Ariz., or the Land Office, Bureau of Land Management, Federal Building, 230 North First Avenue, Phoenix, Ariz.

6. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM 320, Washington, D.C. 20240 (43 CFR 2462.3).

JOE T. FALLINI,
State Director.

[F.R. Doc. 70-10417; Filed, Aug. 11, 1970; 8:45 a.m.]

[New Mexico 435]

NEW MEXICO

Notice of Classification of Public Lands for Multiple-Use Management

AUGUST 4, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and the regulations in 43 CFR Parts 2400 and 2460, the public lands within the area described below are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. 334), and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No adverse comments were received following publication of a notice of proposed classification (35 F.R. 5493). The record showing the comments received and other information is on file and can be examined in the Las Cruces District Office, Las Cruces, N. Mex. The public lands affected by this classification are located within the following described area and are shown on maps designated No. 30–03–02 on file in the Las Cruces District Office, Bureau of Land Management, 1705 North Seventh Street, Las Cruces, N. Mex. 88001, and at the Land Office of the Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501.

NEW MEXICO PRINCIPAL MERIDIAN

T. 32 S., R. 15 W.,
Sec. 3, NW¼NW¼;
Sec. 4, N½N½;
Sec. 5, N½NE¼, E½NW¼, and NW¼SE¼;
Sec. 6, lot 1 and NE¼NW¼;
Sec. 8, E½, NE¼NW¼, N½SW¼, and SE¼SW¼;
Sec. 9, N½NW¼, SW¼NW¼, and SW¼SW¼;
Sec. 11, NE¼NE¼ and NE¼NW¼;
Sec. 12, SW¼NW¼ and W½SW¼;
Sec. 13, E½, E½NW¼, and NE¼SW¼;
Sec. 14, S½NE¼, NE¼SW¼, and SW¼SW¼;
Sec. 15, NE¼NW¼, NW¼SE¼, and S½SE¼;
Sec. 16;
Sec. 17, N½NW¼, SW¼NW¼, N½SW¼, W½SE¼, and SE¼SE¼;
Sec. 18, lot 2, S½NE¼, and N½SE¼;
Sec. 21, NW¼NE¼, S½NE¼, NE¼NW¼, and SE¼;
Sec. 22, N½NE¼, SW¼NE¼, NW¼, N½S½, SW¼SW¼, and SW¼SE¼;
Sec. 23, SE¼NE¼, W½NW¼, N½SW¼, and SE¼;
Sec. 24;
Sec. 25, E½NE¼, NW¼, and S½;
Sec. 26, S½S½;
Sec. 27, NW¼NE¼ and W½NW¼;
Sec. 28, E½;
Sec. 29, N½SW¼ and SW¼SW¼;
Sec. 30, lots 2, 3, E½SW¼, NE¼SE¼, and S½SE¼;
Sec. 31, E½NE¼;
Sec. 33, NE¼NE¼;
Secs. 34, 35, and 36.

T. 33 S., R. 15 W.,
Sec. 2, lots 3, 4, S½NW¼, and N½SW¼;
Sec. 3, lots 1, 2, 3, 4, S½N½, NW¼SW¼, NW¼SE¼, and S½S½;
Sec. 4, lots 1, 2, 3, 4, SW¼NW¼, and W½SW¼;
Sec. 5, lot 1, SE¼NE¼, NE¼SW¼, S½SW¼, and N½SE¼.

T. 32 S., R. 16 W.,
Secs. 1 and 2;
Sec. 3, lots 1, 3, 4, S½N½, and S½;
Secs. 10, 11, 12, 13, 14, 15, and 21;
Sec. 22, E½, NW¼NW¼, S½NW¼, and SW¼;
Secs. 23, 24, 25, 26, 27, 28, 33, 34, and 35.

T. 33 S., R. 16 W.,
Sec. 1, S½S½;
Secs. 2 and 3;
Sec. 4, lots 1, 3, 4, S½N½, and S½.

The areas described above aggregate approximately 24,829.71 acres in Hidalgo County.

3. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

W. J. ANDERSON,
State Director.

[F.R. Doc. 70-10418; Filed, Aug. 11, 1970; 8:45 a.m.]

[New Mexico 6286]

NEW MEXICO

Notice of Continuance of Classification of Public Lands for Transfer Out of Federal Ownership

AUGUST 4, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18), notice is hereby given of continuance for a period of 2 years of the Classification of Public Lands for Transfer Out of Federal Ownership, New Mexico 6286. The notice of proposed classification of these lands was published in 33 F.R. 8283–8266 of June 4, 1968.

2. This classification was to permit State grants and indemnity selections (43 U.S.C. 851, 852); exchanges for consolidation of Federal areas (43 U.S.C. 315g) and public sales under section 2455 of Revised Statutes (43 U.S.C. 1171). Since the program for disposal of these lands has not been completed and there is a continuing need for solidifying the public land pattern to facilitate the management of the public lands in this area, it is necessary that this classification be continued.

3. No adverse comments were received following publication of the proposed continuance of classification (35 F.R. 6664–6666). The record showing the comments received and other information is on file and can be examined in the Socorro District Office, Socorro, N. Mex. The public lands affected by this continuance are located in Catron, Socorro, and Valencia Counties, N. Mex., and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

UNIT 30–02–71

T. 1 N., R. 11 W.,
Sec. 6, lot 7, SE¼SW¼, and SW¼SE¼.
T. 3 N., R. 11 W.,
Sec. 12.
T. 1 N., R. 12 W.,
Sec. 19, lots 20, 21, 26 to 34, inclusive, 36, 37, and 39 to 44, inclusive.
T. 3 N., R. 14 W.,
Sec. 33, W½W½.
T. 4 N., R. 14 W.,
Sec. 12, SW¼.
T. 6 N., R. 14 W.,
Sec. 30.
T. 1 N., R. 15 W.,
Sec. 11, NE¼NE¼SE¼, S½NE¼SE¼, E½NW¼NE¼SE¼, and NW¼NW¼NE¼SE¼;
Sec. 12, N½SW¼.
T. 6 N., R. 15 W.,
Sec. 24.
T. 2 N., R. 16 W.,
Sec. 29, NE¼NW¼ and NW¼SW¼;
Sec. 30, E½SE¼.
T. 5 N., R. 16 W.,
Sec. 35.
T. 3 N., R. 19 W.,
Sec. 21, N½;
Sec. 22, NE¼;
Sec. 23, NW¼NW¼, S½SW¼, and SW¼SE¼;
Sec. 26;
Sec. 33, E½ and E½W½;
Sec. 34, SE¼SW¼;
Sec. 35, SE¼NE¼, N½NW¼, SW¼NW¼, and N½SE¼.
T. 3 N., R. 20 W.,
Sec. 4, lot 4;
Sec. 5, lot 1;
Sec. 13, N½SW¼;
Sec. 14, S½SE¼;
Sec. 19, lot 3, E½SW¼, NE¼SE¼, and W½SE¼;
Sec. 20, SW¼NE¼ and S½NW¼;
Sec. 21, SE¼SE¼;
Sec. 22, S½NE¼, N½SW¼, SW¼SW¼, and NW¼SE¼;
Sec. 23, N½NW¼ and SW¼NW¼.
T. 6 N., R. 20 W.,
Sec. 4, lot 1.
T. 2 N., R. 21 W.,
Sec. 34, SW¼;
Sec. 35, E½W½.
T. 3 N., R. 21 W.,
Sec. 24, NE¼SE¼ and S½S½.
T. 3 S., R. 13 W.,
Sec. 21, SE¼SE¼;
Sec. 29, N½NE¼ and NE¼NW¼.

UNIT 30–02–72

T. 6 N., R. 1 W.,
Sec. 18, NE¼.
T. 5 N., R. 3 W.,
Secs. 4, 6, 8, 10, 12, 14, and 22;
Sec. 28, NE¼ and SW¼.
T. 2 N., R. 4 W.,
Sec. 5, lots 3 to 12, inclusive, S½NW¼, and SW¼;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, and E½SE¼;
Sec. 7, lots 5 to 12, inclusive and E½.
T. 2 N., R. 5 W.,
Sec. 1;
Sec. 12, N½N½.
T. 3 N., R. 5 W.,
Sec. 4, lots 1, 2, 3, 4, S½NW¼, and S½SE¼;
Secs. 7 and 9;
Sec. 10, S½;
Sec. 11;
Sec. 14, E½;
Secs. 15, 17, and 19;
Sec. 20, NE¼NE¼, S½NE¼, and S½;
Secs. 21, 22, 23, and 25;
Sec. 27, N½NE¼;
Secs. 29, 31, and 33;
Sec. 34, S½N½ and S½.
T. 4 N., R. 5 W.,
Sec. 14, W½;
Sec. 20, E½ and S½SW¼;
Sec. 24, S½;
Sec. 26;
Sec. 28, W½;
Sec. 30, lots 3 to 8, inclusive, E½, and E½SW¼;
Sec. 34, lots 1, 2, 3, 4, and S½.
T. 3 N., R. 7 W.,
Sec. 28, SE¼;
Sec. 30, W½SE¼;
Sec. 34, NE¼.
T. 2 S., R. 10 W.,
Sec. 13, NW¼SW¼ and S½SW¼;
Sec. 14, E½, NE¼NW¼, NE¼SE¼NW¼, S½SE¼NW¼, and NE¼SW¼;
Sec. 23, NE¼NE¼;
Sec. 24, E½NW¼ and NW¼NW¼.
T. 3 S., R. 11 W.,
Sec. 21;
Sec. 22, W½.
T. 3 S., R. 12 W.,
Sec. 34, SW¼NW¼;
Sec. 35, E½SE¼.

UNIT 30–02–73

T. 4 S., R. 5 W.,
Sec. 5, lot 1, S½NW¼, N½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 8, N½NE¼ and SE¼NE¼.
T. 4 S., R. 6 W.,
Sec. 5, lot 3, E½NW¼, SW¼NW¼, and SW¼;
Sec. 6, lots 1, 2, S½NE¼ and SE¼.
T. 3 S., R. 7 W.,
Sec. 27, E½E½, SW¼NE¼, NE¼SW¼, S½SW¼, and W½SE¼;
Sec. 33, NE¼NE¼;
Sec. 34, E½ and N½NW¼.
T. 4 S., R. 7 W.,
Sec. 3, lots 1, 2, S½NE¼, and SE¼.
T. 4 S., R. 8 W.,
Secs. 13, 15, 17, 18, 19, and 20;
Sec. 28, E½NW¼, NW¼NW¼, W½SW¼, and SE¼SE¼;
Sec. 29;
Sec. 30, lots 1, 3, 4, E½, and E½W½;
Secs. 31 and 33.
T. 5 S., R. 8 W.,
Secs. 4, 5, 6, 7, and 8;
Sec. 9, lots 1, 2, 3, N½, N½SW¼, SW¼SW¼, and NE¼SE¼;
Sec. 16, lots 1 to 7, inclusive;
Sec. 17, lots 1, 2, NW¼NE¼, and N½NW¼;
Sec. 18, lot 5, N½NE¼, and NE¼NW¼;
Sec. 31, lots 10 and 11.
T. 6 S., R. 8 W.,
Sec. 4, lots 11, 12, 13, 14, 19, 20, 21, and 22;
Secs. 6 and 7;
Sec. 9, lots 3, 4, 5, 6, 11, 12, 13, and 14;
Sec. 21, W½;
Sec. 28, lots 3, 4, 5, 6, 11, 12, 13, and 14;
Sec. 33, lots 1 to 8, inclusive.
T. 7 S., R. 8 W.,
Sec. 4, lots 3, 4, S½NW¼, N½SW¼, and SW¼SW¼;
Sec. 5;
Sec. 6, lots 2 to 7, inclusive, SW¼NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 7, lots 1, 2, 3, 4, W½E½, and E½W½;
Sec. 8;
Sec. 9, E½ and N½NW¼;
Secs. 17, 20, and 27;
Sec. 30, lot 4, SE¼SW¼, and S½SE¼;
Sec. 33, W½W½;
Sec. 34, E½W½;
Sec. 35, S½NW¼ and S½.
T. 8 S., R. 8 W.,
Sec. 1, lots 2, 3, 4, S½NW¼, NW¼SW¼, and E½SE¼;
Sec. 5, SW¼ and E½SE¼;
Sec. 7, N½SE¼;
Sec. 8, SW¼, NW¼SE¼, and S½SE¼;
Sec. 17, E½E½, NW¼NE¼, NE¼NW¼, and SW¼SE¼;
Sec. 20;
Sec. 27, SW¼NE¼, NW¼, and S½;
Secs. 28, 29, 30, 33, and 34;
Sec. 35, lots 1 to 8, inclusive.
T. 9 S., R. 8 W.,
Secs. 3, 4, 5, 8, and 9;
Sec. 10, lots 1 to 13, inclusive;
Sec. 11, lots 4, 5, 12, and 13;
Sec. 14, NW¼NW¼;
Sec. 15, lots 1, 2, 3, 6, 7, 8, and 9;
Sec. 17, lots 1 and 10 to 16, inclusive;
Sec. 18, lots 3, 4, E½SW¼, and SE¼;
Sec. 20, N½N½;
Sec. 21, lots 1 to 6, inclusive;
Sec. 22, lots 2 to 6, inclusive;
Sec. 26, E½SW¼ and SE¼;
Sec. 35.
T. 10 S., R. 8 W.,
Sec. 2, lots 3 and 5.
T. 4 S., R. 9 W.,
Sec. 24, E½;
Sec. 25, NW¼NE¼, S½NE¼, and SE¼.
T. 5 S., R. 9 W.,
Sec. 11, N½;
Sec. 12, N½;
Sec. 14, NE¼;
Sec. 15, N½NE¼ and S½SW¼;
Sec. 22;
Sec. 26, N½ and N½S½;
Sec. 27, N½ and SW¼.
T. 6 S., R. 9 W.,
Sec. 1, lots 5 to 16, inclusive;
Secs. 10, 11, 12, and 15;
Sec. 22, W½E½ and W½;
Sec. 26, SW¼.

T. 7 S., R. 9 W.,
Sec. 1;
Sec. 3, lots 1, 2, 3, 4, S½N½, and NW¼SW¼;
Sec. 4, lot 1, S½NE¼, SE¼NW¼, and S½;
Sec. 5, S½SE¼;
Sec. 8, N½ and N½SW¼;
Sec. 9, N½NW¼;
Sec. 10, NW¼NW¼;
Sec. 12, N½, N½SE¼, and SW¼SE¼;
Sec. 15, N½N½;
Sec. 17, S½;
Sec. 24, W½SW¼ and SE¼SW¼;
Sec. 25, N½N½, N½S½, SE¼SW¼, and S½SE¼.
T. 8 S., R. 9 W.,
Sec. 1, lot 4, SW¼NW¼ and SW¼;
Sec. 24, NE¼ and N½SE¼;
Sec. 25, NE¼, S½NW¼, and S½.
T. 9 S., R. 9 W.,
Sec. 12, lots 1, 2, 3, and 4;
Sec. 13, lots 4, 5, and Tract 40;
Sec. 24, lot 1.
T. 8 S., R. 10 W.,
Sec. 1, lots 1, 2, 3, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 12, S½.
T. 9 S., R. 10 W.,
Sec. 4, N½, W½SW¼, and SE¼SW¼.
T. 4 S., R. 11 W.,
Sec. 31, lots 1, 2, 8, 9, 10, 15, and 16.
T. 5 S., R. 11 W.,
Sec. 6, lots 6, 7, 14, and 15.
T. 6 S., R. 11 W.,
Sec. 5, lots 5 to 10, inclusive;
Sec. 8, lots 1 to 8, inclusive;
Sec. 22, NE¼;
Sec. 35, lots 1 to 16, inclusive.
T. 6 S., R. 12 W.,
Sec. 18, lots 5, 6, 7, and 8.
T. 5 S., R. 13 W.,
Sec. 31, lots 2, 3, 4, S½NE¼, SE¼NW¼, E½SW¼, and SE¼.
T. 6 S., R. 13 W.,
Sec. 6.
T. 8 S., R. 13 W.,
Sec 31, SE¼.
T. 5 S., R. 14 W.,
Sec. 1, lots 3, 4, S½NW¼, and SW¼;
Sec. 8, N½SE¼;
Sec. 9, SE¼NE¼;
Sec. 17, E½NE¼, and NE¼SE¼;
Sec. 23;
Sec. 24, E½, S½NW¼, and SW¼;
Sec. 25;
Sec. 26, E½, NW¼, E½SW¼, and NW¼SW¼;
Sec. 27, SW¼NE¼, E½W½, SW¼SW¼, and W½SE¼;
Sec. 34, W½E½, W½, and E½SE¼;
Sec. 35, E½, E½NW¼, and SW¼.
T. 6 S., R. 14 W.,
Sec. 1.
T. 7 S., R. 14 W.,
Sec. 5, lots 3, 4, S½NW¼, and SW¼;
Sec. 6;
Sec. 7, lots 1, 2, 3, 4, NE¼, E½W½, W½SE¼, and SE¼SE¼;
Sec. 8, N½NW¼, E½SW¼, and SW¼SW¼;
Sec. 17, NW¼.
T. 5 S., R. 15 W.,
Secs. 3 and 4;
Sec. 5, lot 1, SE¼NE¼, and E½SE¼;
Sec. 6, lots 2, 3, 4, 5, 6, 7, SW¼NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 7, lots 1, 2, NE¼, and E½NW¼;
Sec. 8, N½;
Sec. 10, N½;
Sec. 11, N½.
T. 6 S., R. 15 W.,
Sec. 25.

UNIT 30–02–74

T. 1 N., R. 2 W.,
Sec. 29, lots 1, 2, 3, 4, W½NW¼, and SW¼;
Sec. 31.
T. 3 S., R. 2 W.,
Sec. 7, lots 1, 2, NE¼, and E½NW¼;
Sec. 8, N½;
Sec. 18, E½E½;
Sec. 20, SW¼;
Sec. 29, W½.
T. 7 S., R. 2 W.,
Sec. 6, lot 1;
Sec. 7, lots 1, 2, and 3.
T. 5 S., R. 3 W.,
Sec. 11, NE¼ and NE¼SE¼;
Sec. 12, lot 4;
Sec. 17, lots 10, 11, and 12;
Sec. 18, E½;
Sec. 19, E½ and E½SW¼;
Sec. 20, W½ and SE¼;
Sec. 30, lots 3, 4, E½, and E½W½;
Sec. 31.
T. 6 S., R. 3 W.,
Sec. 5, lots 9 to 16, inclusive;
Secs. 6, 7, 8, 17, 18, 19, 20, and 21;
Sec. 22, SW¼NW¼ and W½SW¼;
Secs. 31 and 33;
Sec. 34, NE¼NE¼, W½NE¼, NW¼, N½SW¼, SW¼SW¼, and SE¼SE¼.
Sec. 35, E½, SE¼NW¼, and SW¼.
T. 7 S., R. 3 W.,
Sec. 3, lots 3, 4, and SW¼NW¼;
Sec. 4, SE¼NE¼, S½SW¼, NE¼SE¼, and W½SE¼;
Sec. 5, SE¼SE¼;
Sec. 6, lot 5;
Sec. 7, lots 3 and 4;
Sec. 8, lots 1 and 2;
Sec. 9, E½, NW¼, and NE¼SW¼;
Secs. 10, 11, and 12;
Sec. 15, N½N½ and SW¼NW¼;
Sec. 17, NE¼, N½S½, SW¼SW¼, and SE¼SE¼;
Secs. 19 and 20;
Sec. 21, NE¼NW¼ and W½W½;
Sec. 28, N½S½ and SW¼SW¼;
Sec. 30;
Sec. 31, lot 3, NE¼SW¼, and N½SE¼.
T. 8 S., R. 3 W.,
Sec. 30.
T. 2 S., R. 4 W.,
Sec. 21, lots 3, 4, and W½NW¼.
T. 5 S., R. 4 W.,
Sec. 4, lots 1, 2, 3, 4, S½N½, SW¼, and N½SE¼;
Sec. 5, lot 1, SE¼NE¼, NE¼SE¼, and S½S½;
Sec. 8, W½NE¼ and W½;
Sec. 13, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 14;
Sec. 17, N½NW¼;
Sec. 22, E½, NE¼NW¼, S½NW¼, and SW¼;
Sec. 30, lots 2, 3, 4, and S½SE¼;
Sec. 31, lots 1, 2, NE¼, and SE¼NW¼.
T. 6 S., R. 4 W.,
Sec. 1, lots 5, 6, 7, 8, and S½;
Sec. 2, lots 5, 6, and 7;
Sec. 4, lots 5, 6, and 7;
Sec. 9, lot 6;
Sec. 10, lots 1 to 8, inclusive;
Sec. 12;
Sec. 14, lots 1 to 7, inclusive;
Sec. 15, lots 1, 5, and 6;
Sec. 16, lots 1, 2, 3, and 4;
Sec. 17, lot 1;
Sec. 22, lots 1 to 5, inclusive, SE¼NE¼, and W½SE¼;
Sec. 23, lots 1 and 2;
Sec. 25, lots 1 and 2;
Sec. 26, lot 1;
Sec. 36, lots 1 and 2.
T. 7 S., R. 4 W.,
Sec. 9, lot 1;
Sec. 13;
Sec. 23, NE¼;
Sec. 24, lots 1, 2, W½NE¼, and NW¼;
Sec. 34, lots 1, 2, 3, NW¼NE¼, S½NE¼, and E½NW¼;
Sec. 35, lot 1, N½NE¼, and NE¼NW¼;
Sec. 36, lots 1, 2, 3, and 4.
T. 8 S., R. 4 W.,
Sec. 9, NE¼SE¼;
Sec. 24, S½SW¼;
Sec. 25, NE¼, W½, and N½SE¼;
Sec. 26, SE¼;
Sec. 35, E½.
T. 5 S., R. 5 W.,
Sec. 25, SE¼NE¼ and E½SE¼.

The areas described aggregate 118,389.97 acres.

4. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3. For a period of 30 days interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

W. J. ANDERSON,
State Director.

[F.R. Doc. 70–10419; Filed, Aug. 11, 1970; 8:45 a.m.]

[Serial No. U 5699]

UTAH

Notice of Proposed Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18), and to the regulations in Title 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands within the area described in paragraph 2 below. Publication of this notice has the effect of segregating the described lands from appropriation under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C., sec. 334), and from sales under section 2455 of the Revised Statutes as amended (43 U.S.C. 1171). Except as noted in paragraph 4, the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public domain lands proposed to be classified are those administered by the Bureau of Land Management in Kane and Garfield Counties, Utah, bounded on the east by the Escalante Rim, Straight Cliffs, and Lake Powell; on the south by the Utah-Arizona State line; on the west by the Kane-Washington County line, Zion National Park boundary, and the boundary between the Kanab and Cedar City BLM districts; and on the north by the Dixie National Forest boundary, Bryce Canyon National Park boundary, and the boundary between the Kanab and Cedar City BLM districts at the north end of the Panguitch Valley. The public domain lands here proposed to be classified aggregate approximately 1,836,520 acres.

3. The following-described parcels of public domain land that fall within this proposed classification area are excluded from this proposed classification:

SALT LAKE MERIDIAN, UTAH

T. 33 S., R. 5 W.,
Sec. 25, W½SW¼;
Sec. 26, SE¼NW¼, SE¼SE¼;
Sec. 35, E½E½.
T. 34 S., R. 5 W.,
Sec. 11, E½NE¼, S½S½.
T. 36 S., R. 3 W.,
Sec. 22, E½SE¼;
Sec. 23, SW¼SW¼;
Sec. 26, NW¼, NW¼SW¼;
Sec. 27, E½;
Sec. 34, NE¼, S½NW¼.
T. 36 S., R. 5 W.,
Sec. 33, SW¼.
T. 37 S., R. 2 W.,
Sec. 18, lot 2, E½SW¼;
Sec. 30, S½NE¼;
Sec. 31, lot 1, SE¼NE¼, SE¼SE¼.
T. 37 S., R. 3 W.,
Sec. 13, SE¼NE¼, NE¼SE¼.
T. 37 S., R. 5 W.,
Sec. 4, lots 3, 4, S½NW¼, N½SW¼;
Sec. 5, lot 1, S½NE¼, NW¼SE¼.
T. 38 S., R. 6 W.,
Sec. 25, NE¼SE¼, S½SE¼.
T. 39 S., R. 4 W.,
Sec. 30, lot 19;
Sec. 31, lot 2.
T. 39 S., R. 4½ W.,
Sec. 26, N½NE¼, SW¼;
Sec. 27, NW¼NE¼, NE¼NW¼, SE¼SW¼, SW¼SE¼;
Sec. 34, lot 4, E½NW¼;
Sec. 35, W½NE¼.
T. 39 S., R. 5 W.,
Sec. 18, NW¼NE¼, S½NE¼, E½NW¼, SE¼;
Sec. 19, lots 1, 2, 3, 4, N½NE¼, SW¼NE¼, E½W½, NW¼SE¼;
Sec. 20, lots 2, 3, 4, 6, 7;
Sec. 21, lots 3, 4, SW¼NE¼, SE¼NW¼, SE¼SW¼;
Sec. 35, SE¼NE¼, E½SE¼.
T. 39 S., R. 6 W.,
Sec. 13, S½;
Sec. 14, S½NW¼, SW¼, S½SE¼;
Sec. 22, W½E½, SW¼;
Sec. 23, N½NW¼, N½SE¼;
Sec. 24, NW¼NE¼, N½SW¼, E½SE¼;
Sec. 26, S½SW¼, SW¼SE¼;
Sec. 27, W½NE¼, W½, SE¼;
Sec. 30, lot 1;
Sec. 34; NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 35, NW¼NE¼, NW¼, N½SW¼, SE¼SW¼.
T. 39 S., R. 7 W.,
Sec. 19, lot 1, N½NE¼, SW¼NE¼, E½NW¼;
Sec. 25, NE¼NE¼, SW¼NE¼, SW¼, W½SE¼;
Sec. 28, NW¼, N½SW¼, SW¼SE¼;
Sec. 29, N½NE¼, SE¼NE¼, SW¼SW¼, NE¼SE¼;
Sec. 30, SW¼NE¼, SE¼SE¼;
Sec. 31, N½NE¼, SE¼NE¼, NE¼SE¼;
Sec. 33, NW¼NW¼, S½NW¼, N½SW¼, SE¼SW¼, S½SE¼;
Sec. 34, S½N½, SW¼SW¼;
Sec. 35, S½NE¼, NE¼NW¼.
T. 39 S., R. 8 W.,
Sec. 24, N½NE¼;
Sec. 34, S½NW¼, NW¼SE¼.
T. 40 S., R. 4½ W.,
Sec. 31, lots 2, 3, 4, N½SE¼.
T. 40 S., R. 5 W.,
Sec. 1, NE¼SE¼.
T. 40 S., R. 6 W.,
Sec. 29, SW¼.
T. 40 S., R. 7 W.,
Sec. 1, lot 3, SW¼NE¼, SE¼NW¼;
Sec. 3, lots 3, and 4, SW¼NE¼, S½NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 4, lots 1, 2, and 3, S½NE¼, SE¼NW¼, N½SE¼;
Sec. 5, lots 1 and 5, SW¼SW¼;
Sec. 9, lots 1 to 10, inclusive, W½NW¼;
Sec. 10, N½NE¼, SE¼NE¼, NE¼NW¼;
Sec. 11, NW¼NE¼, N½NW¼, SW¼NW¼, NW¼SW¼;
Secs. 19, 20, and 21, all;
Sec. 24, S½SW¼;
Sec. 25, NE¼NW¼, W½W½, NE¼SW¼, NW¼SE¼;
Sec. 26, lot 1, S½S½;
Secs. 28 and 29, all;
Sec. 30, lots 2, 3, 6, and 7;
Sec. 34, E½E½;
Sec. 35, N½, SW¼, N½SE¼, SW¼SE¼.
T. 40 S., R. 8 W.,
Sec. 1, lots 4, and 6;
Sec. 3, SE¼NW¼, NE¼SE¼;
Sec. 4, lots 1, 2, and 3;
Sec. 5, SE¼NE¼, E½SE¼;
Sec. 7, lots 1, 2, W½NE¼;
Sec. 8, N½NE¼;
Sec. 11, NW¼NE¼, SE¼SE¼;
Sec. 13, W½;
Sec. 14, NE¼NE¼, S½NE¼, SE¼NW¼, S½;
Sec. 18, lots 1, 2, 3, and 4, W½E½;
Sec. 19, lot 1, NE¼;
Sec. 20, S½NE¼, SE¼, NW¼SW¼;
Sec. 21, SE¼SE¼;
Sec. 23, E½, NW¼, N½SW¼, SE¼SW¼;
Sec. 24, NW¼NW¼, S½NW¼, SW¼;
Sec. 25, W½;
Sec. 26, E½, NW¼, E½SW¼;
Sec. 27, NE¼NE¼, S½NW¼;
Sec. 28, S½N½, NW¼NW¼, N½S½, N½SE¼SW¼, S½SE¼;
Sec. 29, NE¼;
Sec. 30, SW¼SE¼;
Sec. 31, W½NE¼;
Sec. 33, E½NE¼, E½NW¼NE¼;
Secs. 34 and 35, all.
T. 40 S., R. 9 W.,
Sec. 11, S½N½;
Sec. 12, N½NW¼;
Sec. 13, NW¼SW¼;
Sec. 14, N½, N½S½, S½SW¼, SW¼SE¼;
Sec. 15, N½, N½S½, S½SW¼;
Sec. 22, N½NW¼, NE¼SE¼;
Sec. 23, E½NW¼;
Sec. 25, SE¼SE¼.
T. 41 S., R. 7 W.,
Sec. 6, lots 4, 5, and 6;
Sec. 8, SE¼SE¼;
Sec. 9, S½SW¼;
Sec. 17, S½SW¼, NE¼SW¼, E½NE¼, NE¼SE¼;
Sec. 19, lots 2 and 3, SW¼SE¼.
T. 41 S., R. 8 W.,
Sec. 1, lots 1, 2, 3, 4, 5, and 8, S½NW¼, W½SW¼;
Sec. 3, lots 1, 2, 3, 6, 7, and 8, S½NE¼, SE¼NW¼, N½S½, SE¼SE¼;
Sec. 4, N½S½, SE¼SW¼, SW¼SE¼;
Sec. 5, lots 3, 6, and 8, S½N½, S½;
Sec. 6, lots 4, 5, 9, 10, and 11, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, all north of State highway 15;
Sec. 8, all north of State highway 15;
Sec. 10, NE¼, SE¼NW¼, NE¼SW¼, N½SE¼;
Sec. 11, N½, N½S½, S½SW¼, SW¼SE¼;
Sec. 13, S½S½, NE¼SW¼;
Sec. 14, NW¼NE¼, S½NE¼, NW¼, S½;
Sec. 23, all north of State highway 15;
Sec. 24, all north of State highway 15;
Sec. 25, all north of State highway 15;
Sec. 26, all north of State highway 15.
T. 41 S., R. 9 W.,
Sec. 1, SW¼NE¼, S½NW¼, N½S½, SE¼SE¼;
Sec. 2, lots 1 and 2;
Sec. 3, S½SE¼;
Sec. 8, SW¼;
Sec. 10, NE¼, N½SE¼;
Sec. 11, NE¼NE¼, W½W½, SE¼SW¼;
Sec. 12, all north of State highway 15;
Sec. 13, all north of State highway 15;
Sec. 14, NE¼NW¼.
T. 42 S., R. 5 W.,
Sec. 10, E½NE¼, NE¼SE¼;
Sec. 15, lots 1, 2, 3, and 4, W½NW¼;
Sec. 22, E½SE¼;
Sec. 23, SW¼NW¼, SE¼SW¼;
Sec. 27, E½NE¼NE¼, S½SE¼;
Sec. 34, NE¼, E½NW¼, SW¼NW¼;
Sec. 35, NE¼NE¼.
T. 43 S., R. 4 W.,
Sec. 19, lots 6 and 7, S½N½;
Sec. 20, W½NW¼.
T. 43 S., R. 4½ W.,
Sec. 19, S½SE¼;
Sec. 20, S½S½SW¼;
Sec. 21, lots 3 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼;
Sec. 22, S½N½, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 29, S½NE¼, NW¼;
Sec. 30, NE¼NE¼, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 31, lots 1 and 2, E½NW¼.
T. 43 S., R. 5 W.,
Sec. 26, NE¼NW¼, S½N½, SW¼, NW¼SE¼;
Sec. 27, lots 1, 2, 3, and 4, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼;
Sec. 28, lots 2, 3, and 4, NE¼SW¼, N½SE¼;
Sec. 29, W½ of lot 1, and lot 4;
Sec. 30, lots 2 to 7, inclusive, SE¼NW¼, NE¼SW¼;
Sec. 31, N½NE¼, NE¼NW¼;
Sec. 33, N½NE¼, NW¼;
Sec. 34, N½NW¼.
T. 43 S., R. 6 W.,
Sec. 22, S½SW¼NE¼, W½SE¼NE¼, NE¼SE¼NW¼, S½SE¼NW¼, N½NW¼SE¼, N½SE¼SW¼, SW¼SE¼SW¼;
Sec. 25, S½SE¼, NE¼SE¼;
Sec. 26, lots 7 and 8, S½NE¼SW¼, E½SE¼;
Sec. 27, N½NE¼, NE¼NW¼.
T. 44 S., R. 5 W.,
Sec. 1, lot 1, SW¼NW¼;
Sec. 3, SE¼SW¼;
Sec. 4, SW¼SW¼;
Sec. 8, all;
Sec. 9, lot 8;
Sec. 10, lots 1, 2, 3, and 4, N½NW¼;
Sec. 11, all.
T. 44 S., R. 6 W.,
Sec. 8, lots 1 and 2, N½NE¼, NW¼NW¼;
Sec. 9, lot 1;
Sec. 10, all;
Sec. 11, lots 1 to 5, inclusive, NW¼NE¼.

The areas described excluded from this classification aggregate approximately 40,000 acres.

4. Publication of this notice also has the effect of segregating the proposed recreation areas described below from all forms of appropriation, location, entry, or selection under the public land laws, including the general mining laws, and from surface use and occupancy under the mineral leasing laws:

SALT LAKE MERIDIAN, UTAH

DIANA'S THRONE OVERNIGHT CAMPGROUND

T. 42 S., R. 7 W.,
Sec. 4, lots 5, 6, 11, and 12.

SAND SPRINGS OVERNIGHT CAMPGROUND

T. 43 S., R. 7 W.,
Sec. 17, NW¼.

SAND SPRINGS PICTOGRAPH SITE

T. 43 S., R. 7 W.,
Sec. 17, SE¼SE¼.

YELLOW JACKET PICNIC SITE

T. 43 S., R. 8 W.,
Sec. 13, NW¼NW¼;
Sec. 14, NE¼NE¼.

MOQUITH CLIFF DWELLINGS

T. 43 S., R. 7 W.,
Sec. 14, SE¼.

PONDEROSA GROVE CAMPGROUND

T. 43 S., R. 7 W.,
Sec. 7, NE¼.

PARIA CANYON OVERNIGHT CAMPGROUND

T. 42 S., R. 1 W.,
Sec. 29, W½SW¼;
Sec. 30, E½SE¼.

The areas described aggregate 900.05 acres.

5. For the period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Post Office Box 459, Kanab, Utah 84741; or to the State Director, Post Office Box 11505, Salt Lake City, Utah 84111.

6. The records and maps depicting these lands are on file and may be viewed at the Bureau of Land Management's District Office, 320 North First East, Kanab, Utah; and the State Office, Federal Building, 125 South State Street, Salt Lake City, Utah.

7. Public hearings on this proposed classification will be held on August 19, 1970, in the Kane County Courthouse, Kanab, Utah, at 9 a.m., and in the Garfield County Courthouse, Panguitch, Utah, at 2 p.m.

R. D. NIELSON,
State Director.

[F.R. Doc. 70-10420; Filed, Aug. 11, 1970; 8:45 a.m.]

[S 3843]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

Correction

In F.R. Doc. 70-9899 appearing at page 12289 in the issue of Friday, July 31, 1970, in the Mount Diablo Meridian land description, the second entry under "T. 14 N., R. 11 E." should read as follows:

Sec. 4, E½ lot 1, E½SE¼NE¼, E½NE¼SE¼, and SE¼SE¼;

Fish and Wildlife Service

LAGUNA ATASCOSA NATIONAL WILDLIFE REFUGE, TEX.

Notice of Public Hearing Regarding Wilderness Study

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held at 9 a.m. on October 15, 1970, at the Hub Room in the Harlingen National Bank, 115 Van Buren, Harlingen, Cameron County, Tex., to consider the results of a study leading to a recommendation to be made to the President of the United States by the Secretary of the Interior, regarding the desirability of including a portion of the Laguna Atascosa National Wildlife Refuge within the National Wilderness Preservation System. The refuge embraces 45,150 acres of shallow lakes, coastal prairie, and mud flats within the Rio Grande River valley in Cameron and Willacy Counties, State of Texas.

A brochure summarizing the study may be obtained from the Refuge Manager, Laguna Atascosa National Wildlife Refuge, Post Office Box 739, San Benito, Tex. 78586, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, 500 Gold Avenue SW., N. Mex. 87103.

Individuals or organizations may express their oral or written views by appearing at the hearing, or they may submit written comment for inclusion in the official record of the hearing to the Regional Director at the above address by November 30, 1970.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 6, 1970.

[F.R. Doc. 70-10499; Filed, Aug. 11, 1970; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

GEORGIA INSTITUTE OF TECHNOLOGY ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

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

A copy of the record pertaining to this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 602.5(e) of the regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice [of denial without prejudice to resubmission], inform the Administrator whether it intends to resubmit another application for the same article to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Administrator in writing prior to the expiration of the 90-day period. * * * If the applicant fails within the applicable time periods specified above, to either (1) inform the Administrator whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (2) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Administrator on the application within the context of the paragraph (d) of this section.

The meaning of the section is that should an applicant either fail to notify the Administrator of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20-day period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 602.5(e) further provides:

> * * * the Administrator shall submit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Administrator.

Docket No. 69-00459-86-01110. Applicant: Georgia Institute of Technology,

405 Clayton Street NW., Atlanta, Ga. 30332. Article: Electronic control unit for an automatic amino acid analyzer. Date of denial without prejudice to resubmission: August 29, 1969.

Docket No. 69-00517-33-46500. Applicant: Kansas City College of Osteopathy Box 8184, Coral Gables, Fla. 33124. Article: Ultramicrotome, Model LKB 8800. Date of denial without prejudice to resubmission: January 13, 1970.

Docket No. 69-00545-68-44695. Applicant: Georgia Institute of Technology, 225 North Avenue NW., Atlanta, Ga. 30332. Article: S/SMD/R servomet spark machine, Type SMD. Date of denial without prejudice to resubmission: October 9, 1969.

Docket No. 69-00570-33-74299. Applicant: University of Utah, Building 40, Salt Lake City, Utah 84112. Article: Bed scales. Date of denial without prejudice to resubmission: October 13, 1969.

Docket No. 69-00614-33-46070. Applicant: University of Oklahoma, 830 South Oval, Norman, Okla. 73069. Article: Scanning electron microscope, JSM-2 and vacuum evaporator JEE-4C. Date of denial without prejudice to resubmission: January 6, 1970.

Docket No. 69-00620-33-77040. Applicant: Stanford University, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Mass spectrometer, Model Varian/MAT CH-1. Date of denial without prejudice to resubmission: January 26, 1970.

Docket No. 69-00632-33-46040. Applicant: Washington State University, Pullman, Wash. 99163. Article: Electron microscope, Model HS-8-1. Date of denial without prejudice to resubmission: June 16, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-10459; Filed, Aug. 11, 1970; 8:45 a.m.]

ROCKEFELLER INSTITUTE ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

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

A copy of the record pertaining to this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 602.5(e) of the regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice [of denial without prejudice to resubmission], inform the Administrator whether it intends to resubmit another application for the same article to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Administrator in writing prior to the expiration of the 90-day period. * * * If the applicant fails within the applicable time periods specified above, to either (1) inform the Administrator whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (2) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Administrator on the application within the context of the paragraph (d) of this section.

The meaning of the section is that should an applicant either fail to notify the Administrator of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20-day period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 602.5(e) further provides:

> * * * the Administrator shall submit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Administrator.

Docket No. 67-00095-33-46040. Applicant: The Rockefeller Institute, York Avenue and 66th Street, New York, N.Y. 10021. Article: Electron microscope, Model HU-11C. Date of denial without prejudice to resubmission: May 29, 1967.

Docket No. 67-00140-33-46500. Applicant: University of California, First and A Streets, Davis, Calif. 95616. Article: Reichert ultramicrotome, Model "OmU2". Date of denial without prejudice to resubmission: June 30, 1967.

Docket No. 67-00151-01-77040. Applicant: New Mexico State University, Las Cruces, N. Mex. 88001. Article: Mass spectrometer, Model RMU-6E. Date of denial without prejudice to resubmission: May 2, 1968.

Docket No. 68-00001-01-77040. Applicant: University of Arizona, Tucson, Ariz. 85721. Article: Mass spectrometer, Model RMU-6E. Date of denial without prejudice to resubmission: July 11, 1967.

Docket No. 68-00036-01-77040. Applicant: University of Idaho, Moscow, Idaho 83843. Article: Mass spectrometer, Model RMU-6E. Date of denial without prejudice to resubmission: April 26, 1968.

Docket No. 68-00045-01-77040. Applicant: University of Kentucky, Lexington, Ky. 40506. Article: Mass spectrometer, Model RMU-6E. Date of denial without prejudice to resubmission: April 26, 1968.

Docket No. 68-00121-33-77040. Applicant: Albert Einstein College of Medicine of Yeshiva University, 1300 Morris Park Avenue, Bronx, N.Y. 10461. Article: Mass spectrometer, Model RMU-6E. Date of denial without prejudice to resubmission: November 15, 1967.

Docket No. 68-00136-33-46500. Applicant: University of Louisville, 2301 South Third Street, Louisville, Ky. 40208. Article: LKB 4800 Ultrotome I Ultramicrotome. Date of denial without prejudice to resubmission: January 8, 1968.

Docket No. 68-00153-25-31060. Applicant: California Institute of Technology, 1201 East California Boulevard, Pasadena, Calif. 91109. Article: Frequency synthesizer, Model ND M/Q 4. Date of denial without prejudice to resubmission: November 28, 1967.

Docket No. 68-00156-33-46500. Applicant: New York University, 100 Washington Square, New York, N.Y. 10003. Article: Reichert ultramicrotome, Model "OmU2". Date of denial without prejudice to resubmission: November 29, 1967.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-10462; Filed, Aug. 11, 1970; 8:45 a.m.]

UNIVERSITY OF KANSAS MEDICAL CENTER ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

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

A copy of the record pertaining to this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 602.5(e) of the regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice [of denial without prejudice to resubmission], inform the Administrator whether it intends to resubmit another application for the same article to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Administrator in writing prior to the expiration of the 90-day period. * * * If the applicant fails within the applicable time periods specified above, to either (1) inform the Administrator whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (2) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Administrator on the application within the context of the paragraph (d) of this section.

The meaning of the section is that should an applicant either fail to notify the Administrator of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20-day period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 602.5(e) further provides:

> * * * the Administrator shall submit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Administrator.

Docket Number: 68-00161-33-02700. Applicant: University of Kansas Medical Center, Rainbow Blvd., at 39th, Kansas City, Kansas 66103. Article: Arthroscope, Set #21. Date of denial without prejudice to resubmission: January 23, 1968.

Docket Number: 68-00181-33-54500. Applicant: University of Miami School of Medicine, Bascom Palmer Eye Institute, P.O. Box 875, Miami, Florida 33152. Article: Tubinger Perimeter and Accessories. Date of denial without prejudice to resubmission: January 24, 1968.

Docket Number: 68-00263-33-90000. Applicant: Salvation Army Booth Mem. Hospital, Main Street and Memorial Avenue, Flushing, N.Y. 11355. Article: Queen Charlottes Foetal Blood Sampling Instruments. Date of denial without prejudice to resubmission: February 26, 1968.

Docket No. 68-00276-33-46040. Applicant: Kansas City College of Osteopathy and Surgery, 2105 Independence Avenue, Kansas City, Mo. 64124. Article: Electron microscope, Model JEm-50. Date of denial without prejudice to resubmission: February 21, 1968.

Docket No. 68-00280-01-77040. Applicant: Cornell University, Ithaca, N.Y. 14850. Article: Mass spectrometer, Model MS-902. Date of denial without prejudice to resubmission: May 2, 1968.

Docket No. 68-00308-01-76550. Applicant: Wayne State University, 5050 Cass Avenue, Detroit, Mich. 48202. Article: Mass spectrometer, Model M 5902. Date of denial without prejudice to resubmission: April 22, 1968.

Docket No. 68-00370-01-77040. Applicant: University of Denver, Denver Research Institute, Denver, Colo. 80210. Article: Mass spectrometer, Model MS-1201. Date of denial without prejudice to resubmission: June 10, 1968.

Docket No. 68-00378-33-46040. Applicant: University of Michigan, 543 Church Street, Ann Arbor, Mich. 48104. Article: Electron microscope, Model HS-8. Date of denial without prejudice to resubmission: April 30, 1968.

Docket No. 68-00427-01-77040. Applicant: The Trustees of The Stevens Institute of Technology, Castle Point Station, Hoboken, N.J. 07030. Article: Mass spectrometer, Model RMU-7. Date of denial without prejudice to resubmission: July 5, 1968.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-10463; Filed, Aug. 11, 1970; 8:45 a.m.]

UNIVERSITY OF NOTRE DAME DU LAC ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00017-33-46500. Applicant: The University of Notre Dame du Lac, Biology Department, College of Science, Notre Dame, Ind. 46556. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used to cut sections of developing crustacean, hymenopteran and human tumor tissues which vary widely in density. Since the research involves reconstruction of the three-dimensional morphology of submicroscopic structures, it must be possible to easily obtain ribbons of serial ultrathin sections of equal thickness. Also, the ultramicrotome will be used in courses in Developmental Cytology, Analysis of Ultrastructure and Biological Electron Microscopy. Application received by Commissioner of Customs: July 14, 1970.

Docket No. 71-00018-33-46040. Applicant: University of California, Riverside, Department of Plant Pathology (and others), Post Office Box 112, Riverside, Calif. 92502. Article: Electron Microscope, Model HU-12. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for research on nucleic acid from various components of citrus infectious variegation virus and cowpea mosaic virus will be compared with the replicative forms of the nucleic acid of the two viruses; high resolution studies of tissues infected with strains of tobacco mosaic virus; and for a comparative study of the nucleic acid from the various components of alfalfa mosaic virus. Courses in plant pathology will use the article for training and research. Application received by Commissioner of Customs: July 14, 1970.

Docket No. 71-00019-65-46040. Applicant: Clemson University, Clemson, S.C. 29631. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article will be used in research programs concerning studies of the surface structure of pure metal films on their catalytic activity; the fine structure of cells and tissues which are components of the neuroendocrine system of invertebrates; ecological studies of mixed bacteriophage populations in natural ecosystems; a study of the plastic deformation of intermetallic compounds as applied to metallic dental materials; and studies of ceramics, textiles and crystal growth. Application received by Commissioner of Customs: July 14, 1970.

Docket No. 71-00024-82-01200. Applicant: U.S. Department of Labor, c/o B & K Instruments, Inc., 5111 West 164th Street, Cleveland, Ohio 44142. Article: Minature sound level meter and portable acoustic calibrator. Manufacturer: Bruel & Kjaer, Denmark. Intended use of article: The article will be used by men in the field to measure sound levels in industrial areas with a minimum of operation and calibration procedural steps. Application received by Commissioner of Customs: July 14, 1970.

Docket No. 71-00025-00-66700. Applicant: Jacksonville Children's Museum, 1025 Gulf Lide Drive, Jacksonville, Fla.

32207. Article: Planetarium projector, Model MS–10. Manufacturer: Minolta Camera Co., Ltd., Japan. Intended use of article: The article will be used for general public exhibitions covering a wide range of astronomy and space science topics. Also, measurements will be taken of star positions, and the correct planet motions will be observed. Application received by Commissioner of Customs: July 14, 1970.

Docket No. 71–00026–98–77095. Applicant: University of Rochester, River Campus Station, Rochester, N.Y. 14627. Article: Photoelectron spectrometer, Model ESCA. Manufacturer: Vacuum Generators Ltd., United Kingdom. Intended use of article: The article will be used for research experiments to obtain the binding energies (ionization potentials) of the valence and core electron states of molecules. The ultraviolet photoelectron spectra of organic and inorganic compounds in the energy range from 0–40,8 eV and under high resolution will be measured. Application received by Commissioner of Customs: July 16, 1970.

Docket No. 71–00028–01–42900. Applicant: University of Wyoming, Post Office Box 3314, Laramie, Wyo. 82070. Article: Superconducting magnet. Manufacturer: Oxford Instrument Co., United Kingdom. Intended use of article: The article will be used for research on liquid He^3, for thermal conductivity, measurements of the thermal conductivity, determination of the thermal conductivity by adiabatic demagnetization. Application received by Commissioner of Customs: July 16, 1970.

Docket No. 71–00029–33–46040. Applicant: St. Louis University School of Medicine, 1402 South Grand, St. Louis, Mo. 63117. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic NVD, The Netherlands. Intended use of article: The article will be used for a variety of specimens from patients with disease for diagnostic and investigational purposes and for studies of various experimental models of human disease as a means toward a better understanding of etiology, pathogenesis, and control. Research concerns diagnostic studies of human renal and hepatic biopsies; ultrastructural studies of human malignant tumors at the time of biopsy and after culture in vitro; and investigation of the effects of drugs e.g. chloramphenicol in the thymus, spleen, lymph nodes, and liver. Application received by Commissioner of Customs: July 16, 1970.

Docket No. 71–00030–01–07500. Applicant: University of Vermont, Burlington, Vt. 05401. Article: Precision calorimetry system. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used for research concerning the heats of hydration of crystal hydrates by direct solution calorimetry; the energetic of a hydrogen bond formation by titration calorimetry; and the heats of complexation by reaction calorimetry. Undergraduate and graduate students will be introduced to research methods in chemistry courses. Application received by Commissioner of Customs: July 16, 1970.

Docket No. 71–00032–33–46500. Applicant: Medical University of South Carolina, Institute of Pathobiology, Department of Pathology, 80 Barre Street, Charleston, S.C. 29401. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used to section human and animal tissues for the study of cytological and cytochemical properties, which are embedded in such media as vestopal, methacrylate, maraglass, epon and water soluable medium. Application received by Commissioner of Customs: July 16, 1970.

Docket No. 71–00034–16–61800. Applicant: Buckeye Union High School, 902 Eason Avenue, Buckeye, Ariz. 85326. Article: Planetarium and auxiliary projectors, Model Apollo. Manufacturer: Goto Optical Co., Japan. Intended use of article: The article will be used for instruction in grades 1 through 12 in such subjects as astronomy, navigation, earth-space relationship, elementary science, water cycles, causes of weather and the solar system. Students as well as teachers will operate the instrument. Application received by Commissioner of Customs: July 16, 1970.

Docket No. 71–00031–33–11000. Applicant: Institute for Muscle Disease, Inc., 515 East 71st Street, New York, N.Y. 10021. Article: Gas chromatograph-mass spectrometer, Model LKB 9000. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used to study the sterol and steroid composition of tissues from normal animals (including human subjects) and those afflicted with muscular dystrophy. Defined muscle sections and the nerves which lead to these will be studied to determine their steroid and sterol profiles. Application received by Commissioner of Customs: July 16, 1970.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70–10460; Filed, Aug. 11, 1970; 8:45 a.m.]

UNIVERSITY OF PITTSBURGH ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

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

A copy of the record pertaining to this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 602.5(e) of the regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice [of denial without prejudice to resubmission], inform the Administrator whether it intends to resubmit another application for the same article to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Administrator in writing prior to the expiration of the 90-day period. * * * If the applicant fails within the applicable time periods specified above, to either (1) inform the Administrator whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (2) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Administrator on the application within the context of the paragraph (d) of this section.

The meaning of the section is that should an applicant either fail to notify the Administrator of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20-day period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 602.5(e) further provides:

> * * * the Administrator shall submit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Administrator.

Docket No. 69–00279–33–77030. Applicant: University of Pittsburgh, Fifth Avenue and Bigelow Boulevard, Pittsburgh, Pa. 15213. Article: NMR spectrometer, Model HFX–3. Date of denial without prejudice to resubmission: March 18, 1969.

Docket No. 69–00285–33–61200. Applicant: Fairview Hospital, 2312 South Sixth Street, Minneapolis, Minn. 55402. Article: Frame for correction of curvature of the spine. Date denial without prejudice to resubmission: June 11, 1969.

Docket No. 69–00303–16–61800. Applicant: Vicksburg Public Schools, Vicksburg, Miss. 39180. Article: Planetariums and auxiliary projectors. Date of denial

without prejudice to resubmission: January 29, 1968.

Docket No. 69-00305-16-61800. Applicant: Warren County Schools, Vicksburg, Miss. 39180. Article: Planetariums and auxiliary projectors. Date of denial without prejudice to resubmission: February 25, 1969.

Docket No. 69-00313-33-20700. Applicant: University of Colorado, Boulder, Colo. 80302. Article: "ELESTA" universal electronic relay. Date of denial without prejudice to resubmission: January 21, 1969.

Docket No. 69-00333-75-27000. Applicant: University of California, Los Alamos Scientific Laboratory, Los Alamos, N. Mex. 87544. Article: (2) Electrostatically focused triode image converter. Date of denial without prejudice to resubmission: January 29, 1969.

Docket No. 69-00334-33-43780. Applicant: Brown University, Box G, Providence, R.I. 02912. Article: Measurement apparatus for blood. Date of denial without prejudice to resubmission: January 29, 1969.

Docket No. 69-00336-90-46040. Applicant: California State College, 25800 Hillary Street, Hayward, Calif. 94542. Article: Electron microscope, Model EM 9A. Date of denial without prejudice to resubmission: February 27, 1969.

Docket No. 69-003060-33-46500. Applicant: Veterans Administration Hospital, Fulton Street and Erwin Road, Durham, N.C. 27705. Article: Reichert ultramicrotome, Model "0mU2". Date of denial without prejudice to resubmission: February 11, 1969.

Docket No. 69-00371-01-77040. Applicant: The Johns Hopkins University, Charles and 34th Streets, Baltimore, Md. 21218. Article: Single focusing mass spectrometer, Model RMU-6. Date of denial without prejudice to resubmission: September 18, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-10461; Filed, Aug. 11, 1970; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 9928V]

CERTAIN DRUG PRODUCTS CONTAINING NEOMYCIN SULFATE AND POLYMYXIN B SULFATE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations: by S. E. Massengill Co., Veterinary Division, Bristol, Tenn. 37620:

1. Daribiotic Boloids; each boloid contains 50 milligrams of neomycin sulfate (equivalent to 35 milligrams of neomycin base) and 12,500 units of polymyxin B sulfate.

2. Swinex; each 2 cubic centimeter dose contains 25 milligrams of neomycin sulfate (equivalent to 17.5 milligrams of neomycin base) and 6,250 units of polymyxin B sulfate.

3. Daribiotic Liquid; each cubic centimeter contains 100 milligrams of neomycin sulfate (equivalent to 70 miligrams of neomycin base) and 25,000 units of polymyxin B sulfate.

4. Daribiotic Soluble Powder; each 110 grams contains 2.2 grams of neomycin sulfate (commercial grade) (equivalent to 1.54 grams of neomycin base) and 550,000 units of polymyxin B sulfate.

5. Daribiotic Injectable; each cubic centimeter contains 100 milligrams of neomycin sulfate (equivalent to 70 milligrams of neomycin base) and 100,000 units of polymyxin B sulfate.

The Academy evaluated these products as follows:

1. Daribiotic Boloids are probably effective for intrauterine use in the control of metritis and pyometra in large animals and for oral administration in the control of bacterial intestinal infections in calves. The report on this product stated: (a) More detailed instructions relative to cleanliness when used for intrauterine administration are needed, (b) the labeling should state that the product is effective only against infections caused by organisms sensitive to neomycin and polymyxin, (c) there is nothing on the label to indicate that milk should be withheld for the proper interval of time after intrauterine use, (d) a labeling precaution is needed on the limited systemic activity of the drug in septicemic animals, (e) the intrauterine use of this drug has not been adequately documented, (f) information is needed that the bolus disintegrates in the gastrointestinal tract of the medicated species to produce the desired therapeutic effect, (g) information is needed concerning the degree of disintegration of the bolus in the uterus, the presence of hazardous ingredients that may cause severe irritation, ulceration, or necrosis, and the chemical compatibility of the vehicle and active agents or agent, and (h) substantial evidence was not presented to establish that each ingredient designated as active makes a contribution to the total effect claimed for the drug combination.

2. Swinex is probably not effective for oral use in the prevention and treatment of enteritis and related diarrhea in new born pigs. The report on this product stated: (a) Claims made regarding "for prevention of" or "to prevent" should be replaced with "as an aid in the control of" or "to aid in the control of," (b) the disease claim for this preparation must be restricted to diseases involving the gastrointestinal tract because of the chemical and pharmacologic properties of neomycin sulfate and polymyxin B sulfate, (c) the recommended frequency of dosage administration is not adequate, and (d) the Academy panel acknowledged efficacy of neomycin and polymyxin when used alone, however, each active ingredient in a preparation containing more than one drug must be effective, or contribute to the effectiveness of the preparation, to warrant acceptance as an active ingredient and said product has not satisfied this condition.

3. The products Daribiotic Liquid and Daribiotic Soluble Powder are probably not effective for oral administration in the prevention and treatment of intestinal infections in swine, poultry, sheep, calves, dogs, and cats. The report on these products stated: (a) Claims made regarding "for prevention of" or "to prevent" should be replaced with "as an aid in the control of" or "to aid in the control of", (b) each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)," and if the disease claim cannot be so qualified the claim must be dropped, (c) the disease claims for this preparation must be restricted to diseases involving the gastrointestinal tract because of the chemical and pharmacological properties of neomycin sulfate and polymyxin B sulfate, (d) the dosages are low and documentation is needed to demonstrate efficacy of the recommended dosage levels, (e) the dosage should be expressed as to quantity of drug per unit of animal weight and the frequency of administration must be given, (f) the label should warn that treated species must actually be consuming enough medicated water to provide a therapeutic dose under the conditions that prevail and as a precaution the desired oral dose per unit of animal weight per day for each species should be given as a guide to effective usage of the preparation in drinking water, and (g) substantial evidence was not presented to establish that each ingredient designated as active makes a contribution to the total effect claimed for the drug combination.

4. Daribiotic Injectable is probably effective as an injectable for treating bacterial infections in horses, cattle, sheep, swine, dogs, and cats. The report on this product stated: (a) The statement on the development of resistance is not appropriate and should be removed, (b) the recommended dosage levels of the drugs in this combination have not been adequately documented, (c) each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)," and if the disease claim cannot be so qualified the claim must be dropped, (d) the precaution statement needs revision to incorporate recent toxicological findings, and (e) substantial evidence was not presented to establish that each ingredient designated as active makes a contribution to the total effect claimed for the drug combination.

The Food and Drug Administration concurs with the Academy's findings.

This evaluation is concerned only with these drugs' effectiveness and safety to the animal to which administered. It does not take into account the safety for

food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the new animal drug applications for the listed drugs has been mailed a copy of the NAS–NRC reports. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 29, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70–10479; Filed, Aug. 11, 1970; 8:46 a.m.]

[DESI 10987 V]

CERTAIN DRUG PRODUCTS CONTAINING PHENYLBUTAZONE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations marketed by Jensen-Salsbery Laboratories, Division of Richardson-Merrell, Inc., 520 West 21st Street, Kansas City, Mo. 64141:

1. Jen-Sal Butazolidin Injectable, 20 percent; each cubic centimeter of sterile aqueous solution contains 200 milligrams of phenylbutazone.

2. Jen-Sal Butazolidin Bolus (For Horses Only); each bolus contains 4 grams of phenylbutazone.

3. Jen-Sal Butazolidin Tablets (For Horses Only); each tablet contains 1 gram of phenylbutazone.

4. Jen-Sal Butazolidin Tablets (For Dogs Only); each tablet contains 100 milligrams of phenylbutazone.

The Academy evaluated these drugs as probably effective as a nonhormonal anti-inflammatory agent for use in horses and dogs. The Academy stated:

1. Package inserts state that the drug is indicated in "posterior paralysis" and "in some cases, long-term therapy (30 to 60 days) apparently results in permanent cures." These statements are not supported by adequate documentation. It is difficult to see how a drug of this nature can produce a "cure".

2. The analgesic activity of phenylbutazone has not been documented. The apparent analgesic effect is a result of the drug's anti-inflammatory properties.

3. No controlled experimental studies appear to have been performed in dogs or horses.

4. Its use for treatment of otitis externa in dogs is doubtful and appears to be based on one case report where local treatment probably was also used.

5. Instructions for dosage in dogs could be improved.

6. Package label on Butazolidin Injectable does not state route of administration.

7. Evidence must be provided that the bolus and tablet forms of the drug disintegrate in the gastrointestinal tract of the medicated species to produce the desired therapeutic effect.

The Food and Drug Administration concurs in the Academy's evaluation and concludes that additional labeling information is required on the dosage schedule to provide additional clarity such as frequency of administration and maximum daily dosage.

Veterinary drugs of this type are prescription drugs and should bear the veterinary Rx legend "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian."

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the new animal drug applications for the listed drugs has been mailed a copy of the NAS–NRC reports. Any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 30, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70–10480; Filed, Aug. 11, 1970; 8:46 a.m.]

[DESI 0176NV]

CERTAIN FEED PREMIXES CONTAINING OXYTETRACYCLINE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations:

1. Calf Premix 10108; each pound contains 1 gram of oxytetracycline (from oxytetracycline hydrochloride), plus vitamins; manufactured by Hoffmann-La Roche Inc., Nutley, N.J. 07110.

2. Pig Supplement Premix Medicated; each pound contains 5.5 grams of oxytetracycline hydrochloride, 5.948 percent arsanilic acid, plus vitamins; by Hoffmann-La Roche Inc.

The Academy classified these preparations as probably effective for faster gains and/or improved feed efficiency in pigs and calves. The Academy stated:

1. Claims for growth promotion or stimulation are disallowed and claims for faster gains and/or feed efficiency should be stated as "may result in faster gains and/or improved feed efficiency under appropriate conditions."

2. Each active ingredient in a preparation containing more than one drug must be effective or contribute to the

effectiveness of the preparation to warrant acceptance as a therapeutic ingredient. The preparation containing oxytetracycline hydrochloride and arsanilic acid has not satisfied this condition.

The Food and Drug Administration concurs with the findings of the Academy; however, the Administration concludes the appropriate claim for faster weight gains and improved feed efficiency should be "For increased rate of weight gain and improved feed efficiency for (under appropriate conditions of use)."

This evaluation is concerned only with these drugs' effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform manufacturers of the subject drugs of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Manufacturers of the subject drugs are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5609 Fishers Lane, Rockville, Md. 20852.

The manufacturer of the listed drugs has been mailed a copy of the NAS–NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 29, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70–10476; Filed, Aug. 11, 1970; 8:46 a.m.]

[DESI 12714V]

CERTAIN PRODUCTS CONTAINING ZOALENE AND OLEANDOMYCIN

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations:

1. "X Brand" Broiler Ration "Z 125–O–One"; each ton contains 1 gram of oleandomycin and 0.0125 percent of zoalene; by the Dow Chemical Co., Post Office Box 512, Midland, Mich. 48640.

2. "X Brand" Broiler Ration "Z125–O–Two"; each ton contains 2 grams of oleandomycin and 0.125 percent zoalene; by the Dow Chemical Co.

The Academy evaluated as probably effective these preparations which are labeled "As an aid for the prevention and control of coccidiosis in chickens. Oleandomycin added as an aid in stimulating the growth and feed efficiency of chickens." The Academy stated: (1) More information is needed to demonstrate lack of interference of the antimicrobial agent oleandomycin and the coccidiostat, zoalene; (2) each active ingredient in a preparation containing more than one drug must be effective, or contribute to the effectiveness of the preparation, to warrant acceptance as a therapeutic ingredient; and (3) zoalene as a coccidiostat is effective for cococcidiosis control but the species of coccidia controlled must be listed.

The Food and Drug Administration concurs with the findings of the Academy, however, the Administration concludes the appropriate claim for faster weight gains and improved feed efficiency should be "For increased rate of weight gain and improved feed efficiency for (under appropriate conditions of use)."

This evaluation is concerned only with these drugs' effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 month from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the new animal drug application for the listed drugs has been mailed a copy of the NAS–NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 30, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70–10482; Filed, Aug. 11, 1970; 8:46 a.m.]

[DESI 107 NV]

COMBINATION DRUG CONTAINING TETRACYCLINE PHOSPHATE AND SODIUM NOVOBIOCIN

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the product Albaplex; each capsule contains tetracycline phosphate complex equivalent in activity to 60 milligrams of tetracycline hydrochloride and sodium novobiocin equivalent in activity to 60 milligrams of novobiocin; by The Upjohn Co., Kalamazoo, Mich. 49001.

The Academy evaluated this product as probably not effective for treating bacterial infections in dogs and cats.

The Academy stated:

1. Each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)," and if the disease claim cannot be so qualified the claim must be dropped.

2. Substantial evidence was not presented to establish that each ingredient designated as active makes a contribution to the total effect claimed for the drug combination.

3. The recommended dosage schedule must be adequately documented.

The Food and Drug Administration concurs with the Academy's findings.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements

of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS–NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 29, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70–10475; Filed, Aug. 11, 1970; 8:46 a.m.]

[DESI 12–4NV]

NEOMYCIN-SULFACETAMIDE OPHTHALMIC OINTMENT WITH OR WITHOUT TETRACAINE, PHENACAINE, OR HYDROCORTISONE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following veterinary ophthalmic preparations:

1. DV–102 Ophthalmic Ointment Veterinary; contains 0.5 percent neomycin sulfate (equivalent in activity to 3.5 milligrams of neomycin base per gram of ointment), 10 percent sodium sulfacetamide, and 0.5 percent tetracaine; by Kasco Laboratories Inc., Hicksville, N.Y. 11802.

2. DV–101 Ophthalmic Ointment Veterinary; contains 0.5 percent neomycin sulfate (equivalent in activity to 3.5 milligrams of neomycin base per gram of ointment), 10 percent sodium sulfacetamide, 0.5 percent tetracaine, and 0.5 percent hydrocortisone acetate; by Kasco Laboratories Inc.

3. Sulfacaine Ophthalmic Ointment with Hydrocortisone and Neomycin; each gram of ointment contains 100 milligrams of sodium sulfacetamide, 5 milligrams of tetracaine base, 5 milligrams of neomycin sulfate (equivalent in activity to 3.5 milligrams of neomycin base per gram of ointment), and 5 milligrams of hydrocortisone acetate; by Day-Baldwin, Inc., Hillside, N.J. 07205.

4. Sulfacaine Ophthalmic Ointment with neomycin; each gram of ointment contains 100 milligrams of sodium sulfacetamide, 5 milligrams of tetracaine base, and 5 milligrams of neomycin sulfate (equivalent in activity to 3.5 milligrams of neomycin base per gram of ointment); by Day-Baldwin, Inc.

5. Neohydracaine Ophthalmic Ointment Veterinary; contains 0.5 percent hydrocortisone acetate, 10 percent sodium sulfacetamide, 0.5 percent neomycin sulfate (equivalent in activity to 3.5 milligrams of neomycin base per gram of ointment), and 1.0 percent phenocaine hydrochloride; by Haver-Lockhart Laboratories, Kansas City, Mo. 64141.

The Academy evaluated these eye preparations as probably not effective for veterinary use. The Academy report stated:

1. These products contain potentially dangerous drugs without adequate safety and efficacy documentation of veterinary use. Directions for use do not provide acceptable ophthalmic treatment.

2. The indications should include the specific organisms against which the products are effective.

3. Tetracaine and phenacaine are contraindicated in the treatment of corneal ulcers.

4. Phenacaine and tetracaine should be removed from the preparations since these drugs should not be used repeatedly in the eye.

5. The label should warn that "all topical ophthalmic preparations containing corticosteroids with or without an antimicrobial agent, are contraindicated in the initial treatment of corneal ulcers. They should not be used until the infection is under control and corneal regeneration is well underway."

This announcement is published (1) to inform manufacturers of the subject drugs of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Manufacturers of the subject drugs are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The manufacturers of the listed drugs have been mailed a copy of the NAS–NRC reports. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 31, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70–10474; Filed, Aug. 11, 1970; 8:46 a.m.]

[DESI 12291V]

NITROFURANTOIN SUSPENSION

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Dantafur; each cubic centimeter contains 15 milligrams of nitrofurantoin; by Eaton Laboratories, Division of The Norwich Pharmacal Co., Post Office Box 191, Scientific Department, Norwich, N.Y. 13815.

The Academy evaluated this product as probably effective in the treatment of equine tracheopharyngitis, canine tracheobronchitis, and bacterial infections of the urinary tract in dogs, cats, and horses. The report stated: (1) Additional information on safety is needed as the recommended dosage of 2 milligrams of drug per pound of body weight every 8 hours, has been known to produce vomiting and central nervous system depression in small animals—the warning statements on the labeling should include the possibility of vomiting; and (2) each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)" and if the disease claim cannot be so qualified the claim must be dropped.

The Food and Drug Administration concurs with the Academy's findings.

This announcement is published (1) to inform the holders of new animal drug

applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS–NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 30, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70–10481; Filed, Aug. 11, 1970; 8:46 a.m.]

[DESI 9911V]

SHAMPOO CONTAINING CADMIUM SULFIDE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Derisol; a shampoo containing 1 percent cadmium sulfide; marketed by Pitman-Moore, Inc., Camp Hill Road, Fort Washington, Pa. 19034.

The Academy report stated that this product is effective as a shampoo for dogs and cats if minor label changes are made. The data are inadequate to support claims as corrective in pruritus, eczema, and nonspecific and seborrheic dermatoses. The Food and Drug Administration concurs with the Academy's findings that data are inadequate to support drug claims.

This announcement is published (1) to inform the holders of new drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed as a corrective shampoo in pruritis, eczema, and nonspecific and seborrheic dermatoses must be the subject of approved new drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS–NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 29, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70–10478; Filed, Aug. 11, 1970; 8:46 a.m.]

[DESI 4971V]

SULFATHIAZOLE ORAL PREPARATION

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Sulfathiazole Tablets; each tablet contains 60 grains of sulfathiazole; by Haver-Lockhart Laboratories, Post Office Box 676, Kansas City, Mo. 64141.

The Academy evaluated this product as probably effective as an antistaphylococcic agent for veterinary use. The Academy stated: (1) A revised dosage schedule providing the correct dose is necessary; (2) each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to sulfathiazole," if the disease claim cannot be so qualified the claim must be dropped; and (3) evidence should be provided to show that the tablet disintegrates in the gastrointestinal tract of the medicated species to provide a therapeutic dose.

The Food and Drug Administration concurs with the Academy's findings.

This evaluation is concerned only with the drug's effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the Act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS–NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 29, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70–10477; Filed, Aug. 11, 1970; 8:46 a.m.]

HAZLETON LABORATORIES, INC.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1B2570) has been filed by Hazleton Laboratories, Inc., Post Office Box 30, Falls Church, Va. 22046, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of vinylchloride-hexene-1 copolymers as articles or as components of articles intended for use in contact with food.

Dated: August 3, 1970.

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

[F.R. Doc. 70-10466; Filed, Aug. 11, 1970; 8:45 a.m.]

[Docket No. D-135; NDA No. 0-922]

MARVAN PRODUCTS

Marvan Salve; Notice of Withdrawal of Approval of New-Drug Application

A notice of opportunity for hearing on the proposed withdrawal of approval of new-drug application No. 0-922 and all amendments and supplements thereto held by Marvan Products, 11 Park Avenue, Keansburg, N.J., for the drug Marvan Salve was published in the FEDERAL REGISTER on February 6, 1970 (35 F.R. 2674). Marvan Salve, Inc., filed a letter requesting a hearing, but did not file any data to support such request. The Commissioner of Food and Drugs concludes that there is no genuine and substantial issue of fact to justify a hearing (35 F.R. 7250; May 8, 1970).

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (section 505, 52 Stat. 1052, as amended; 21 U.S.C. 355); and under the authority delegated to him (21 CFR 2.120), finds that the applicant has failed to establish a system of maintaining required records, or has repeatedly or deliberately failed to maintain such records or to make required reports, in accordance with a regulation or order under section 505(j).

Therefore, pursuant to the foregoing findings, approval of new drug application No. 0-922 for Marvan Salve, is withdrawn, effective on the date of the signature of this document.

Dated: July 29, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-10472; Filed, Aug. 11, 1970; 8:46 a.m.]

OLIN CHEMICALS

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP OF0997) has been filed by Olin Chemicals, 120 Long Ridge Road, Stamford, Conn. 06904, proposing the establishment of a tolerance (21 CFR Part 120) of 0.3 part per million for residues of the fungicide 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole in or on the raw agricultural commodity cottonseed.

The analytical method proposed in the petition for the fungicide's residue determination is gas-liquid chromatography with an electron affinity detector.

Dated August 3, 1970.

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

[F.R. Doc. 70-10467; Filed, Aug. 11, 1970; 8:45 a.m.]

UNIROYAL CHEMICAL

Notice of Filing of Pesticide and Food Additive Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1), 409(b)(5), 68 Stat. 512; 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a petition (PP 0F0988) has been filed by Uniroyal Chemical, Division of Uniroyal, Inc., Bethany, Conn. 06525. The petition proposes establishment of tolerances (21 CFR Part 120) for residues of the insecticide 2-(*p-tert*-butylphenoxy) cyclohexyl 2-propynyl sulfite in or on the following raw agricultural commodities: Almond hulls at 55 parts per million, grapes at 10 parts per million, lemons and oranges at 3 parts per million, milk fat at 0.7 part per million (reflecting negligible residues of 0.03 part per million in milk) liver at 0.5 part per million, and almonds and meat (except liver), fat, and meat byproducts of cattle, goats, sheep, and poultry at 0.1 part per million (negligible residue).

Notice is also given that the firm has filed a related petition (FAP 0H2554) proposing the establishment of a food additive tolerance (21 CFR Part 121) of 40 parts per million in or on dry grape pomace and 25 parts per million in or on dry citrus pulp and raisins for residues of the insecticide resulting from carryover and concentration after application of the insecticide to the growing grapes, lemons, and oranges.

The analytical method proposed in the pesticide petition for determining the insecticide residues is gas chromatography using a specific sulfur detector. Flame photometric and microcoulometric detectors are suitable.

Dated: August 3, 1970.

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

[F.R. Doc. 70-10468; Filed, Aug. 11, 1970; 8:45 a.m.]

[Docket No. FDC-D-210; NDA 12-348]

WALLACE PHARMACEUTICALS

Somacort Tablets; Notice of Withdrawal of Approval of New-Drug Application

In the FEDERAL REGISTER of May 7, 1970 (35 F.R. 7194) (DESI 12348), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluating reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning the efficacy of carisoprodol in combination with prednisolone for human use, and stated his intention to initiate proceedings to withdraw approval of new-drug application No. 12-348 for Somacort Tablets (containing 350 milligrams carisoprodol and 2 milligrams prednisolone).

Carter-Wallace, Inc., 767 Fifth Avenue, New York, N.Y. 10022, by letter of May 13, 1970, requested withdrawal of approval of the application and thereby waived opportunity for a hearing. No data or objections were filed by other interested persons.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355 (e)) and under authority delegated to him (21 CFR 2.120), the Commissioner finds on the basis of new information, evaluated together with the evidence available when the application was approved, that there is a lack of substantial evidence that Somacort Tablets, as a fixed combination drug, will have the effect that it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

Therefore, pursuant to the foregoing finding, approval of new-drug application No. 12-348, and all amendments and supplements applying thereto, is withdrawn effective on the date of signature of this document. Outstanding stocks of the drug should be recalled.

Promulgation of this order will cause any drug containing the same components and offered for the same conditions of use to be a new drug for which an approved new-drug application is not in effect, and will make it subject to regulatory action.

Dated: July 22, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-10473; Filed, Aug. 11, 1970; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-329, 50-330]

CONSUMERS POWER CO.

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

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Consumers Power Company has submitted a report dated July 24, 1970, containing information for preparation of an environmental statement. A copy of the report is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and in the Office of the Chairman of the County Board of Supervisors, Midland County, Mich. This proceeding involves the application by Consumers Power Co. for a construction permit for its proposed Midland Plant Units 1 and 2, to be located on its site in Midland Township, Midland County, Mich., adjacent to the Dow Chemical Co.'s industrial complex in the city of Midland. A notice of the receipt of the application by the Commission was published in the FEDERAL REGISTER on February 7, 1969 (34 F.R. 1841).

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

Copies of Consumers Power Co.'s report, dated July 24, 1970, and the comments thereon of Federal agencies (whose comments are being separately requested by the Commission) will be supplied to such State and local agencies upon request addressed to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 3d day of August 1970.

For the Atomic Energy Commission.

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

[F.R. Doc. 70-10515; Filed, Aug. 11, 1970; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22408; Order 70-8-26]

AMERICAN AIRLINES, INC., ET AL.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of August 1970.

Increase in cubic capacity of B-747 aircraft lower-deck (LD-3) cargo containers proposed by American Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

By tariff posted July 9, 1970, American Airlines, Inc. (American), and Trans World Airlines, Inc. (TWA),[1] propose to accept an LD-3 container (B-747 lower-deck cargo container) having a cubic displacement of 188.5 cubic feet (cft.), when the container originates or terminates at a point outside the 50 States of the United States, the District of Columbia, or Canada. The existing tariff on this container for these carriers provides for a cube of 158 cu. ft.[2]

The carriers do not propose any rate changes, hence the existing domestic minimum charges and excess-weight rates for the LD-3 container would continue unchanged.[3]

A complaint requesting investigation of the 188.5 cu. ft. proposal has been filed by Trans World Airlines, Inc. (TWA) on the grounds that it represents an unwarranted and unjustified reduction in the minimum density required to obtain a containerization discount, and that it discriminates against domestic traffic in favor of international traffic.

Upon consideration of the tariff filings and other relevant matters, the Board finds that the proposed increase in cube to 188.5 cu. ft. on the LD-3 container, when moving in the designated areas, may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be suspended pending investigation.

The long-standing domestic minimum density (cube rule) requirement on general commodities in noncontainerized form has been based on 6.9 lb./cu. ft.; the international (IATA) cube rule has been set at 8.9 lb./cu. ft. For containerized traffic the domestic minimum charges for the various containers range from 6.4 to 9.2 lb./cu. ft., depending on the cube of the container, and the IATA bulk unitization program typically reflects a minimum density of about 12 lb./cu. ft. The instant proposal, whereby the 1,100-pound minimum would be applied to the 188.5 cube of the LD-3 container would therefore permit traffic having a density of but 5.85 lb./cu. ft. to secure the usual discounts, and it appears to the Board that the proposal represents an unsupported reduction in the necessary minimum density to obtain a containerization discount.

There is also presented here a serious discrimination issue arising out of the proposal to accept the larger container only if the container originates or terminates outside the 50 States.

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

It is ordered, That:

1. An investigation be instituted to determine whether the Exception to Rule No. 3(B)(6)(e) on 4th Revised Page 10-A and 5th Revised Page 10-A of Airline Tariff Publishers, Inc., Agent, Tariff C.A.B. No. 131 and rules, regulations and practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions of the Exception to Rule No. 3(B)(6)(e) on 4th and 5th Revised Pages 10-A of Airline Tariff Publishers, Inc., Agent, Tariff C.A.B. No. 131 are suspended and their use deferred to and including November 20, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

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

4. Copies of this order will be served upon American Airlines, Inc., Continental Air Lines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-10524; Filed, Aug. 11, 1970; 8:50 a.m.]

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[1] By filing of July 22, 1970, also for effectiveness Aug. 23, 1970, United Air Lines, Inc. (United), has joined American and TWA.

[2] The filing includes a change in the "domestic" cube from 158 to 166 cu. ft. on behalf of American, Continental Air Lines, Inc., TWA, and United; the carriers state that the 158 cu. ft. reflected internal rather than external size.

[3] The domestic minimum charge for the LD-3 container is based on the cubic capacity times 7 lb./cu. ft. (thus 1,100 pounds) times the 3,000-pound general commodity rate in the market, less $1 per 100 pounds; payload in excess of 1,100 pounds is rated at 67 percent of the 3,000-pound rate.

[Docket No. 22381]

EAST AFRICAN AIRWAYS CORP.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on August 20, 1970, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Edward T. Stodola.

Dated at Washington, D.C., August 6, 1970.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 70-10523; Filed, Aug. 11, 1970; 8:50 a.m.]

[Docket No. 20993; Order 70-8-21]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority August 6, 1970.

Agreement adopted by the Joint Conferences of the International Air Transport Association relating to specific commodity rates; Docket 20993, Agreement C.A.B. 21753, R-20 through R-22.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated July 30, 1970, names additional specific commodity rates, as set forth below, which reflect significant reductions from the general cargo rates:

R-21:
Commodity Item 9230—Surfboards, 90 cents per kg., minimum weight 500 kgs., 87 cents per kg., minimum weight 1,000 kgs., Sydney to Honolulu.

R-22:
Commodity Item 9230—Surfboards, 90 cents per kg., minimum weight 500 kgs., Sydney to Los Angeles.

In addition, the agreement amends the transpacific description for Commodity Item 8550 by the inclusion of "transmitting pulse devices." [1]

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

[1] R-20, "Dental, Surgical, Measuring, calibrating, testing and drawing instruments, etc."

Accordingly, it is ordered, That:

Action on Agreement C.A.B. 21753, R-20 through R-22, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-10526; Filed, Aug. 11, 1970; 8:50 a.m.]

[Docket No. 22397; Order 70-8-27]

OZARK AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of August 1970.

Provisions requiring prepayment or guarantee of transportation charges for shipments of dogs proposed by Ozark Air Lines, Inc.; Docket 22397.

By tariff revisions filed July 9 and marked to become effective August 8, 1970, Ozark Air Lines, Inc. (Ozark), proposes to become a participant in Rule No. 56(B)(12).[1] This rule provides that shipments of dogs must be prepaid or that collect charges for such shipments must be guaranteed in writing by the shipper, and is currently in effect for certain other carriers.

Rule No. 56 is the subject of other provisions in the rules pertaining to c.o.d. shipments. Specifically, Rule 66(B)(1), on c.o.d. shipments, provides that any shipment requiring prepayment or the guarantee in writing of transportation charges pursuant to Rule No. 56 (now proposed by Ozark) will not be accorded c.o.d. service.

A complaint requesting suspension, pending investigation of Ozark's proposed revisions, has been filed by Ozark Kennels, Inc. (Kennels).[2] The complaint alleges, inter alia, that participation by Ozark in Rule No. 56 will eliminate any possibility of saving the dog shipping industry in the Southwest, Midwest, and North Central States. According to the complaint the dog shipping industry has advertised c.o.d. shipments in national publications for over 30 years and is currently contracted to over $35,000 of c.o.d. oriented national advertising. Kennels further asserts that it has always guaranteed in writing the transportation charges on its shipments, as well as voluntarily assuming liability for any and all unusual or extraordinary expenses related to the welfare of its dogs. Finally, Kennels maintains that the proposed provisions are discriminatory toward its segment of the live animal industry.

The requirement of prepayment or guarantee of payment for certain classes of shipments as set forth in Rule No. 56 may not be unreasonable per se, when considered alone; however, by the adoption of this rule, operating in conjunction with Rule No. 66(B)(1), Ozark would preclude c.o.d. service for dog shipments. The use of c.o.d. service has become a method of merchandising for certain shippers, and the complainant alleges in substance that such service is essential to its business, and that it guarantees charges and other expenses in connection with the shipment.

Ozark, in support of its filing, states that the prepayment requirement is necessary to deal with troublesome situations, and that in many cases consignor will not authorize returning a shipment when refused by the consignee. It does not appear that the proposed rule would require payment of return charges. Of more significance, however, Ozark offers no reasons why c.o.d. service should be denied to dog shippers, which would be the direct result of the tariff filing. It is not apparent why the denial of c.o.d. service should be tied to the prepayment requirement, and the Board notes that the carriers' c.o.d. tariff rules contain various provisions to protect them when providing c.o.d. service.[3] In these circumstances, and recognizing that Ozark is not the first carrier to propose Rule No. 56(B)(12), the Board will suspend Ozark's proposal, and investigate this rule as well as Rule No. 66(B)(1).

Upon consideration of the foregoing and all other relevant factors, the Board finds that the proposed provisions requiring prepayment or guarantee of transportation charges for shipments of dogs in Rule No. 56(B)(12), and the existing provisions contained in Rule No. 66(B)(1) on c.o.d. shipments, may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. In view of the effect of Rule No. 56(B)(12), when considered in conjunction with Rule No. 66(B)(1), the Board will suspend Ozark's proposed adoption of Rule No. 56(B)(12) pending investigation.

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

It is ordered, That:

1. An investigation be instituted to determine whether the provisions of the

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 96.

[2] The complaint, received by the Board on July 27, was a late-filed telegraphic complaint which alleged that Ozark as well as other carriers involved in the proposed rule failed to post the tariff at the originating stations, thus making timely protests impossible.

[3] Rule No. 66, regarding c.o.d. shipments, contains additional provisions to the effect that credit will not be extended on the amount of c.o.d.; the amount of c.o.d. is payable in cash; no privilege of examination will be given prior to the collection thereof; no partial collection will be made; and no partial delivery of c.o.d. shipments will be made unless the full amount of the c.o.d. has been collected.

rules on the revised pages of the tariff, including subsequent revisions and reissues thereof, described in Appendix A attached hereto,[1] and rules, regulations, and practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the provision reading "OZ" in Rule No. 56(B)(12) on 13th Revised Page 22-B of Tariff CAB No. 96 issued by Airline Tariff Publishers, Inc., agent, is suspended and its use deferred to and including November 5, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaint of Ozark Kennels, Inc., in Docket 22397 is hereby dismissed except to the extent granted herein;

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

5. Copies of this order shall be filed with the tariffs and served upon Ozark Air Lines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Western Air Lines, Inc., and Ozark Kennels, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-10525; Filed, Aug. 11, 1970; 8:50 a.m.]

CIVIL SERVICE COMMISSION

ASSOCIATE ADMINISTRATOR, HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective July 29, 1970, that there is a manpower shortage for the single position of Associate Administrator, Health Services and Mental Health Administration, Department of Health, Education, and Welfare, Washington, D.C. The appointee may be paid for the expenses of travel and transportation to his post of duty.

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

[F.R. Doc 70-10458; Filed, Aug. 11, 1970; 8:45 a.m.]

[1] Appendix A filed as part of original document.

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Chief Scientist, Office of the Secretary, Office of Assistant Secretary for Systems Development and Technology.

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

[F.R. Doc. 70-10457; Filed, Aug. 11, 1970; 8:45 a.m.]

VETERANS ADMINISTRATION

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service IX (5 CFR 9.20) the Civil Service Commission revokes the authority of the Veterans Administration to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Administrator.

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

[F.R. Doc. 70-10456; Filed, Aug. 11, 1970; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 267]

ALBA CHICAGO, INC., AND ALBA FORWARDING CO., INC.

Cancellation and Reissuance of License

On July 23, 1970, Mr. I. R. Hasson, president of Alba Forwarding Co., Inc. (New York, N.Y.), Alba Chicago Inc. (Ill. Corp.) (Chicago, Ill.), notified the Commission of the termination of operations of Alba Chicago Inc. (Ill. Corp.). This firm has ceased accepting business and has closed down the operation in Chicago, effective August 6, 1970.

The Federal Maritime Commission has reissued Independent Ocean Freight Forwarder License No. 267 in the name of Alba Forwarding Co., Inc. effective August 6, 1970.

It is ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Alba Forwarding Co., Inc., 30 Vesey Street, New York, N.Y. 10007.

JOHN F. GILSON,
Deputy Director, Bureau of Domestic Regulation.

[F.R. Doc. 70-10541; Filed, Aug. 11, 1970; 8:51 a.m.]

[Independent Ocean Freight Forwarder License No. 671]

WALKER SERVICES & CO.

Order of Revocation

On July 27, 1970, Mr. Herbert G. Davy notified the Commission that Walker Services & Co., Herbert G. Davy doing business as, had closed out business effective April 30, 1970.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1 section 6.03:

It is ordered, That the Independent Ocean Freight Forwarder License No. 671 of Walker Services & Co., Herbert G. Davy doing business as, be and is hereby revoked effective April 30, 1970, without prejudice to reapplication for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Walker Services & Co., Herbert G. Davy doing business as, 222 Summer Street, Boston, Mass. 02210.

JOHN F. GILSON,
Deputy Director, Bureau of Domestic Regulation.

[F.R. Doc. 70-10542; Filed, Aug. 11, 1970; 8:51 a.m.]

[Docket No. 70-30; Agreement Nos. 9847, 9848]

U.S./BRAZIL TRADE

Order of Investigation of Revenue Pools

Two agreements providing for the the pooling of revenues on certain cargoes moving southbound in the trade between the United States and Brazil have been filed for approval under section 15, Shipping Act, 1916.

Agreement No. 9847 is between Moore-McCormack Lines, Inc. (a U.S.-flag carrier) as one party, and Companhia de Navegacao Lloyd Brasiliero and Companhia de Navegacao Maritima Netumar S/A (both Brazilian-flag carriers) as the other party. The agreement would establish a revenue pooling and sailing arrangement in the trade from all ports on the Atlantic Coast of the United States to ports on the Coast of Brazil in the Fortaleza/Porto Alegre range, both inclusive.

Agreement No. 9848 is between Delta Steamship Lines, Inc. (a U.S.-flag carrier) as one party, and Lloyd and Navegacao Mercantil S.A. Navem as the other party. The agreement would apportion revenues on all cargoes shipped southbound between all ports or points on the U.S. Coast of the Gulf of Mexico—Brownsville, Tex. to Key West, Fla., inclusive—and all ports of the Brazilian Coast between Recife and Parangua, both inclusive.

The agreements cover both government and commercial cargoes with the exception of certain specified commodities. Insofar as Government cargo is concerned, it is stated that an agreement has been entered into between the Governments of the United States and Brazil

which provides for equal access to such cargoes by the lines of each country. The Commission understands the agreement between the Governments is to continue to operate.

Each agreement was accompanied by a memorandum in support of approval urging expeditious action and citing, together with the long history of turmoil in the trade, a number of conditions presently existing which called for immediate approval.

Notice of these filings was published in the FEDERAL REGISTER, and subsequently protests to the approval of both agreements were received by the Commission.

Norton Line and Ivaran Lines object to any approval of Agreement 9847 on the grounds that the agreement: (1) Will be unjustly discriminatory and unfair as between carriers; (2) will operate to the detriment of the foreign commerce of the United States and be contrary to the public interest; and (3) will subject particular traffic to undue and unreasonable prejudice and disadvantage, all in violation of sections 15 and 16 of the Shipping Act, 1916.

A reply to these protests was filed by Moore-McCormack Lines, Inc.

Northern Pan-American Line objects to the approval of Agreement 9848 on the grounds that the agreement would be unjustly discriminatory and unfair as between carriers, detrimental to the commerce of the United States and contrary to the public interest in violation of section 15, Shipping Act, 1916.

Comments on both agreements were filed by the National Coffee Association, the Green Coffee Association of New York and the Department of Transportation.

A review of the information before the Commission establishes: (1) That the protests require the institution of a proceeding to determine the approvability of Nos. 9847 and 9848 under section 15; (2) that the proceeding instituted must include an evidentiary hearing to resolve disputed questions of fact; (3) that there is a demonstrated need for expeditious treatment of the two agreements; and (4) that both agreements should be tested in the same proceeding since they are to some degree complementary facets of the whole picture in the United States/Brazil trade.

The need for expedition has prompted the Commission to adopt the following procedure:

1. The Commission will preside en banc at the taking of the evidence.

2. A hearing examiner from the Commission's Office of Hearing Examiners will be appointed to assist the Commission in the conduct of the hearing.

3. The examiner will rule on all matters arising during the course of the hearing.

4. The examiner will conduct a prehearing conference at a time to be announced later.

5. There will be no initial or recommended decision issued. The only decision issued in this proceeding will be the final decision of the Commission.

6. In all other respects, and except where inconsistent with the foregoing, the Commission's rules of practice and procedure will govern the conduct of the proceeding.

Therefore, it is ordered, That pursuant to sections 15 and 22 a proceeding is hereby instituted to determine whether Agreement Nos. 9847 and 9848 are unjustly discriminatory or unfair as between carriers, will operate to the detriment of the commerce of the United States or be contrary to the public interest or in violation of the Act within the meaning of section 15, or subject particular traffic to undue and unreasonable prejudice and disadvantage in violation of section 16 of the Shipping Act, 1916.

It is further ordered, That Moore-McCormack Lines, Inc., Delta Steamship Lines, Inc., Companhia de Navegacao Lloyd Brasiliero, Companhia de Navegacao Maritima Netumar S/A and Navegacao Mercantil S.A. Navem are hereby made respondents in this proceeding.

It is further ordered, That Norton Lines, Ivaran Lines, and Northern Pan-American Lines are hereby made petitioners in this proceeding.

It is further ordered, That any person who desires to become a party to this proceeding and participate therein, shall file a petition to intervene in accordance with Rule 5(1), 46 CFR 502.72 of the Commission's rules of practice and procedure.

And it is further ordered, That all future notices issued by or on behalf of the Commission, including the designation of a presiding examiner, the scheduling of a prehearing conference and notice of time and place of hearing shall be mailed to all parties of record.

[SEAL] JOSEPH C. POLKING,
Assistant to the Secretary.

[F.R. Doc. 70-10543; Filed, Aug. 11, 1970; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-4579 etc.]

CITIES SERVICE OIL CO. ET AL.

Findings and Order

AUGUST 4, 1970.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, dismissing application, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, making successors co-respondents, redesignating proceedings, making rate change effective, accepting agreement and undertaking for filing, requiring filing of agreements and undertakings or surety bond, and accepting related rate schedules and supplements for filing.

Each of the applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

L. E. Ostrom (Operator) et al., applicant in Docket No. CI63-906, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Maxwell D. Simmons (Operator) et al., FPC Gas Rate Schedule No. 2. Said rate schedule will be redesignated as that of applicant. On June 4, 1963, Simmons filed with the Commission a notice of change in rate under his FPC Gas Rate Schedule No. 2. By order issued June 20, 1963, in Docket No. RI63-456 et al., the Commission suspended the proposed change in Docket No. RI63-477 until December 5, 1963, and thereafter until made effective. The notice of change was designated as Supplement No. 1 to Simmons' rate schedule. On April 3, 1970, applicant filed a motion to make the change in rate effective subject to refund together with a personal surety bond to assure the refund of any amounts collected by him in excess of the amount determined to be just and reasonable in Docket No. RI63-477. Therefore, applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and the change in rate will be made effective subject to refund. The surety bond is in the form of an agreement and undertaking contemplated by § 154.102 of the regulations under the Natural Gas Act and will be accepted for filing as such.

J. Gregory Merrion (Operator) et al., applicants in Dockets Nos. CI70-898, CI70-901, and CI70-970, propose to continue in part sales of natural gas heretofore authorized in Dockets Nos. G-16006, G-14645, and G-17206, respectively, to be made pursuant to El Paso Products Co., (Operator) et al., FPC Gas Rate Schedule No. 6, El Paso Products Co. FPC Gas Rate Schedule No. 1, and El Paso Products Co. FPC Gas Rate Schedule No. 8, respectively. The contracts comprising said rate schedules will also be accepted for filing as rate schedules of applicants. The presently effective rates under El Paso's FPC Gas Rate Schedules Nos. 1, 6, and 8 are in effect subject to refund in Dockets Nos. RI64-652, RI64-468, and RI64-460 (Dakota Formation sales), respectively. The rate being collected by El Paso under its FPC Gas Rate Schedule No. 1 is subject

to refund because of El Paso's affiliation with the gas purchaser. Inasmuch as the rate is below the guideline for increased rates set forth in § 2.56 of the Commission's general policy and interpretations and applicants are not affiliated with the gas purchaser, applicants will be permitted to collect without any refund obligation the rate heretofore collected by El Paso. The rates being collected by El Paso under its FPC Gas Rate Schedule Nos. 6 and 8 (Dakota Formation sales) exceed the guideline for increased rates. Applicants indicate in their certificate applications in Dockets Nos. CI70–898 and CI70–970 that in addition to the refund obligation required by § 154.92 (d) (3) of the regulations under the Natural Gas Act, they intend to be responsible for the total refunds from the time that the increased rates were made effective subject to refund. Therefore, applicants will be made co-respondents in each of the proceedings pending in Dockets Nos. RI64–460 and RI64–468; said proceedings will be redesignated accordingly; applicants will be required to file an agreement and undertaking in Docket No. RI64–460 and an agreement and undertaking or a surety bond in Docket No. RI64–468 to assure the refunds of all amounts collected by El Paso and applicants in excess of the amounts determined to be just and reasonable in said proceedings from the time that the increased rates were made effective subject to refund with respect to sales from the subject acreage.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies as required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, a petition to intervene by Philadelphia Gas Works Division of UGI Corp. was filed in Docket No. CI69–114, in the matter of the application filed on March 9, 1970, in said docket and a notice of intervention by the Public Service Commission of the State of New York was filed in Docket No. CI70–659, in the matter of the application filed on January 21, 1970, in said docket. The petition to intervene and the notice of intervention have been withdrawn and no other petitions to intervene, notices of intervention, or protests to the granting of any of the applications have been filed.

At a hearing held on July 30, 1970, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the application filed on November 12, 1968, in Docket No. CI69–464 should be dismissed as moot.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered and conditioned.

(7) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(8) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that L. E. Ostrom (Operator) et al., should be made a co-respondent in the proceeding pending in Docket No. RI63–477; that said proceeding should be redesignated accordingly; that the proposed change in rate suspended in said proceeding should be made effective subject to refund; and that the agreement and undertaking submitted by L. E. Ostrom should be accepted for filing.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that J. Gregory Merrion (Operator) et al., should be made co-respondents in each of the proceedings pending in Dockets Nos. RI64–460 and RI64–468; that said proceedings should be redesignated accordingly; that Merrion should be required to file an agreement and undertaking in Docket No. RI64–460; and that Merrion should be required to file an agreement and undertaking or a surety bond in Docket No. RI64–468.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The sale authorized in Docket No. G–18587 shall be made at the rate of 13 cents per Mcf at 14.65 p.s.i.a.

(b) Sales authorized in Dockets Nos. CI61–752, CI69–551 and CI70–956 shall

be made at the rate of 17 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement and subject to B.t.u. adjustment.

(c) Sales authorized in Docket No. CI66–470 shall be made at the rates of 16.015 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement subject to refund in Docket No. RI69–33 for sales attributable to the interest in the Reed A Unit acquired from Humble Oil & Refining Co.; and 16 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement subject to refund in Docket No. RI69–68 for sales attributable to the interest in the Bledsoe Unit acquired from Union Oil Company of California.

(d) Issuance of the certificate authorization in Docket No. CI66–470 shall not be construed as constituting approval of the advance payment provision contained in the November 13, 1969, letter agreement and any such payments shall be subject to future orders of the Commission concerning the propriety of such payments.

(e) Sales authorized in Dockets Nos. CI69–114 and CI70–980 shall be made at the rate of 18.75 cents per Mcf at 15.025 p.s.i.a. Within 30 days from the date of this order applicant in Docket No. CI70–980 shall file three copies of a revised billing statement reflecting such rate as required by the regulations under the Natural Gas Act.

(f) In Docket No. CI69–114 the provision contained in § 8.1(b) of the subject contract providing for a rate increase to an applicable area rate or area settlement rate will only be applicable upon Commission approval of a just and reasonable rate or settlement rate in an applicable area rate proceeding.

(g) The rate for the sale authorized in Docket No. CI70–326 shall be 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement and subject to B.t.u. adjustment.

(h) The initial rate for the sale authorized in Docket No. CI70–659 shall be 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement and subject to B.t.u. adjustment. In the event that the Commission amends its statement of general policy No. 61–1, by adjusting the boundary between the Oklahoma Panhandle area and the Oklahoma "Other" area, so as to increase the initial wellhead price for new gas, applicant thereupon may substitute the new rate reflecting the amount of such increase and thereafter collect the new rate prospectively in lieu of the initial rate herein authorized in said docket.

(i) The initial rate for the sale authorized in Docket No. CI70–834 shall be 17.35 cents per Mcf at 15.025 p.s.i.a. including tax reimbursement.

(j) The initial rate for the sale authorized in Docket No. CI70–928 shall be 17 cents per Mcf at 14.65 p.s.i.a. subject to B.t.u. adjustment as provided for in the contract, subject, however, to applicant's refunding to the buyer with interest at the rate of 7 percent per annum, of any amounts collected from the date of initial delivery in excess of the higher of: (1) The just and reasonable rate finally determined for sales from the subject area or (2) a rate of 15 cents per Mcf at 14.65 p.s.i.a., proportionally adjusted to reflect B.t.u. content of the gas below 1,000 B.t.u.'s per cubic foot measured on a wet basis.

(k) The initial rate for the sale authorized in Docket No. CI70–964 shall be 16 cents per Mcf at 14.65 p.s.i.a. subject to B.t.u. adjustment.

(l) The initial rate for the sale authorized in Docket No. CI70–985 shall be 17 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement, subject to upward and downward B.t.u. adjustment from a base of 1,000 B.t.u.'s per cubic foot.

(m) Issuance of the certificates in Dockets Nos. CI70–928 and CI70–985 shall not be construed as constituting approval of the advance payment provisions of the contracts (Article XIII) and (sections 7 and 8 of Article III), respectively, and any such payments shall be subject to future orders of the Commission concerning the propriety of such payments.

(n) Applicants in Dockets Nos. CI69–114 and CI70–834 shall not require buyers to take-or-pay for an annual quantity of gas well gas which is in excess of an average of 1 Mcf per day for each 7,300 Mcf of determined gas well gas reserves or the specified contract quantities, whichever are the lesser amounts.

(o) Applicant in Docket No. CI70–964 shall not require buyer to take-or-pay for an annual quantity of gas well gas during the first 2 contract years which is in excess of an average of 1 Mcf per day for each 3,650 Mcf of determined gas well gas reserves for the first 2 contract years or the specified contract quantity, whichever is the lesser amount.

(p) Applicants in Dockets Nos. CI70–659, CI70–899, CI70–928, and CI70–985 shall not require buyers to take-or-pay for an annual quantity of gas well gas during the first 2 contract years which is in excess of an average of 1 Mcf per day for each 3,650 Mcf of determined gas well gas reserves and a 1 Mcf per day for each 7,300 Mcf of determined gas reserves thereafter or the specified contract quantities, whichever are the lesser amounts.

(q) The certificates issued in Dockets Nos. CI70–659, CI70–928, and CI70–964 are conditioned upon any determination which may be made in the proceeding pending in Docket No. R–338 with respect to the transportation of liquefiable hydrocarbons.

(E) The application filed on November 12, 1968, in Docket No. CI69–464 is dismissed as moot.

(F) The orders issuing certificates in Dockets Nos. G–4579, G–11911, G–12078, G–18495, CI61–752, CI62–825, CI66–470, CI68–988, CI69–114, CI69–551, and CI70–326 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(G) The order issuing a certificate to Mobil Oil Corp. in Docket No. CI61–187 is amended to include the sales of natural gas heretofore authorized in Dockets Nos. G–11999 and G–12093 to be made pursuant to Mobil's FPC Gas Rate Schedules Nos. 63 and 88, respectively, and the certificates heretofore issued in Dockets Nos. G–11999 and G–12093 are terminated.

(H) The order issuing a certificate in Docket No. CI67–248 is amended by authorizing the gathering and compression of gas for Richard H. Forgey (Operator) et al., and Pan American Petroleum Corp. as described in the tabulation herein.

(I) The orders issuing certificates in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein or existing certificates are amended herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate and/or amendment to add acreage*
G–14645	CI70–901
G–16006	CI70–898
G–17206	CI70–970
CI61–940	CI70–916
CI63–20	CI66–470
CI63–215	CI66–470
CI66–268	CI70–980

(J) The orders issuing certificates in Dockets Nos. G–5412, G–18587, CI63–906, CI64–202, and CI65–612 are amended to reflect the successors in interest as certificate holders.

(K) The order issuing a certificate in Docket No. G–5412 is amended by deleting therefrom authorization to sell natural gas from the J. G. Auvile Lease. The authorization granted in said docket in paragraph (J) above pertains solely to the continuation of the sale heretofore authorized to be made pursuant H. F. Simonton and does not constitute authorization to make sales from the M. L. Clovis Lease.

(L) Permission for and approval of the abandonment of service by applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(M) The certificate heretofore issued in Docket No. G–18936 is terminated.

(N) L. E. Ostrom (Operator) et al., is made a co-respondent in the proceeding pending in Docket No. RI63–477; said proceeding is redesignated accordingly; and the agreement and undertaking submitted by him in said proceeding is accepted for filing. The rates, charges, and classifications set forth in Supplement No. 1 to L. E. Ostrom (Operator) et al., FPC Gas Rate Schedule No. 1 (formerly Maxwell D. Simmons (Operator) et al., FPC Gas Rate Schedule No. 2) shall be effective subject to refund as of April 3, 190. L. E. Ostrom (Operator) et al., shall charge and collect the rate of 14.49 cents per Mcf at 14.65 p.s.i.a. from October 28, 1969, through April 2, 1970, and the rate of 16.56 cents per Mcf at 14.65 p.s.i.a., subject to refund in Docket No. RI63–477, from April 3, 1970. He shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(O) J. Gregory Merrion (Operator) et al., are made co-respondents in each of

the proceedings pending in Dockets Nos. RI64–460 and RI64–468 and said proceedings are redesignated accordingly. They shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(P) Within 30 days from the date of this order, J. Gregory Merrion (Operator) et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI 64–460 to assure the refund of all amounts collected by El Paso Products Co. and J. Gregory Merrion (Operator) et al., together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding from the time that the rate was made effective subject to refund with respect to sales from the acreage assigned to Merrion by El Paso. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(Q) Within 30 days from the date of this order, J. Gregory Merrion (Operator) et al., shall execute, in one of the forms set out below, and shall file in Docket No. RI64–468 with the Secretary of the Commission an acceptable surety bond in the principal amount of $2,200 or an acceptable agreement and undertaking, together with satisfactory financial data, to assure the refund of all amounts collected by El Paso Products Co. and J. Gregory Merrion (Operator) et al., together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding from the time that the rate was made effective subject to refund with respect to sales from acreage assigned to Merrion by El Paso. If a surety bond is filed it should be accompanied by a certificate to the effect that no obligation has been assumed in connection with the bond in addition to the payment of the bond premium. Recent income statements and balance sheets will constitute satisfactory financial data to be considered in support of the filing of an agreement and undertaking. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission the surety bond or agreement and undertaking shall be deemed to have been accepted for filing. The surety bond or agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(R) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

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

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–4579 (CS69–36) D [1]	Cities Service Oil Co.	El Paso Natural Gas Co., Lease No. B–1484, Lea County, N. Mex.	Assignment 4–6–70 [2]	18	18
			Effective date: 2–1–70		
G–4579 (CS69–36) D [1]	do	do	Assignment 4–6–70 [2]	40	14
			Effective date: 2–1–70		
G–5412 E 9–18–69 D 9–18–69	Robert O. Cunnigham (successor to H. F. Simonton).	Consolidated Gas Supply Corp., McKim District, Pleasants County, W. Va.	H. F. Simonton, FPC GRS No. 5	1	
			Supplements Nos. 1–8	1	1–8
			Notice of succession		
			Surrender of lease 12–18–67. [3]	1	9
			Assignment 8–16–68 [4]	1	10
			Effective date: 8–16–68		
G–11911 D 5–18–70	Mobil Oil Corp. (Operator) et al.	El Paso Natural Gas Co. & Pecos Co., Jack Herbert Field, Upton County, Tex.	Notice of partial cancellation 5–15–70 [5 6]	19	11
G–12078 D 5–18–70	do	do	Notice of partial cancellation 5–15–70. [5 6]	104	19
G–18495 D 5–22–69	Mobil Oil Corp	El Paso Natural Gas Co., South Erick Field, Beckham County, Okla.	Notice of partial cancellation 7–17–69. [6 7]	188	6
G–18495 D 9–18–69	do	do	Notice of partial cancellation 9–15–69. [7a]	188	7
			Notice of partial cancellation 9–15–69. [7a]	188	8
			Notice of partial cancellation 9–15–69. [6 7a]	188	9
G–18587 E 5–7–70 [8]	Maynard Oil Co. (successor to estate of Bennett L. Woolley, et al.).	Natural Gas Pipeline Co. of America Boonsville (Bend Conglomerate) Field, Wise County, Tex.	Estate of Bennett L. Woolley, et al., FPC GRS No. 2.	5	
			Supplement No. 1	5	1
			Notice of succession 6–2–70.		
			Amendment 12–1–64	5	2
			Effective date: 6–7–70		
			Assignment 8–26–68	5	3
			Effective date: 8–1–68		
CI61–752 C 5–5–70 as amended 6–10–70	Atlantic Richfield Co. [9]	Michigan Wisconsin Pipe Line Co., acreage in Woodward County, Okla.	Amendatory agreement 3–12–70. [10]	225	16
CI61–187 (G–11999) (G–12093) C 5–18–70 [11]	Mobil Oil Corp	Natural Gas Pipeline Co. of America, Camrick Field, Texas County, Okla.	Letter agreement 4–13–70. [6 11]	12a 244	7
CI62–25 D 5–18–70	Mobil Oil Corp. (Operator) et al.	El Paso Natural Gas Co. Rojo Caballos Field, Pecos County, Tex.	Notice of partial cancellation 5–15–70 [6 12]	312	29
CI63–906 E 3–30–70	L. E. Ostrom (Operator) et al. (successor to Maxwell D. Simmons (Operator) et al.).	Lone Star Gas Co., Danville Field, Rusk County, Tex.	Maxwell D. Simmons (Operator) et al., FPC GRS No. 2.	1	
			Supplement No. 1	1	1
			Notice of succession 3–25–70.		
			Assignment 10–27–69	1	2
			Effective date: 10–28–69		
CI64–202 E 5–18–70	PetroDynamics, Inc. (Operator) et al. (successor to Jas. F. Smith).	Kansas-Nebraska Natural Gas Co., Inc., Dombey Field, Beaver County, Okla.	Jas. F. Smith, FPC GRS No. 10	23	
			Notice of sucession (undated).		
			Supplemental agreement 4–20–64.	23	1
			Effective date: 7–2–68		
CI65–612 E 1–20–70	A. E. Miller and Dudley R. Stanley (Operator) et al. (successor to Don Earney).	El Paso Natural Gas Co., Panhandle Field, Beckham County, Okla. and Wheeler County, Tex.	Don Earney, FPC GRS No. 1.	1	
			Supplements Nos. 1–5	1	1–5
			Notice of Succession 1–14–70.		
			Assignment 10–20–65 [14] (The Josie ReLummbus, et al. Lease.)	1	6
			Assignment 10–20–65 [14] (The Ada L. Risk Lease.)	1	7
			Assignment 11–12–65 [15]	1	8
			Assignment 11–12–65 [15]	1	9
			Assignment 4–20–67 [16] (Acreage on Oklahoma.)	1	10
			Assignment 4–20–67 [16] (Acreage in Texas.)	1	11
			Assignment 4–20–67 [15]	1	12
			Assignment 4–20–67 [17]	1	13
			Assignment 4–21–67 [16]	1	14
			Assignment 4–21–67 [15]	1	15
			Assignment 4–21–67 [17]	1	16
			Assignment 12–5–69 [18] (Acreage in Oklahoma.)	1	17
			Assignment 12–5–69 [18] (Acreage in Texas.)	1	18
CI66–470 (CI63–215) (CI63–20) C 1–16–70	Sun Oil Co. (Operator) et al.	Arkansas Louisiana Gas Co., Arkoma Area, Le Flore County, Okla.	Letter agreement 9–24–69. [19]	435	16
			Letter agreement 11–13–69. [20]	435	17
			Compliance 5–4–70 [10 21]	435	18

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

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI67-248 12-29-69 [22]	Beacon Gasoline Co.	Richard H. Forgey (Operator), et al., acreage in Webster Parish, La.	Contract 11-11-69 [22a]	18	
			Agreement 11-10-69	18	1
CI67-248 12-29-69 [22]	do	do	Contract 11-12-69 [22a]	19	
			Agreement 11-12-69	19	1
CI67-248 3-13-70 [23]	do	Pan American Petroleum Corp., North Shongaloo-Red Rock Field, Webster Parish, La.	Amendment 2-26-70 [22b]	15	3
CI68-988 C 5-14-70	Tony Snider, et al., d.b.a. Stout Gas Co.	United Fuel Gas Co., acreage in Gilmer County, W. Va.	Amendatory agreement 4-13-70.[10]	1	1
CI69-114 C 3-9-70	Pan American Petroleum Corp.	Texas Gas Transmission Corp., North Shongaloo-Red Rock Field, Webster Parish, La.	Amendment 2-26-70	516	2
			Compliance 5-8-70 [10 28]	516	3
CI69-464 B 4-27-70 [24]	Carl W. McKinley	Consolidated Gas Supply Corp., Clark District, Harrison County, W. Va.	([6 25])		
CI69-551 C 5-13-70	Jones & Pellow Oil Co.[26]	Michigan Wisconsin Pipe Line Co., Northeast Cedardale Field, Woodward County, Okla.	Amendatory agreement 4-17-70.	8	5
CI70-326 C 5-18-70	Lone Star Producing Co. (Operator) et al.[27]	Texas Eastern Transmission Corp., Whelan Field, Harrison County, Tex.	Letter agreement 1-27-70.[10]	90	3
CI70-659 A 1-21-70	Amerada Hess Corp.	Ni-Gas Supply, Inc., Elk City Area, Beckham County, Okla.	Contract 1-19-70	158	
			Compliance 5-5-70 [12 28]	158	1
CI70-834 A 3-11-70	Richard H. Forgey (Operator) et al.	Texas Gas Transmission Corp., Welcome Field, Columbia County, Ark.	Contract 2-25-70	2	
			Compliance 5-26-70 [10 29]	2	1
CI70-898 (G-16006) F 3-31-70	J. Gregory Merrion (Operator) et al. (successor to El Paso Products Co. (Operator) et al.)	El Paso Natural Gas Co., Bisti Field, San Juan County, N. Mex.	Contract 5-2-58 [30]	11	
			Agreement 6-10-69	11	1
			Assignment 11-20-69 [31]	11	2
			Assignment 11-20-69 [31]	11	3
			Effective date: 11-1-69		
CI70-899 A 4-3-70	Shenandoah Oil Corp. (Operator) et al.	Northern Natural Gas Co., acreage in Beaver County, Okla.	Contract 1-30-70	11	
			Compliance 4-29-70 [10 32]	11	1
CI70-901 (G-14645) F 3-30-70 as amended 4-20-70 [33]	J. Gregory Merrion (Operator) et al. (successor to El Paso Products Co.).	El Paso Natural Gas Co., Hospah (Gallup) Formation, San Juan County, N. Mex.	Contract 12-30-57 [34]	12	
			Contract 5-2-58 [35]	12	1
			Letter Agreement 7-5-60	12	2
			Letter Agreement 4-20-61	12	3
			Letter Agreement 11-6-63	12	4
			Letter Agreement 1-25-68	12	5
			Assignment 11-20-69 [31]	12	6
			Effective date: 11-1-69		
CI70-916 (CI61-940) F 4-6-70	White Shield Oil & Gas Corp. (successor to Transwestern Production Co.).	El Paso Natural Gas Co., Ingham Field, Crockett County, Tex.	Ratified 5-20-70 [36]	21	
			Contract 11-9-60	21	1
			Supplemental Agreement 3-21-61.	21	2
			Supplemental Agreement 12-13-61.	21	3
			Supplemental Agreement 3-5-62.	21	4
			Assignment 4-15-69 [37]	21	5
			Effective date: 1-1-69		
CI70-928 A 4-10-70	Shell Oil Co.	Panhandle Eastern Pipe Line Co., Buffalo Wallow Field, Hemphill County, Tex.	Contract 4-1-70	380	
			Compliance 6-9-70 [10 38]	380	1
CI70-956 A 4-20-70	Creslenn Oil Co. (Operator), et al.	Michigan Wisconsin Pipe Line Co., Woodward Area, Woodward County, Okla.	Contract 2-26-70	16	
			Compliance 5-20-70 [10 39]	16	1
CI70-964 A 4-22-70	Mana Resources, Inc. (Operator), et al.	Panhandle Eastern Pipe Line Co., Kismet Field, Seward County, Kans.	Contract 2-25-70	1	
			Compliance 5-22-70 [10 40]	1	1
CI70-970 (G-17206) F 4-20-70	J. Gregory Merrion (Operator), et al. (successor to El Paso Products Co.).	El Paso Natural Gas Co., Basin Dakota and Gallup Fields, San Juan County, N. Mex.	Contract 1-2-59 [41]	13	
			Letter agreement 6-1-64 [42]	13	1
			Agreement 10-1-68	13	2
			Assignment 11-20-69 [31]	13	3
			Assignment 11-20-69 [31]	13	4
			Effective date: 11-1-69		
CI70-980 (CI66-268) F 4-27-70 [43]	Hassie Hunt Trust (Operator) et al., (successor to Crystal Oil Co.).	Texas Eastern Transmission Corp., Northeast Lisbon Field, Claiborne Parish, La.	Contract 9-15-65 [44]	39	
			Assignment 12-15-69 [45]	39	1
			Amendment 1-26-70 [46]	39	2
			Ratified 3-6-70 [10 47]	39	3
CI70-985 A 4-30-70	Eason Oil Co.	Northern Natural Gas Co., West Sharon Field, Woodward County, Okla.	Contract 4-3-70	27	
			Compliance 5-25-70 [10 48]	27	1
CI70-1009 (G-18936) B 5-11-70	Lone Star Producing Co.	Transcontinental Gas Pipe Line Corp., Oakville Field, Live Oak County, Tex.	Notice of cancellation 5-7-70.[5 6]	67	14
CI70-1004 A 5-11-70	W. L. Heeter et al., d.b.a. Heeter-Vandergrift.	Consolidated Gas Supply Corp., Washington District, Calhoun County, W. Va.	Contract 2-20-70 [10]	5	
CI70-1011 A 5-12-70	Troy A. Brady, Jr.	Equitable Gas Co., Meade District, Upshur County, W. Va.	Contract 9-9-69 [10]	3	

See footnotes at end of table.

[1] No certificate filing made or necessary, however, the order issuing a certificate in Docket No. G-4579 will be amended to reflect the transfer of interest to the small producer.

[2] Reflects transfer of acreage to Jack Huff and Lewis B. Burleson, d.b.a. Burleson & Huff who have a small producer certificate in Docket No. CS69-36.

[3] Applicant requests deletion of the J. G. Auvile Lease due to the surrender of such lease by Simonton.

[4] Applicant's request to include the previously undedicated M. L. Clovis, et al. Lease is being held in abeyance pending submittal of an agreement with the purchaser to add such acreage to the contract.

[5] Source of gas depleted.

[6] Effective date: Date of this order.

[7] By letter dated Aug. 27, 1969, Applicant states that buyer paid $250 for 18,000 Mcf of remaining reserves (1.388 cents per Mcf). Lease dated Apr. 1, 1969, between applicant and buyer also submitted.

[7a] Filings include lease agreements dated May 1, 1969, transferring Leases S-561-F, S-561-G, and S-561-H (Supps. Nos. 7, 8, and 9, respectively) to El Paso. None of the leases has been acquired by Mobil from El Paso. By letter dated June 8, 1970, Applicant states that El Paso paid aggregate of $56 for 38,000 Mcf of remaining reserves (approximately 0.15 cent per Mcf).

[8] Applicant's proposed rate is 17.3138 cents. By letter dated June 2, 1970, Applicant states willingness to accept the predecessor's effective rate of 13 cents per Mcf.

[9] Contract rate is 22 cents plus tax reimbursement and subject to B.t.u. adjustment. Applicant states willingness to accept permanent authorization for the additional acreage conditioned to an initial rate of 17 cents including tax reimbursement and subject to B.t.u. adjustment.

[10] Effective date: Date of initial delivery (applicant shall advise the Commission as to such date).

[11] Applicant requests authorization in Docket No. CI61-187 to continue sales formerly made under its certificates issued in Dockets Nos. G-11999 and G-12093. The certificates heretofore issued in the latter dockets will be terminated.

[12] Cancels contracts dated Mar. 15, 1956 (FPC GRS No. 63) and Mar. 21, 1957 (FPC GRS No. 88) and amends contract dated Jan. 29, 1960 (FPC GRS No. 244) by adding thereto acreage previously dedicated under the 1956 and 1957 contracts subject to the conditions that the depth limitation in the 1960 contract shall not be applicable to reserves previously dedicated under the canceled contracts and that buyer's right, under terms of the prior contracts, to commingle gas purchased from others in the field shall not be abrogated by the cancellation of such contracts (except for the above conditions, the three contracts involved herein have substantially similar terms).

[12a] Supersedes Mobil's FPC GRS Nos. 63 and 88, as supplemented.

[13] Includes letter dated May 5, 1970, notifying buyer that leases have been canceled. Service never commenced thereunder.

[14] Assigns acreage from Don Earney to applicants.

[15] Assigns acreage to A. E. Miller, Jr.

[16] Assigns acreage to Dudley R. Stanley.

[17] Assigns acreage to G. C. Barton.

[18] From Ruby Lee Earney to applicants.

[19] Applies to Bledsoe Unit. Acreage was acquired from Union Oil Co. of California, subject to Union's FPC GRS No. 147.

[20] Applies to Reed "A" Unit. Part of the unit acquired from Humble subject to Humble Oil & Refining Co. (Operator) et al., FPC GRS No. 337. The remainder constitutes an initial dedication of acreage.

[21] Accepts conditioned temporary certificate issued Apr. 16, 1970. Applicant states willingness to accept permanent authorization under the same conditions imposed in the temporary certificate.

[22] Applicant will gather the subject gas, process and compress the gas in its Webster Parish Plant and deliver such gas to Texas Gas Transmission Corp.

[22a] Between Beacon Gasoline Co. and Richard H. Forgey's sale to Texas Gas Transmission Corp. authorized in Docket No. CI70-834.

[25] The gas will be processed and compressed at applicant's plant in Webster Parish and delivered to Texas Gas Transmission Corp. under Pan American Petroleum Corp's. FPC GRS No. 516.
[26] Accepts conditioned temporary certificate issued Apr. 16, 1970. Applicant states willingness to accept permanent authorization under he same conditions imposed in the temporary certificate.
[27] No certificate was issued in Docket No. CI69-464, therefore, the abandonment will be permitted in Docket No. CI69-464 and the certificate application filed in said docket on Nov. 12, 1968 will be dismissed as moot.
[28] Production of gas no longer economically feasible.
[29] Contract rate is 19.5 cents per Mcf plus 1.015-cent tax reimbursement subject to B.t.u. adjustment, however, applicant has expressed willingness to accept permanent authorization conditioned to the area initial rate of 17 cents per Mcf subject to B.t.u. adjustment.
[30] Contract provides for rate of 17.5 cents per Mcf, however, applicant has expressed willingness to accept permanent authorization conditioned to the area initial rate of 15 cents per Mcf subject to B.t.u. adjustment.
[31] Complies with temporary certificate issued Apr. 6, 1970. Applicant states willingness to accept a permanent certificate under the same conditions imposed in the temporary certificate.
[32] Complies with temporary certificate issued May 22, 1970. Applicant states willingness to accept a permanent certificate under the same conditions imposed in the temporary certificate.
[33] On file as El Paso Products Co. (Operator) et al., FPC GRS No. 6.
[34] From El Paso Products Co. to Merrion, et al. Products is a wholly owned subsidiary of El Paso Natural Gas Co.
[35] Complies with temporary certificate issued Apr. 27, 1970. By letter dated June 1, 1970, applicant states willingness to accept a permanent certificate under the same conditions imposed in the temporary certificate.
[36] By letter dated Apr. 20, 1970, applicant amended its application to provide for a rate of 12.0495 cents in lieu of 13.0495 cents.
[37] On file as El Paso Products Co. FPC GRS No. 1.
[38] On file as El Paso Products Co. (Operator) et al., FPC GRS No. 6.
[39] Ratifies contract dated Nov. 9, 1960, between Cricket Oil Co. and El Paso Natural Gas Co.; on file as Gerald J. McDermott et al., by Cricket Oil Co., Agent FPC GRS No. 2.
[40] From Transwestern Production Co., a nonsignatory party, to White Shield Oil & Gas Corp.
[41] Accepts conditioned temporary certificate issued May 22, 1970. Compliance filed June 11, 1970 and completed by revised billing statement filed on June 29, 1970. Applicant states willingness to accept a permanent certificate under the same conditions imposed in the temporary certificate.
[42] Complies with temporary certificate issued May 15, 1970. Applicant states willingness to accept a permanent certificate under the same conditions imposed in the temporary certificate.
[43] Complies with temporary certificate issued May 15, 1970. Applicant states willingness to accept a permanent certificate under the same conditions imposed in the temporary certificate.
[44] On file as El Paso Products Co. FPC GRS No. 8.
[45] Pertains to Gallup Formation sales only.
[46] Proposed rate is 19 cents, but the effective rate is 18.75 cents for the predecessor's sale. By letter dated June 9, 1970, applicant expressed willingness to accept a permanent certificate at the predecessor's rate of 18.75 cents.
[47] Between Crystal Oil & Land Co. (now Crystal Oil Co.) and the purchaser. Also on file as Crystal's FPC GRS No. 14.
[48] Conveys acreage from Crystal Oil & Land Co. to Hassie Hunt Trust and T. L. James & Co., Inc.
[49] Reflects renegotiated rates applicable to newly discovered zones of production.
[50] Agreement by which applicant adopts terms of Sept. 15, 1965 contract as amended.
[51] Accepts conditioned temporary certificate issued May 22, 1970. Applicant states willingness to accept a permanent certificate under the same conditions imposed in the temporary certificate.

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent: ----------)

Docket No. ------

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ------, and has caused this agreement and undertaking to be executed and sealed in its name by a duly authorized officer this ------ day of ---------- 19--.

(Name of Respondent)
By ----------
Attest:

Suggested surety bond form:

SURETY BOND

Know All Men by These Presents:

That we (Name and address of the natural gas company) (hereinafter called "Principal") as Principal, and (Name and address and place of incorporation of Surety Bond Company) (hereinafter called "Surety"), as Surety, are held and firmly bound unto the Federal Power Commission (Agency of the United States of America) (hereinafter called the "Obligee") in the sum of (Amount of proposed annual increased rates in dollars) for the payment of which well and truly to be made, we, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

The condition of this obligation is such that:

Whereas, (Name of Respondent), on (Date of Original Filing), filed with the Federal Power Commission (herein called the Commission) Supplement No. ------ to Respondent's FPC Gas Rate Schedule No. ------, proposing to increase a rate and charge over which the Commission has exercised jurisdiction; and

Whereas, by order issued (suspension order issuance date), the Commission suspended the operation of the proposed supplement and ordered a hearing to be held concerning the lawfulness of the proposed rate, charge, and classification, subject to the Commission's jurisdiction, as therein set forth; and by said order the use of such supplement was deferred until (Suspended until date), and until such further time as it is made effective in the manner prescribed by the Natural Gas Act; and

Whereas, a hearing has not been held and this proceeding has not been concluded; and (Name of Respondent), pursuant to the provisions of section 4(e) of the Natural Gas Act, having on (Date motion filed), filed a motion to make the change in rate effective as of (Requested effective date); and

Whereas, the Commission, in response to said motion, on (Date of notice), issued its notice making the rate, charge, and classification set forth in the aforesaid Supplement No. ------ to Respondent's FPC Gas Rate Schedule No. ------, effective as of (Effective date), subject to Respondent's furnishing a bond in the sum of $ ------, satisfactory to the Commission, and requiring that Respondent refund any portion of the increased rate and charge found by the Commission in Docket No. ------ not justified;

Now, therefore, if (Name of Respondent), its corporate surety (and their heirs, executors, administrators [1]) successors and assigns, in conformity with the terms and conditions of the notice issued (Date of notice) by the Federal Power Commission, Docket No. ------ (Name of respondent), shall:

(1) Well and truly repay at such times and in such amounts, to the persons entitled thereto, and in such manner as may be required by the final order of the Commission in said proceeding, subject to court review thereof, any portion of such rate and charge collected by (Name of Respondent) after (Effective date) as such final order may find not justified, together with interest thereon at the rate of seven (7) percent per annum from the date of payment thereof to (Name of Respondent) until refunded; and

(2) Comply otherwise with the terms and conditions of the notice issued (Date) in Docket No. ------, and with the provisions of the Natural Gas Act relating thereto,

then this obligation shall be terminated, otherwise to remain in full force and effect.

In witness whereof, the parties hereto have placed their hands and seals on this ------ day of ----------.
Attest:

By ----------
(Principal)
By ----------
(Surety)

[1] To be included if a non-corporate respondent.

[F.R. Doc. 70-10394; Filed, Aug. 11, 1970; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIRST FINANCIAL CORP.

Order Denying Application for Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Financial Corp., Tampa, Fla., for approval of acquisition of not less than 80 percent of the voting shares of Bank of Clearwater, Clearwater, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of First Financial Corp., Tampa, Fla. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of not less than 80 percent of the voting shares of Bank of Clearwater, Clearwater, Fla.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking for the State of Florida and requested his views and recommendation. The Deputy Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 2, 1970 (35 F.R. 8521) providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement [1] of

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

this date, that said application be and hereby is denied.

By order of the Board of Governors, August 6, 1970.[2]

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-10507; Filed, Aug. 11, 1970; 8:49 a.m.]

SOUTHEAST BANCORPORATION, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Southeast Bancorporation, Inc., which is a bank holding company located in Miami, Fla., for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of The Bank of Hollywood Hills, Hollywood, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

By order of the Board of Governors, August 6, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-10508; Filed, Aug. 11, 1970; 8:49 a.m.]

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, and Maisel. Absent and not voting: Governors Brimmer and Sherrill.

SOUTHEAST BANCORPORATION, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Southeast Bancorporation, Inc., which is a bank holding company located in Miami, Fla., for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of Hollywood Bank and Trust Company, Hollywood, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

By order of the Board of Governors, August 6, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-10509; Filed, Aug. 11, 1970; 8:49 a.m.]

SOUTHEAST BANCORPORATION, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Southeast Bancorporation, Inc., which is a bank holding company located in Miami, Fla., for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of The Bank of Miramar, Miramar, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

By order of the Board of Governors, August 6, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-10510; Filed, Aug. 11, 1970; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 783]

TEXAS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of August 1970 because of the effects of Hurricane Celia, damage resulted to residences and business property located in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1)

of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property situated in all areas affected in the aforesaid State, suffered damage or destruction resulting from floods, windstorm, and fires occurring on August 3 and August 4, 1970.

OFFICES

Lower Rio Grande Valley District Office, 219 East Jackson Street, Harlingen, Tex. 78550.
Houston, Tex., District Office, 808 Travis Street, Houston, Tex. 77002.

2. Temporary offices will be established at such areas as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1971.

Dated: August 4, 1970.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 70-10512; Filed, Aug. 11, 1970; 8:49 a.m.]

[Delegation of Authority No. 30-H (Region II)]

REGIONAL DIVISION CHIEFS ET AL.

Delegation of Authority To Conduct Program Activities in Region II

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30-H, 35 F.R. 11603 published in the FEDERAL REGISTER on July 18, 1970, the following authority is hereby redelegated to the positions as indicated herein:

I. *Regional Division Chiefs, Regional Counsel, and Staffs—A. Chief and Assistant Chief, Financing Division.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic oppportunity loans not exceeding $25,000 (SBA share).

2. a. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster or home loans, except for funds to refinance prior liens or mortgage, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $350,000 on disaster business loans (excluding displaced business loans), except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to $500,000 and to decline them in any amount.

b. To approve displaced business loans up to $350,000 (SBA share) and to decline them in any amount.

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator
By ----------
(Name)
Title of person signing.

5. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

**8. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

9. Size determinations for financing only: To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

10. Eligibility determinations for financing only: To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and community economic development programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

B. *Supervisory Loan Officers (Financing Division).* 1. To approve or decline business, disaster, and displaced business loans not exceeding $50,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

3. To execute loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
Title of person signing.

4. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

5. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

6. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

C. *Loan Officer (Financing Division).* 1. To approve minor modifications in the authorization.

2. To extend the disbursement period.

D. *Chief, Community Economic Development Division.* 1. To approve or decline section 501 State development company loans and section 502 local development company loans up to $350,000 (SBA share) when project cost does not exceed $1,000,000, provided the chief concurs in at least one prior recommendation.

2. To extend the disbursement on sections 501 and 502 loan authorizations or fully undisbursed sections 501 and 502 loans.

3. To execute sections 501 and 502 loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
Chief, Community Economic Development Division.

4. To cancel, reinstate, modify, and amend authorizations for fully undisbursed sections 501 and 502 loans.

5. To enter into section 502 loan participation agreements with banks.

6. To approve or decline applications for the direct guarantee of the payment of rent not to exceed $500,000.

7. To issue and modify commitment letters, said issuance to read as follows:

(Name), Administrator,
By ----------
(Name)
Chief, Community Economic Development Division.

8. To disburse approved EDA loans, as authorized.

9. Eligibility determinations for financing only: To determine eligibility of applicants for assistance under the sections 501 and 502 programs of the Agency in accordance with Small Business Administration standards and policies.

10. Size determinations for financing only: To make initial size determinations in all sections 501 and 502 loans within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for sections 501 and 502 loans only. Product classification decisions for procurement purposes are made by contracting officers.

E. *Economic Development Specialists (Community Economic Development).* 1. To extend the disbursement period on fully undisbursed sections 501 and 502 loans.

2. To cancel, reinstate, modify, and amend authorizations for fully undisbursed sections 501 and 502 loans.

3. To enter into section 502 loan participation agreements with banks.

4. To disburse approved EDA loans, as authorized.

F. *Chief and Assistant Chief, Loan Administration Division.* 1. To take all necessary actions in connection with the

administration, servicing, collection, and liquidation of all loans, exclusive of litigated matters, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, tra transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of litigated matters, and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the region, approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guarantees.

G. *Supervisory Loan Officer (Loan Administration Division).* 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of litigated matters, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special waranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) to compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to authorize the liquidation of a loan; and (4) the cancellation of authority to liquidate.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of litigated matters, and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the region, approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guarantees.

H. *Loan Officer (Loan Administration Division).* 1. To approve the following actions concerning all current direct and participation loans and First Mortgage Plan 502 loans.

a. Use of such portions of the cash surrender value of assigned life insurance as are required to pay premiums due on the policy.

b. Release of dividends on assigned life insurance or consent to application of dividends against premiums due or to become due.

c. Minor modifications in the authorizations.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorsement of such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

I. *Region Claims Review Committee.* To consist of the Chief, Loan Administration Division, acting as chairman; Regional Counsel; and Chief, Financing Division, who will meet and consider reasonable and properly supported compromise proposals of indebtedness owed to the Agency and to take final action on such proposals provided such action represents the majority recommendation of the committee on claims not in excess of $5,000 (including CPC advances but excluding interest), or represents the unanimous recommendations of said committee on claims in excess of $5,000 but not exceeding $100,000 (including CPC advances but excluding interest).

J. *Chief, Procurement and Management Assistance Division.* [Reserved].

K. *Regional Counsel.* 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all litigated matters.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all litigated matters.

c. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

5. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects when and as authorized by EDA.

L. *Regional Attorneys.* 1. To close and disburse approved SBA loans and rehibilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, with the exception of the following, which are reserved to the regional counsel:

a. The assignment, endorsement, transfer and delivery of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all litigated matters.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all litigated matters.

5. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects, when and as authorized by EDA.

M. *Chief, Administrative Division.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and; (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

N. *Office Services Manager or Office Services Assistant.* 1. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

2. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. *District Directors*—A. *Financing Program.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. a. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $350,000 on disaster business loans (excluding displaced business loans), except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to $500,000 and to decline them in any amount.

b. To approve or decline displaced business loans up to $350,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,

By ----------
(Name)
District Director,
(City)

5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

**8. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

9. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

B. *Community Economic Development Program.* **1. To approve or decline section 501 State development company loans and section 502 local development company loans up to $350,000 (SBA share) when project cost does not exceed $700,000, provided the district director concurs in at least one prior recommendation.

2. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

3. To execute sections 501 and 502 loan authorizations for Central Office and regional approved loans and for loans approved under delegated authority, said execution to read, as follows:

(Name), Administrator,

By ----------
(Name)
District Director,
(City)

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To enter into section 502 loan participation agreements with banks.

6. To approve or decline applications for the direct guarantee of the payment of rent not to exceed $500,000.

7. To issue and modify commitment letters, said issuance to read as follows:

(Name), Administrator,

By ----------
(Name)
District Director,
(City)

8. To disburse approved EDA loans, as authorized.

C. *Loan Administration Program.* 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of litigated matters, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or for lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignment, subordinations, releases (in whole or part) or liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence

of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of litigated matters, and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the district approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guarantees.

D. *Procurement and Management Assistance Program.* [Reserved]

E. *Administrative.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and; (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

F. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC program, in accordance with Small Business Administration standards and policies.

G. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

H. *Legal services.* 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all litigated matters.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all litigated matters.

c. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

5. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects, when and as authorized by EDA.

III. *District Division Chiefs, District Counsel and Staffs.*—A. *Chief, Financing Division.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. a. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $350,000 on disaster business loans (excluding displaced business loans), except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to $350,000 and to decline them in any amount.

b. To approve or decline displaced business loans up to $350,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office, regional, and district approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,

By _____
(Name)
Title of person signing.

5. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. Size determinations for financing only: To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

9. Eligibility determinations for financing only: To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and community economic development programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

B. *Supervisory Loan Officer (Financing Division), if assigned.* 1. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

2. To execute loan authorizations for Central Office, regional, and district approved loans, said execution to read as follows:

(Name), Administrator,

By _____
(Name)
Title of person signing.

3. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

4. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

5. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

C. *Loan Officer (Financing Division).* 1. To approve minor modifications in the authorization.

2. To extend the disbursement period.

D. *Chief, Community Economic Development Division.* 1. To extend the disbursement period on sections 501 and 502 loan authorizations or fully undisbursed sections 501 and 502 loans.

2. To execute sections 501 and 502 loan authorizations for Central Office, regional, and district approved loans, said execution to read, as follows:

(Name), Administrator,

By ----------
(Name)
Chief, Community Economic Development Division.

3. To cancel, reinstate, modify, and amend authorizations for fully undisbursed sections 501 and 502 loans.

4. To enter into section 502 loan participation agreements with banks.

5. To issue and modify commitment letters, said issuance to read, as follows:

(Name), Administrator,

By ----------
(Name)
Chief, Community Economic Development Division.

6. To disburse approved EDA loans, as authorized.

E. *Economic Development Specialist (Community Economic Development).* 1. To extend the disbursement period on fully undisbursed sections 501 and 502 loans.

2. To cancel, reinstate, modify, and amend authorizations for fully undisbursed sections 501 and 502 loans.

3. To enter into section 502 loan participation agreement with banks.

4. To disburse approved EDA loans, as authorized.

F. *Chief, Loan Administration Division.* 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to authorize the liquidation of a loan; and (4) the cancellation of authority to liquidate.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of litigated matters, and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the district approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guarantees.

G. *Supervisory Loan Officer (Loan Administration Division), if assigned.* 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of litigated matters, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to authorize the liquidation of a loan; and (4) the cancellation of authority to liquidate.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of litigated matters, and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the district, approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guarantees.

H. *Loan Officer (Loan Administration Division).* 1. To approve the following actions concerning all current direct and participation loans and First Mortgage Plan 502 loans:

a. Use of such portions of the cash surrender value of assigned life insurance as are required to pay premiums due on the policy.

b. Release of dividends on assigned life insurance or consent to application of dividends against premiums due or to become due.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorsement of such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

I. *Chief, Procurement and Management Assistance Division.* [Reserved]

J. *District Counsel.* 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with litigated matters, loans classified as in litigation; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator as to all litigated matters.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens,

satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all litigated matters.

c. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to authorize the liquidation of a loan; and (4) the cancellation of authority to liquidate.

5. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects when and as authorized by EDA.

K. *District Attorneys.* 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

4. To conduct all litigation activities including SBIC matters, as assigned, and to take all action necessary in connection with litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, with the exception of the following, which are reserved to the district counsel:

a. The assignment, endorsement, transfer and delivery of notes, claims, bonds, debentures, mortagages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all litigated matters.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all litigated matters.

5. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects when and as authorized by EDA.

L. *Chief, Administrative Division.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and; (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

M. *Office Services Manager or Office Services Assistant.* 1. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

2. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

IV. *Branch Manager.* [Reserved]

V. The specific authority delegated herein, indicated by double asterisk (**), cannot be redelegated.

VI. The authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

Effective date: June 29, 1970.

CARLOS A. VILLAMIL,
Regional Director, Region II.

[F.R. Doc. 70-10513; Filed, Aug. 11, 1970; 8:49 a.m.]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

IMPLEMENTATION OF EXECUTIVE ORDER 11246 IN LOS ANGELES AREA

Notice of Public Hearing

Notice is hereby given that, pursuant to the authority of section 208(a) of Executive Order 11246 (30 F.R. 12319), a public hearing will be held by the Department of Labor on Thursday and Friday, September 3 and 4, 1970, in Room 517, Federal Court House, 312 North Spring Street, Los Angeles, Calif. 90012 for the purpose of obtaining information to be used by the Department in implementing the requirements and objectives of Executive Order 11246 regarding Federally-involved construction in the Los Angeles area for asbestos workers, sheet metal workers and electricians. The hearing will begin at 9 a.m. on Thursday, September 3, 1970. All interested persons are encouraged to present their views before the Hearing Panel.

Executive Order 11246 prohibits discrimination by Federal contractors and subcontractors against any employee or applicant for employment because of race, color, religion, sex, or national origin, and further requires that the contractor or subcontractor take affirmative action to ensure equal employment opportunity. Section 201 of the Executive order delegates to the Secretary of Labor the responsibility for implementing its requirements concerning Federally-involved construction.

It has been the position of the Department that the objectives of Executive Order 11246 can be implemented most successfully through voluntary, area-wide agreements between contractors, unions and local organizations interested in furthering equal employment opportunity which are designed to increase the utilization of the minority workforce in the skilled construction trades in a particular area. However, if a voluntary agreement cannot be reached, the Department, in order to carry out its responsibilities under the Executive order, must itself take steps to ensure that the mandate of Executive Order 11246 is carried out. Therefore, because a voluntary agreement has not been reached by contractors and unions in the Los Angeles area with respect to asbestos workers, sheet metal workers and electricians, the Department deems is necessary at this time to gather further information concerning the employment situation in these three trades to aid it in determining what action should be taken to ensure that its responsibilities under Executive Order 11246 are carried out.

The Department recognizes that circumstances and problems in the field of equal employment opportunity vary from one area of the country to another, and that those living and working in a specific area are in a unique position to assist the Department with information as to the most effective way to implement the Executive order. Therefore, all persons having information which would be of use to the Department in determining how best to implement the requirements of the Executive order are encouraged to present their views before the panel. The Department is particularly desirous of obtaining information on the following points:

(1) The current extent of minority group participation in each construction trade.

(2) Present employee recruitment methods, including union involvement in the recruitment and referral process.

(3) The availability of qualified and qualifiable minority group persons for employment in the construction industry.

(4) An evaluation of existing training programs in the areas and the extent of minority involvement in them.

(5) The number of additional workers that can be absorbed into each trade without displacing present employees.

Persons desiring to appear before the panel should notify the Office of Federal Contract Compliance Area Coordinator, Mr. James Warren, 1003 Federal Office Building, 450 Golden Gate Avenue, San Francisco, Calif. (phone (415) 556-6017) of their intentions as soon as possible in order to ensure that they will have an opportunity to be heard. Persons desiring to present written statements concerning this matter should file them with Mr. Warren not later than August 24, 1970.

Copies of Executive Order 11246 can be obtained from the Office of Federal Contract Compliance, Department of Labor, 14th and Constitution Avenue NW., Washington, D.C. 20210, or from the Office of Federal Contract Compliance Area Coordinator in San Francisco.

Signed at Washington, D.C., this 7th day of August 1970.

JOHN L. WILKS,
Director, Office of Federal Contract Compliance.

[F.R. Doc. 70-10500; Filed, Aug. 11, 1970; 8:48 a.m.]

IMPLEMENTATION OF EXECUTIVE ORDER 11246 IN ST. LOUIS AREA

Notice of Public Hearing

Notice is hereby given that, pursuant to the authority of section 208(a) of Executive Order 11246 (30 F.R. 12319), a public hearing will be held by the Department of Labor on Monday, August 31, and Tuesday, September 1, 1970, in the Federal Building, Room 1612, 1520 Market Street, St. Louis, Mo., for the purpose of obtaining information to be used by the Department in implementing the requirements and objectives of Executive Order 11246 regarding federally involved construction in the St. Louis area for the following 11 construction trades: Asbestos workers, boiler makers, bricklayers, electrical workers, elevator constructors, glaziers, iron workers, painters, pipe fitters, plumbers and terrazzo workers. All interested persons are encouraged to present their views before the Hearing Panel.

Executive Order 11246 prohibits discrimination by Federal contractors and subcontractors against any employee or applicant for employment because of race, color, religion, sex, or national origin, and further requires contractors and subcontractors to take affirmative action to ensure equal employment opportunity. Section 201 of the Executive order delegates to the Secretary of Labor the responsibility for implementing its requirements concerning federally involved construction.

It has been the position of the Department that the objectives of Executive Order 11246 can be implemented most successfully through voluntary, area-wide agreements between contractors, unions, and local organizations interested in furthering equal employment opportunity which are designed to increase the utilization of the minority workforce in the skilled construction trades in a particular area. However, if a voluntary agreement cannot be reached, the Department, in order to carry out its responsibilities under the Executive order, must itself take steps to ensure that the mandate of Executive Order 11246 is carried out. Therefore, because a voluntary agreement has not been reached by contractors and unions in the St. Louis area with respect to the above-mentioned 11 trades, the Department deems it necessary at this time to gather further information concerning the employment situation in these trades to aid it in determining what action should be taken to ensure that is responsibilities under Executive Order 11246 are carried out.

The Department recognizes that circumstances and problems in the field of equal employment opportunity vary from one area of the country to another, and that those living and working in a specific area are in a unique position to assist the Department in determining the most effective way to implement the Executive order. Therefore, all persons having information which would be of use to the Department in determining how best to implement the requirements of the Executive order are encouraged to present their views before the panel. The Department is particularly desirous of obtaining information on the following points:

(1) The current extent of minority group participation in each construction trade;

(2) Present employee recruitment methods, including union involvement in the recruitment and referral process;

(3) The availability of qualified and qualifiable minority group persons for employment in the construction industry;

(4) An evaluation of existing training programs in the area and the extent of minority involvement in them; and

(5) The number of additional workers that can be absorbed into each trade without displacing present employees.

Persons desiring to appear before the Panel should notify the Office of Federal Contract Compliance Area Coordinator, Mr. W. W. Zenfell, Box 10709, St. Louis, Mo. (Telephone: (314) MA 2-4471) of their intentions as soon as possible in order to ensure that they will have the opportunity to be heard. Persons who wish to present written statements on this matter should file them with Mr. Zenfell not later than August 24, 1970.

Copies of Executive Order 11246 may be obtained from the Office of Federal Contract Compliance, Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210 or from the Area Coordinator in St. Louis.

Signed at Washington, D.C., this 7th day of August 1970.

JOHN L. WILKS,
Director, Office of Federal Contract Compliance.

[F.R. Doc. 70-10501; Filed, Aug. 11, 1970; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIR CARRIER DISTRICT OFFICE AT HONOLULU, HAWAII

Notice of Relocation

Notice is hereby given that on or about August 3, 1970, the Honolulu Air Carrier District Office No. 31, Honolulu, Hawaii, will be relocated from the John Rodgers Terminal Building, Room 714, Honolulu International Airport, Honolulu, Hawaii, to the second floor of the Air Service Corporation Building, 218 Lagoon Drive, Honolulu, Hawaii. No change in services to the aviation public will result. The mailing address will be Honolulu Air Carrier District Office No. 31, Post Office Box 9728, Honolulu, Hawaii 96820.

Issued in Honolulu, Hawaii, on July 29, 1970.

PHILLIP M. SWATEK,
Director, Pacific Region.

[F.R. Doc. 70-10485; Filed, Aug. 11, 1970; 8:47 a.m.]

GENERAL AVIATION DISTRICT OFFICE AT HONOLULU, HAWAII

Notice of Relocation

Notice is hereby given that on or about August 3, 1970, the Honolulu General Aviation District Office No. 1, Honolulu, Hawaii, will be relocated from the John Rodgers Terminal Building, Room 715, Honolulu International Airport, Honolulu, Hawaii, to the second floor of the Air Service Corporation Building, Honolulu, Hawaii. No change in services to the aviation public will result. The mailing address will be Honolulu General Aviation District Office No. 1, Air Service Corporation Building, 218 Lagoon Drive, Honolulu, Hawaii 96819.

Issued in Honolulu, Hawaii, on July 29, 1970.

PHILLIP M. SWATEK,
Director, Pacific Region.

[F.R. Doc. 70-10486; Filed, Aug. 11, 1970; 8:47 a.m.]

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

AUGUST 7, 1970.

Pursuant to Docket No. HM–1, Rule-making Procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277) 49 CFR Part 170, following is a list of new DOT Special Permits upon which Board action was completed during July 1970:

Special permit No.	Issued to—Subject	Mode or modes of transportation
6250	Department of Defense for the shipment of partially dissassembled aircraft with explosive components (ejection seat and canopy related devices) which have been safetied.	Water, and highway.
6264	Fenwal Incorporated for the shipment of bromochloromethane, bromotrifluoromethane, or other noncombustible fluids, with or without nitrogen pressurization, in nonrefillable steel cylindrical pressure vessels of not over 1400 cubic inch capacity.	Cargo-only aircraft, highway, and rail.
6272	Shippers upon specific registration with this Board, for the shipment of Type B quantities of radioactive materials, n.o.s., in the Argonne Waste Storage Bin enclosed within an insulated steel protective overpack.	Highway.
6278	Rensselaer Polytechnic Institute, for one shipment of metallic sodium in a hermetically sealed, double-wall, steel, cubical container.	Highway.
6279	J. T. Baker Chemical Company, for the shipment of compressed air, argon, helium, hydrogen, neon, nitrogen, oxygen, and mixtures thereof in DOT–3A and 3AA cylinders having a 10-year hydrostatic retest period.	Highway, and rail.
6280	Shippers upon specific registration with this Board, for the shipment of large quantities of radioactive materials special form in the J. L. Shepherd and Associates Model A–0109 Irradiator enclosed within a Model A–0117 protective overpack.	Highway.
6281	Shippers upon specific registration with this Board, for the shipment of sulfur trioxide not containing any additives for the prevention of polymerization, in an insulated DOT Specification MC–311 or 312 cargo tank.	Highway.
6282	Shippers upon specific registration with this Board, for the shipment of ammonium nitrate in polyethylene lined Typar bags.	Water, highway, and rail.
6283	Shippers upon specific registration with this Board, for the shipment of certain sulfuric acid concentrations in a DOT Specification MC–312 cargo tank equipped with bottom outlets.	Highway.
6285	Philipp Brothers Chemicals, for the limited shipment of solid sodium cyanide in 9500 metal drums complying with DOT Specification 37A, but not so marked.	Water, and highway.
6289	Scott-Gross Company, Incorporated, for the shipment of argon, compressed air, helium, hydrogen, nitrogen, nitrous oxide, and oxygen in DOT–3A and 3AA cylinders having a 10-year hydrostatic retest period.	Highway, and rail.
6290	Prince's Welding Supply Company, for the shipment of argon, compressed air, helium, nitrogen, nitrous oxide, and oxygen in DOT–3A and 3AA cylinders having a 10-year hydrostatic retest period.	Highway, and rail.
6293	Olin Corporation for the shipment of spent mixed acid containing not over 3 percent dissolved nitroglycerine, in an insulated MC–311 or 312 cargo tank without bottom outlets.	Highway.

WILLIAM C. JENNINGS,
Chairman,
Hazardous Materials Regulations Board.

[F.R. Doc. 70–10503; Filed, Aug. 11, 1970; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 7, 1970.

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. 42023—*Newsprint Paper from Saint John, New Brunswick, Canada.* Filed by O. W. South, Jr., agent (No. A6187), for interested rail carriers. Rates on newsprint paper, in carloads, as described in the application, from Saint John, New Brunswick, Canada, to Greensboro, N.C.

Grounds for relief—Barge competition.

Tariff—Supplement 2 to Canadian Freight Association tariff ICC 325.

FSA No. 42024—*Decyl or Octyl Alcohol from Haverhill, Ohio.* Filed by O. W. South, Jr., agent (No. A6189), for interested rail carriers. Rates on alcohol, decyl or octyl, in tank carloads, as described in the application, from Haverhill, Ohio, to Aberdeen, Miss.

Grounds for relief—Market competition.

Tariff—Supplement 39 to Southern Freight Association, Agent, tariff ICC S–470.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70–10528; Filed, Aug. 11, 1970; 8:50 a.m.]

[Notice 75]

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

AUGUST 7, 1970.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act, and certain other proceedings with respect thereto. (49 CFR 1100.240)

MOTOR CARRIERS OF PROPERTY

No. MC–F–10918. Authority sought for purchase by HYMAN FREIGHTWAYS, INC., Post Office Box 3275–2690 Prior Avenue N., St. Paul, Minn. 55113, of the operating rights of PAYNE FREIGHT LINES, INC., Post Office Box 1315, Des Moines, Iowa 50305, and for acquisition by EUGENE PIKOVSKY, also of St. Paul, Minn. 55113, of control of such rights through the purchase. Applicants' attorney and representatives: Mr. Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402, Harry T. Watts, 404 Equitable Building, Des Moines, Iowa 50309, and John N. Diehl and Ben Clayton, both of 525 Maytag Building, Newton, Iowa 50208. Operating rights sought to be transferred: *General commodities,* excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Tingley, Iowa, and Omaha, Nebr., serving the intermediate and off-route points within 10 miles of Tingley, between Mount Ayr, Iowa, and St. Joseph, Mo., serving certain intermediate and off-route points in Iowa, between Mount Ayr, Iowa, and Des Moines, Iowa, serving no intermediate points; *general commodities,* excepting, among others, Classes A and B explosives, commodities in bulk, but not excepting, household goods, between Des Moines, Iowa, and Mount Ayr, Iowa, serving the intermediate points of Lorimor, Iowa; *general commodities,* except livestock and classes A and B explosives, between St. Joseph, Mo., and Tingley, Iowa, serving certain intermediate and off-route points; and *household goods* as defined by the Commission, over irregular routes, between points in Ringgold County, Iowa, on the one hand, and, on the other, points in Missouri. Vendee is authorized to operate as a *common carrier* in South Dakota, Minnesota, North Dakota, Iowa, Wisconsin, Illinois, Nebraska, and Missouri. Application has been filed for temporary authority under section 210a(b).

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70–10531; Filed, Aug. 11, 1970; 8:50 a.m.]

[Notice 16]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 7, 1970.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 554) (Cancels Deviation No. 334) GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed July 27, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, over a deviation route as follows: From Cleveland, Ohio, over Interstate Highway 71 to Cincinnati, Ohio, with the following access routes between points on present service routes (1) from Cleveland, Ohio, over Ohio Highway 3 to junction Ohio Highway 82, thence over Ohio Highway 82 to junction Interstate Highway 71, (2) from Cleveland, Ohio, over Ohio Highway 94 to junction Ohio Highway 82, thence over Ohio Highway 82 to junction Interstate Highway 71, (3) from Medina, Ohio, over Ohio Highway 18 to Junction Interstate Highway 71, (4) from Medina, Ohio, over Ohio Highway 3 to junction Interstate Highway 71, (5) from Akron, Ohio, over Ohio Highway 18 to junction Interstate Highway 71, (6) from Akron, Ohio, over U.S. Highway 224 to junction Interstate Highway 71, (7) from Medina, Ohio, over Ohio Highway 3 to junction U.S. Highway 224, thence over U.S. Highway 224 to junction Interstate Highway 71, (8) from Lodi, Ohio, over Ohio Highway 76 to junction Interstate Highway 71, (9) from Ashland, Ohio, over U.S. Highway 30 to the interchange of U.S. Highway 250 and Interstate Highway 71, (10) from Mansfield, Ohio, over U.S. Highway 30 to junction Interstate Highway 71, (11) from Mansfield, Ohio, over Ohio Highway 13 to junction Interstate Highway 71, (12) from Mount Gilead, Ohio, over Ohio Highway 95 to junction Interstate Highway 71, (13) from Mount Gilead, Ohio, over Ohio Highway 61 to junction Interstate Highway 71, (14) from Delaware, Ohio, over U.S. Highway 36 to junction Interstate Highway 71, (15) from Columbus, Ohio, over city streets to junction Interstate Highway 71;

(16) from Mount Sterling, Ohio, over U.S. Highway 62 and Ohio Highway 3 to junction Interstate Highway 71 (approximately 2 miles north of Harrisburg, Ohio), (17) from Washington Court House, Ohio, over U.S. Highway 35 to junction Interstate Highway 71 (18) from Wilmington, Ohio, over U.S. Highway 68 to junction Interstate Highway 71, (19) from Wilmington, Ohio, over Ohio Highway 73 to junction Interstate Highway 71, (20) from Lebanon, Ohio, over Ohio Highway 123 to junction Interstate Highway 71, (21) from Lebanon, Ohio, over Ohio Highway 48 to junction Interstate Highway 71, (22) from Cincinnati, Ohio, over Interstate Highway 75 to junction Interstate Highway 275, thence over Interstate Highway 275 to junction Interstate Highway 71, (23) from Sharonville, Ohio over city streets to junction Interstate Highway 75, thence over Interstate Highway 75 to junction Interstate Highway 275, thence over Interstate Highway 275 to junction Interstate Highway 71, and (24) from Cincinnati, Ohio, over U.S. Highway 22 and Ohio Highway 3 to junction Interstate Highway 275, thence over Interstate Highway 275 to junction Interstate Highway 71, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) from Columbus, Ohio, over U.S. Highway 62 to Washington Court House, Ohio, thence over U.S. Highway 22 to Cincinnati, Ohio, (2) from Cleveland, Ohio, over U.S. Highway 42 to Delaware, Ohio, thence over U.S. Highway 23 to Columbus, Ohio, (3) from Cincinnati, Ohio, over U.S. Highway 42 via Lebanon, Zenia, and London, Ohio, to Delaware, Ohio, (4) from Akron, Ohio, over Ohio Highway 5 to Wooster, Ohio, thence over Ohio Highway 3 to Columbus, Ohio, (5) from Cleveland, Ohio, over Ohio Highway 3 to junction Ohio Highway 94, thence over Ohio Highway 94 to junction Ohio Highway 5, and (6) from Sumbury, Ohio, over Ohio Highway 61 to Mount Gilead, Ohio, and return over the same routes.

No. MC 1515 (Deviation No. 555) (Cancels Deviation No. 395), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed July 30, 1970. Carrier proposes to operate as a *common carrier*, by motor, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Youngstown, Ohio, over Interstate Highway 680 to junction Interstate Highway 80S, thence over Interstate Highway 80S via Akron, Ohio, to junction Interstate Highway 71, thence over Interstate Highway 71 to Columbus, Ohio, with the following access roads: (1) From Delaware, Ohio, over U.S. Highway 36 to junction Interstate Highway 71, (2) from Mount Gilead, Ohio, over Ohio Highway 61 to junction Interstate Highway 71, (3) from Mount Gilead, Ohio, over Ohio Highway 95 to junction Interstate Highway 71, (4) from Mansfield, Ohio, over Ohio Highway 13 to junction Interstate Highway 71, (5) from Mansfield, Ohio, over U.S. Highway 42 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Interstate Highway 71, (6) from Ashland, Ohio, over U.S. Highway 250 to junction Interstate Highway 71, (7) from Lodi, Ohio, over Ohio Highway 76 to junction Interstate Highway 71, and (8) from Edinburg, Ohio, over Ohio Highway 14 to junction Interstate Highway 80S (approximately 1 mile north of Edinburg, Ohio), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Cleveland, Ohio, over Ohio Highway 87 to junction Ohio Highway 8, thence over Ohio Highway 8 to Akron, Ohio, thence over Highway 585 (formerly Ohio Highway 5) to Wooster, Ohio, thence over Ohio Highway 3 to junction unnumbered highway (formerly portion Ohio Highway 3), thence over unnumbered highway via Sunbury and Galena, Ohio, to junction Ohio Highway 3, thence over Ohio Highway 3 to Columbus, Ohio, (2) from Columbus, Ohio, over U.S. Highway 62 to junction Ohio Highway 241, thence over Ohio Highway 241 via Massilion and Greensburg, Ohio, to Akron, Ohio, (3) from Youngstown, Ohio, over Ohio Highway 18 to Bellevue, Ohio, (4) from Cleveland, Ohio, over U.S. Highway 42 to Delaware, Ohio, thence over Ohio Highway 23 to Columbus, Ohio, and (5) from Sunbury, Ohio, over Ohio Highway 61 to Mount Gilead, Ohio, and return over the same routes.

No. MC 1515 (Deviation No. 556) (Cancels Deviation No. 147), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed July 30, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: Between Charlotte, N.C., and junction U.S. Highway 29 and Interstate Highway 85 near Linwood, N.C., over Interstate Highway 85, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Fort Chiswell, Va., over U.S. Highway 52 to Lexington, N.C., thence over U.S. Highway 29 to junction Alternate U.S. Highway 29 (about 7 miles south of Salisbury, N.C.), thence over new U.S. Highway 29 to Charlotte, N.C., and return over the same route.

No. MC 2866 (Deviation No. 11) (Correction) EDWARDS MOTOR TRANSIT COMPANY, 56 East Third Street, Williamsport, Pa. 17701, filed July 8, 1970, and published in the FEDERAL REGISTER issue of July 22, 1970. Carrier's representative: S. Berne Smith, 100 Pine Street, Harrisburg, Pa. 17108. Route No. 1 Access Route No. (n) should be corrected to read as follows: From junction Interstate Highway 80 and Pennsylvania Highway 153 south of Anderson Creek, Pa., over Pennsylvania Highway 153 and U.S. Highway 322 to Clearfield, Pa.

By the Commission:

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-10533; Filed, Aug. 11, 1970; 8:50 a.m.]

[Notice 73]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 7, 1970.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission, authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 89684 (Sub-No. 63) (Republication), filed January 18, 1968, published in the FEDERAL REGISTER issue of February 1, 1968, and republished this issue. Applicant: WYCOFF COMPANY, INC., 560 South Second West, Salt Lake City, Utah 84101. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah 84111. An order of the Commission, Division I, acting as an appellate division, dated July 22, 1970, and served July 31, 1970, upon consideration of the record in this proceeding, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, of general commodities (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Denver, Colo., and Rawlins, Wyo., over U.S. Highway 287, (2) between Denver, Colo., and Vernal, Utah, over U.S. Highway 40, (3) between Denver, Colo., and Crescent Junction, Utah, over U.S. Highway 6, (4) between Moab and Monticello, Utah, over U.S. Highway 160, (5) between Price and Ferron, Utah, over Utah Highway 10, and (6) between Spanish Fork and St. George, Utah, over U.S. Highway 91, serving the off-route points of Minersville and Hurricane, Utah; and, in each instance, serving all intermediate points, restricted (1) to the transportation of packages or articles each weighing not more than 100 pounds, and (2) against the transportation of packages or articles weighing more than 200 pounds in the aggregate from one consignor at one location to one consignee at one location during a single day, and subject to the conditions (1) that to the extent that the authority herein authorized duplicates applicant's existing authority it shall not be construed as conferring more than one operating right, (2) that applicant shall conduct its for-hire operations separate from its other business activities, (3) that it shall maintain separate accounts and records therefor, and (4) that it shall not transport property as both a private and for-hire carrier in the same vehicle at the same time; that applicant is fit, willing, and able properly to perform such service and to conform to the requirement of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 127689 (Sub-No. 34) (Republication) filed August 11, 1969, published in the FEDERAL REGISTER issue of September 5, 1969, and republished this issue. Applicant: PASCAGOULA DRAYAGE COMPANY, INC., 705 East Pine Street, Post Office Box 1326, Hattiesburg, Miss. 39401. Applicant's representative: H. E. West (same address as applicant). A supplemental decision and order of the Commission, Review Board No. 1, dated July 14, 1970, and served August 3, 1970, upon consideration of application, as amended, and the record in the proceeding, including the report and recommended order of the Examiner, finds; that the public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) electric appliances, parts, and accessories for electric appliances, advertising matter, store display racks, stands and cabinets, cotton and rayon waste, and empty reels from the plantsites and storage facilities of Neco Electric Products Corp. located at Waynesboro, Bay Springs, De Kalb, Mount Olive, and Picayune, Miss., to points in Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) of equipment, materials, and supplies used in the manufacture of electric appliances and partially completed electric appliances or components, from points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Virginia, and West Virginia to the plantsites and storage facilities of Neco Electric Products Corp. located in Waynesboro, Bay Springs, De Kalb, Mount Olive, and Picayune, Miss., subject to the following conditions: (1) The authority granted above shall be restricted against the transportation of commodities in bulk and those which by reason of size or weight require the use of special equipment or special handling; and (2) because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may file a petition for leave to reopen the proceeding or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129966 (Sub-No. 1) (Republication), filed January 26, 1970, published in the FEDERAL REGISTER issue of February 27, 1970, and republished this issue. Applicant: SOLVANG FREIGHT LINES, INC., 4701 South Eastern Avenue, Bell, Calif. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Oliver Street, Los Angeles, Calif. 90014. The modified procedure has been followed in this proceeding and an order of the Commission, Operating Rights Board, dated July 20, 1970, and served July 30, 1970, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicles, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment); (1) between Los Angeles, Calif., and the junction of U.S. Highway 101 and California Highway 154 near Los Olivos, Calif., over U.S. Highway 101, serving all intermediate points between Las Cruces, Calif., and the junction of U.S. Highway 101 and California Highway 154 near Los Olivos, including Las Cruces; (2) between the junction of U.S. Highway 101 and California Highway 154 near Los Olivos, and the junction of U.S. Highway 101 and California 154 near Santa Barbara, Calif., over California Highway 154, serving all intermediate points between the junction of U.S. Highway 101 and California Highway 154 near Los Olivos and San Marcos Pass; (3) between Buellton, Calif., and the junction of California Highway 154 and California Highway 246, over California Highway 246, serving all intermediate points; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as

published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition for leave to reopen the proceeding or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133958 (Sub-No. 2) (Republication) filed November 21, 1969, published in the FEDERAL REGISTER issue of December 31, 1969, and republished this issue. Applicant: W. E. STOCKARD, 2212 West Juniper Street, Roswell, N. Mex. 88201. Applicant's representative: Donald Brown, Post Office Box 776, Roswell, N. Mex. 88201. The modified procedure has been followed in this proceeding and an order of the Commission, Operating Rights Board, dated April 30, 1970, and served May 18, 1970, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of dry animal and poultry feeds, and dry feed supplements between points in New Mexico, on the one hand, and, on the other, points in that part of Texas bounded on the west by the New Mexico-Texas State line, and on the north and east by the Texas-Oklahoma State line, and continuing southerly along the eastern boundaries of Childress, Cottle, King, and Stonewall Counties, and bounded on the south by the southern boundaries of Stonewall, Kent, Graza, Lynn, Terry, and Yoakum Counties, Tex.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 134398 (Republication) filed February 27, 1970, published in the FEDERAL REGISTER issue of April 2, 1970, and republished this issue. Applicant: LETELLER'S EXPRESS, INC., 385 Liberty Street, Springfield, Mass. 01101. Applicant's representative: David M. Marshall, 135 State Street, Suite 200, Springfield, Mass. 01103. The modified procedure has been followed in this proceeding and an order of the Commission, Operating Rights Board, dated July 21, 1970, and served July 31, 1970, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment); (1) between points in Berkshire, Hampshire, Franklin, Hampden, and Worcester Counties, Mass., on the one hand, and, on the other, Springfield, Mass., and Hartford, New Haven, and Bridgeport, Conn.; and (2) between Springfield, Mass,. on the one hand, and, on the other, Worcester, Mass., and Hartford, New Haven and Bridgeport, Conn., restricted in (1) and (2) above to the transportation of traffic moving on a bill of lading of a freight forwarder holding appropriate authority pursuant to part IV of the Interstate Commerce Act; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITION

No. MC 105881 and No. MC 105881 (Sub-Nos. 19, 21, 23, 25, 26, 30, 32, 35, 40, 41, and 42), (Notice of Filing of Petition for Modification of Certificates), filed July 8, 1970. Petitioner: M.R. & R. TRUCKING COMPANY, a corporation, Crestview, Fla. Petitioner's representative: Dan R. Schwartz, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Petitioner states that granting of the relief sought by the instant petition will not involve any new or different territory than that presently being served by M.R. & R. It will not involve any new or different routes, any new or additional shippers or receivers, or any additional facilities necessary to perform the service contemplated. It will update the M.R. & R. certificate and remove the hindrances and obstacles which stand in the way of the M.R. & R. practice and policy of serving one and all, indiscriminately, between every point it is authorized to reach. In the said petition, applicant requests that the above-numbered certificates be amended in the manner set forth below. Regular routes: *General commodities*, A–1. Between Tallahassee, Fla., and Pensacola, Fla., serving all intermediate points: From Tallahassee over U.S. Highway 319 to junction U.S. Highway 319 and U.S. Highway 98 near Medart, Fla., thence over U.S. Highway 98 to Pensacola, and return over the same route.

General commodities (except household goods) as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, and *Livestock*, B–1. Between Jacksonville, Fla., and Mobile, Ala., serving all intermediate points between and including Lake City, Fla., and Pensacola, Fla.: From Jacksonville over U.S. Highway 90 and Alternate U.S. Highway 90 to Mobile, and return over the same route. B–2. Between Tallahassee, Fla., and Panama City, Fla., serving all intermediate points: From Tallahassee over Florida Highway 20 to junction Florida Highway 20 and U.S. Highway 231 near Youngstown, Fla., thence over U.S. Highway 231 to Panama City, and return over the same route. B–3. Between Panama City, Fla., and Chipley, Fla., serving all intermediate points: From Panama City over Florida Highway 77 to Chipley, and return over the same route. B–4. Between Bonifay, Fla., and West Panama City Beach, Fla., serving all intermediate points: From Bonifay over Florida Highway 79 to West Panama City Beach, and return over the same route. B–5. Between Niceville, Fla., and Ebro, Fla., serving all intermediate points: From Niceville over Florida Highway 20 to Ebro, and return over the same route. B–6. Between De Funiak Springs, Fla., and the junction of U.S. Highway 331 and U.S. Highway 98 near Grayton Beach, serving all intermediate points: From De Funiak Springs over U.S. Highway 331 to junction U.S. Highway 331 and U.S. Highway 98, and return over the same route. B–7. Between Niceville, Fla., and the junction of Florida Highway 285 and U.S. Highway 90 near Mossy Head, serving all intermediate points;

From Niceville over Florida Highway 285 to junction Florida Highway 285 and U.S. Highway 90, and return over the same route. B–8. Between Crestview, Fla., and Fort Walton Beach, Fla., serving all intermediate points: From Crestview over Florida Highway 85 to Fort Walton Beach, and return over the same route. B–9. Between Navarre, Fla., and Whiting Field, Fla., serving all intermediate points: From Navarre over Florida Highway 87 to Whiting Field, and return over the same route. B–10. Between Pensacola, Fla., and South Flomaton, Fla., serving all intermediate points: From Pensacola over U.S. Highway 29 to South Flomaton, and return over the same route. *General commodities* (except classes A and B explosives, commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), C–1. Between Atlanta, Ga., and Colquitt, Ga., serving all intermediate points between and including Albany and Colquitt, Ga.: From Atlanta over U.S. Highway 19 to Albany, Ga., thence over Georgia Highway 91 to Colquitt, and return over the same route. C–2. Between Bainbridge, Ga., and the junction of

Georgia Highway 253 and Georgia Highway 91, serving all intermediate points: From Bainbridge over Georgia Highway 253 to junction Georgia Highway 253 and Georgia Highway 91, and return over the same route. C–3. Between Dothan, Ala., and Bainbridge, Ga., serving all intermediate points: From Dothan over U.S. Highway 84 to Bainbridge, and return over the same route. *General commodities* (except commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). D–1.

Between Jacksonville, Fla., and Cedar Key, Fla., serving all intermediate points between and including Gainesville, Fla., and Cedar Key: From Jacksonville over Florida Highway 228 to Maxville, Fla., thence over U.S. Highway 301 to Waldo, Fla., thence over Florida Highway 24 to Cedar Key, and return over the same route. D–2. Between Tampa, Fla., and Archer, Fla., serving all intermediate points between and including Dunnellon, Fla., and Archer: From Tampa over U.S. Highway 41 to Archer return over the same route. D–3. Between Tampa, Fla., and the junction of Interstate Highway 75 and U.S. Highway 90, near Lake City, Fla., serving the junction of Interstate Highway 75 and Florida Highway 24 near Gainesville for the purpose of joinder only: From Tampa over Interstate Highway 75 to junction of Interstate Highway 75 and U.S. Highway 90, and return over the same route. D–4. Between Williston, Fla., and Perry, Fla., serving all intermediate points: From Williston over Alternate U.S. Highway 27, and return over the same route. D–5. Between Perry, Fla., and Bainbridge, Ga., serving all intermediate points: From Perry over U.S. Highway 27 to Bainbridge, and return over the same route. D–6. Between Perry, Fla., and Medart, Fla., serving all intermediate points: From Perry over U.S. Highway 98 to Medart, and return over the same route. D–7. Between Perry, Fla., and Lake City, Fla., serving Mayo, Fla., as an intermediate point: From Perry over U.S. Highway 27 to Branford, Fla., thence over Florida Highway 247 to Lake City, and return over the same route. D–8. Between Live Oak, Fla., and Mayo, Fla., serving no intermediate points: From Live Oak over Florida Highway 51 to Mayo, and return over the same route. D–9. Between Chiefland, Fla., and Dunnellon, Fla., serving all intermediate points: From Chiefland over U.S. Highway 19 and 98 to Lebanon Station, Fla., thence over Florida Highway 336 to Dunnellon, and return over the same route. D–10. Between Saffold, Ga., and Cedar Springs, Ga., serving all intermediate points.

From Saffold over Georgia Highway 363 to Cedar Springs, and return over the same route.

D–11. Between Colquitt, Ga., and Cedar Springs, Ga., serving all intermediate points: From Colquitt over unnumbered Georgia Highway to Cedar Springs, and return over the same route. *General commodities* (except commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), E–1. Between Lake City, Fla., and Tifton, Ga., serving all intermediate points: From Lake City over U.S. Highway 41 to Tifton, and return over the same route. E–2. Between Tallahassee, Fla., and Tifton, Ga., serving all intermediate points: From Tallahassee over U.S. Highway 319 to Tifton, and return over the same route. E–3. Between Tifton, Ga., and Graves, Ga., serving all intermediate points: From Tifton over U.S. Highway 82 to Graves, and return over the same route. E–4. Between Capps, Fla., and Albany, Ga., serving all intermediate points: From Capps over U.S. Highway 19 to Albany, and return over the same route. E–5. Between Colquitt, Ga., and Graves, Ga., serving all intermediate points: From Colquitt over Georgia Highway 45 to Graves and return over the same route. *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, and livestock), F–1. Between Havana, Fla., and Bristol, Fla., serving all intermediate points: From Havana over Florida Highway 12 to Bristol, and return over the same route. F–2. Between Quincy, Fla., and Hosford, Fla., serving all intermediate points: From Quincy over Florida Highway 65 to Hosford, and return over the same route. F–3. Between the junction of Florida Highway 267 and U.S. Highway 90, near Quincy, Fla., and the junction of Florida Highway 267 and Florida Highway 20, near Bloxham, Fla., serving all intermediate points: From junction Florida Highway 267 and U.S. Highway 90 over Florida Highway 267 to junction Florida Highway 267 and Florida Highway 20, and return over the same route.

F–4. Between Chattahoochee, Fla., and Greensboro, Fla., serving all intermediate points: From Chattahoochee over Florida Highway 269 to Greensboro, and return over the same route. F–5. Between Blountstown, Fla., and Grand Ridge, Fla., serving all intermediate points: From Blountstown over Florida Highway 69 to Grand Ridge, and return over the same route. F–6. Between Cypress Fla., and Altha, Fla., serving all intermediate points: From Cypress over unnumbered Florida Highway to Altha and return over the same route. F–7. Between Panama City, Fla., and Alabama-Florida State line, near Malone, Fla., serving all intermediate points: From Panama City over Florida Highway 22 to Wewahitchka, Fla., thence over Florida Highway 71 to Florida-Alabama State line, and return over the same route. *Peanuts and cottonseed,* G–1. From Dothan, Ala., to Camilla, Ga., serving no intermediate points: From Camilla over Georgia Highway 97 to Bainbridge, Ga., thence over U.S. Highway 84 to Dothan. *Cottonseed hulls, cottonseed meal, and peanut meal,* G–2. From Camilla, Ga., to Dothan, Ala., serving no intermediate points: From Camilla over Georgia Highway 97 to Bainbridge, Ga., thence over U.S. Highway 84 to Dothan. *Cotton in bales, cooking oil, peanut butter, and cottonseed meal,* G–3. From Dothan, Ala., to Mobile, Ala., serving the intermediate and off-route points within 25 miles of Dothan, Ala., restricted to pickup of cotton only: From Dothan over Alabama Highway 203 to junction U.S. Highway 231, thence over U.S. Highway 231 to Cottondale, Fla., thence over U.S. Highway 90 to Mobile; and *groceries and agricultural commodities,* G–4. From Mobile, Ala., to Dothan, Ala., serving the intermediate and off-route points within 25 miles of Dothan, Ala., restricted to pickup of cotton only: From Mobile over U.S. Highway 90 to Cottondale, Fla., thence over U.S. Highway 231 to junction Alabama Highway 203 thence over Alabama Highway 203 to Dothan.

Cotton in bales, and livestock, G–5. From Dothan, Ala., to Columbus, Ga., serving the intermediate and off-route points within 25 miles of Dothan, Ala., for pickup of cotton only: From Dothan over U.S. Highway 431 to Phenix City, Ala., thence over U.S. Highway 80 to Columbus; and *hardware, bagging, and ties,* G–6. From Columbus, Ga., to Dothan, Ala., serving no intermediate points: From Columbus over U.S. Highway 80 to Phenix City, Ala., thence over U.S. Highway 431 to Dothan. Irregular routes: *Cotton* in bales, *fertilizer, fertilizer materials, peanuts, cottonseed meal, and cottonseed hulls,* H–1. Between points in Alabama, Georgia, and Florida, within 75 miles of Dothan, Ala., including Dothan. *Groceries, hardware, cotton, cottonseed, peanuts, livestock, cottonseed meal, and cottonseed hulls,* H–2. Between Dothan, Ala., on the one hand, and, on the other, points in Alabama. Service is authorized at the following points, as off-route points to be served in connection with carrier regular route operations otherwise authorized herein: Alachua and High Springs, Fla., plantsite of General Electric Co. located in Alachua County, Fla., and plantsite of Occidental Corp., located near White Springs, Fla. All points in Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Taylor, Wakulla, Walton, and Washington Counties, Fla. All points within 5 miles of Cedar Springs, Ga. All points in Baker, Brooks, Calhoun, Clay, Colquitt, Cook, Decatur, Dougherty, Early, Grady, Lee, Lowndes, Miller, Mitchell, Quitman, Randolph, Seminole, Terrell, Thomas, Tift, and Worth Counties, Ga. Restriction: The authority to transport class A and B explosives over Routes D–1 through D–12 and E–1 through E–5 shall expire January 6, 1970.

Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under

sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC–F–10840 (Correction) (WESTERN TRANSPORTATION COMPANY—Purchase—NORMAN McCRIMMON, doing business as BOWRON MOTOR SERVICE), published in the June 3, 1970, issue of the FEDERAL REGISTER, on page 8619. The operating rights sought to be transferred as described in the prior notice in the FEDERAL REGISTER should include the following: Under a certificate of registration, in Docket No. MC 23998 Sub-2, covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Illinois.

No. MC–F 10875. (Correction) (LYNDEN TRANSFER, INC.—Control and *Merger*—MILKY WAY, INC.), published in the July 15, 1970 issue of the FEDERAL REGISTER on page 11324. This correction to show LYNDEN TRANSFER, INC., *doing business as LYNDEN TRANSPORT, INC.*, which was inadvertently omitted, and seeks to *Merge* the operating rights and property of MILKY WAY, INC., in lieu of control and merger. Prior notice read LYNDEN TRANSFER, INC.—Control and Merger—MILKY WAY, INC., and should read LYNDEN TRANSFER, INC., *doing business as LYNDEN TRANSPORT, INC.—Merge*—MILKY WAY, INC.

No. MC–F 10893. (Correction) (SOUTHERN TRUCKING CORPORATION—Purchase—SAMUEL A. BRASFIELD), published in the July 22, 1970 issue of the FEDERAL REGISTER on page 11735. This correction to show SAMUEL A. BRASFIELD, *doing business as B & S ENTERPRISES*, which was inadvertently omitted. Prior notice read SOUTHERN TRUCKING CORPORATION—Purchase—SAMUEL A. BRASFIELD, and should read SOUTHERN TRUCKING CORPORATION—Purchase—SAMUEL A. BRASFIELD, *doing business as B & S ENTERPRISES*.

No. MC–F–10911. Authority sought for purchase by KATUIN BROS. INC., 102 Terminal Street, Dubuque, Iowa 52001, of a portion of the operating rights of JACK LINK TRUCK LINE, INC., Post Office Box 127, Dyersville, Iowa 52040. Applicants' attorney: Carl E. Munson, 675 Fischer Building, Dubuque, Iowa 52001. Operating rights sought to be transferred: *Fertilizer*, as a *common carrier*, over irregular routes, from Dubuque, Iowa, to points in Illinois on and north of Illinois Highway 9. Vendee is authorized to operate as a *common carrier* in Illinois, Iowa, Minnesota, and Wisconsin, and as a *contract carrier* in Illinois, Iowa, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10912. Authority sought for purchase by CEDAR RAPIDS STEEL TRANSPORTATION, INC., 3930 16th Avenue SW., Post Office Box 68, Cedar Rapids, Iowa 52406 of the operating rights of S. W. HIXSON, doing business as HIXSON TRUCK LINE, Post Office Box 2771, Akron, Ohio 44301, and for acquisition by HERALD A. SMITH, JR., MIRIAM G. SMITH, both of 536 Valley Brook Drive SE., Cedar Rapids, Iowa, and PAUL R. SHAWVER, 2314 Blake Boulevard SE., Cedar Rapids, Iowa, of control of such rights through the purchase. Applicants' attorney: Robert E. Konchar, Suite 315 Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, Iowa 52402. Operating rights sought to be transferred: *Such commodities* as are dealt in by brush manufacturing concerns, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, when moving from, to, or between the warehouses, plants, or other facilities of brush manufacturing concerns, as a *common carrier* over irregular routes, from East Berlin, Greenwich, and Hartford, Conn., and Albany, N.Y., to Hammond, Ind., and Chicago, Ill. Vendee is authorized to operate as a *common carrier* in Illinois, Iowa, Wisconsin, Indiana, Kentucky, Colorado, West Virginia, Kansas, Michigan, Minnesota, Nebraska, New York, Ohio, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC–F 10913. Authority sought for purchase by R. L. JEFFRIES TRUCKING CO., INC., Post Office Box 3277, 1020 Pennsylvania Street, Evansville, Ind. 47701, of a portion of the operating rights of ROBBINS MOTOR TRANSPORTATION, INC., Industrial Highway and Saville Avenue, Eddystone, Pa. 19029, and for acquisition by CLYDE R. JEFFRIES and JEAN M. JEFFRIES, both of 4209 Jennings Lane, Evansville, Ind., of control of such rights through the purchase. Applicants' attorney: Ernest A. Brooks, II, 1301 Ambassador Building, St. Louis, Mo. 63101. Operating rights sought to be transferred: *Heavy machinery and equipment* requiring rigging or special handling and *such materials and supplies* as are used in the installation, operation, and maintenance thereof, when transported in the same vehicle with such commodities, as a *common carrier*, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, and the District of Columbia. Vendee is authorized to operate as a common carrier in Indiana, Illinois, Kentucky, Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, West Virginia, Wisconsin, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, District of Columbia, Montana, New Mexico, North Carolina, South Carolina, North Dakota, South Dakota, and Wyoming. Application has not been filed for temporary authority under section 210a(b). NOTE: The authority sought to be acquired is the subject of a pending application in MC–F 10806—(ROBBINS MOTOR TRANSPORTATION, INC., PURCHASE WILLIAM A. KELLY, INC.)

No. MC–F 10914. Authority sought for purchase by JONES TRANSFER COMPANY, 300 Jones Avenue, Monroe, Mich. 48161, of the operating rights of W & V EXPRESS, INC., 368 South Erie, Toledo, Ohio 43602 and for acquisition by ROBERT J. DUFFEY, 222 Hollywood Drive, Monroe, Mich. 48161, and RALPH MANAUSSO, 1544 Hollywood Drive, Monroe, Mich. 48161, of control of such rights through the purchase. Applicants' attorneys: Paul F. Berry, 88 East Broad Street, Columbus, Ohio 43215, and Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–128535, covering the transportation of properties, as a common carrier in interstate commerce, within the State of Ohio. Vendee is authorized to operate as a *common carrier* in Michigan and Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10916. Authority sought for purchase by MATCO TRANSPORTATION, INC., Third Street and Hackensack Avenue, South Kearney, N.J. 07032, of a portion of the operating rights of CAUTION CARRIERS, INC., 29 Cypress Avenue, North Caldwell, N.J. 07006, and for acquisition by DOMINIC A. MARINO and GASPER F. MARINO, both also of Kearney, N.J., of control of such rights through the purchase. Applicants' attorneys: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306 and Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Operating rights sought to be transferred: *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, in truckload lots, as a *common carrier* over irregular routes, between points in Hudson County, N.J., to points in New York, except points in Nassau and Suffolk Counties, N.Y., Connecticut, and Pennsylvania within 150 miles of Hudson County, and those in New Jersey within 150 miles of Hudson County except those in Passaic, Bergen, Morris, Essex, Hudson, Union, Hunterdon, Sussex, and Warren Counties, N.J., between points in the New York, N.Y., commercial zone, as defined by the Commission, and points in Hudson, Essex, and Union Counties, N.J., on the one hand, and, on the other, points in Passaic, Bergen, Morris, Essex, Hudson, Union, Hunterdon, Sussex, and Warren Counties, N.J.; and *petroleum and petroleum products, antifreeze compounds, dry or liquid cleaning compounds, liquid buffing or polishing compounds, insecticides, and liquid or dry paints*, in containers, between Bayonne and Newark, N.J., and Gulfport, N.Y., and points in Staten Island, N.Y, on the one hand, and, on the other, points in New Jersey, Pennsylvania, Connecticut, and New York within 150 miles of Bayonne. Vendee is authorized to operate as a *common carrier* in New Jersey and and New York. Application has not been

filed for temporary authority under section 210a(b). NOTE: See also MC-F-10915 (ELK TRANSPORTATION COMPANY, INC.—Purchase (Portion)—CAUTION CARRIERS, INC.), published this same issue.

No. MC-F-10915. Authority sought for purchase by ELK TRANSPORTATION COMPANY, INC., 916 Grand Street, Brooklyn, N.Y. 11211, of a portion of the operating rights of CAUTION CARRIERS, INC., 29 Cypress Avenue, North Caldwell, N.J. 07006, and for acquisition by NATHANIEL ROSE, 215 East 68th Street, New York, N.Y., PETER A. GEYER, 178 Lawrence Road, West Hempstead, N.Y., and WILLIAM GEYER, 56 Hemlock Street, Floral Park, N.Y., of control of such rights through the purchase. Applicants' attorneys: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432, and George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Operating rights sought to be transferred: *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, in truckload lots, as a *common carrier* over irregular routes, from points in Hudson County, N.J., to points in Nassau and Suffolk Counties, N.Y. Vendee is authorized to operate as a *common carrier* in New York and New Jersey. Application has not been filed for temporary authority under section 210a (b). NOTE: See also MC-F-10916 (MATCO TRANSPORTATION, INC.—Purchase (Portion)—CAUTION CARRIERS, INC.), published this same issue.

No. MC-F-10917. Authority sought for purchase by MATERIALS TRANSPORT SERVICE, INC., Post Office Box 98, Whitehall, Pa. 18052, of a portion of the operating rights of WAYNE W. SELL CORPORATION, 236 Winfield Road, Sarver, Pa. 16055, and for acquisition by E. E. TAYLOR, 693 Knox Road, Wayne, Pa. 19087, of control of such rights through the purchase. Applicants' attorneys: Beverley S. Simms, 1100 17th Street, NW., Washington, D.C. 20036, and Alan Kahn, 2 Penn Center Plaza, Philadelphia, Pa. 19102. Operating rights sought to be transferred: *Lime and lime products, limestone and limestone products, concrete mix, mortar mix, sand mix, and masonry cement*, except liquid commodities in bulk, as a *common carrier*, over irregular routes, from the plantsites and facilities of the Warner Co. located in the townships of Charlestown, East Whiteland, and Tredyffrin, Chester County, Pa., to point in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Delaware, Maryland, District of Columbia, New Jersey, New York, Virginia, and Connecticut. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-10532; Filed, Aug. 11, 1970; 8:50 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 7, 1970.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 2395, filed July 17, 1970. Applicant: CURRY MOTOR FREIGHT LINES, INC., 700 Northeast Third Street, Amarillo, Tex. Applicant's representative: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, from and between the following points: Crosbyton, Tex., to Seymour, Tex., via U.S. Highway 82, Seymour to Throckmorton, Tex., via U.S. Highway 183; Throckmorton to Dickens, Tex., via Texas Highway 24 to junction of U.S. Highway 380, via U.S. Highway 380 to junction Texas Highway 70, via Texas Highway 70 to junction U.S. Highway 82 at Dickens, serving all intermediate points and coordinating with all other authority. Both intrastate and interstate authority sought.

HEARING: 30 days after publication in the FEDERAL REGISTER. Requests for procedural information, including the time for filing protests concerning this application should be addressed to the Railroad Commission of Texas, Capitol Station, Post Office Drawer EE, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

State Docket No. 3220, filed July 20, 1970. Applicant: SOUTHWESTERN MOTOR TRANSPORT, INC., Post Office Box 9186, San Antonio, Tex. 78204. Applicant's representative: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. 78701. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities;* (1) between San Antonio, Tex., and Freer, Tex., over State Highway 16, serving no intermediate points; (2) between Freer, Tex., and Hebbronville, Tex., over State Highway 16, serving no intermediate points; (3) between George West, Tex., and Freer, Tex., over U.S. Highway 59, serving no intermediate points and serving George West as a point of joinder only with applicant's regular route authority over U.S. Highway 281 between San Antonio, Tex., and Pharr, Tex. Applicant proposes to coordinate the services proposed over the foregoing routes with the service now rendered by applicant under its existing routes serving no additional points not presently authorized to be served by applicant. Applicant proposes to tack the authorities sought when necessary to reach any points served by applicant's existing routes. Applicant also proposes to interline traffic with connecting carriers at interline points to serve the additional routes involved here and proposes to handle interline traffic with connecting carriers moving to and from points throughout the State of Texas and beyond that are authorized to be served by other common carriers both in intrastate commerce and interstate and foreign commerce.

HEARING: Approximately 30 days after publication in the FEDERAL REGISTER. Requests for procedural information, including the time for filing protests concerning this application should be addressed to the Railroad Commission of Texas, Capitol Station, Post Office Drawer EE, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-10536; Filed, Aug. 11, 1970; 8:51 a.m.]

[Notice 130]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 7, 1970.

The following are notices of filing of applications for temporary authority under section 210(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 56679 (Sub-No. 42 TA), filed July 30, 1970. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, Ga. 30315. Applicant's representative: B. K. McClain, Post Office Box 6985, Atlanta, Ga. 30315. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight), from Atlanta, Ga., to Athens, Ga., and from Athens, Ga., to Atlanta, Ga., serving all intermediate points over U.S. Highway 78, for 180 days. NOTE: Applicant intends to tack at Atlanta, Ga. Supporting shippers: Mical Products, Inc., Post Office Box 305, Logansville, Ga. 30249; Carwood Manufacturing Co., Winder, Ga. 30680; Hearn Hardware Co., Monroe, Ga.; Walton Manufacturing Co., Logansville, Ga. 30249; Oakes Hardware Co., Monroe, Ga. 30655. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 107515 (Sub-No. 701 TA), filed July 31, 1970. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE., Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rugs, carpeting, and tufted textile products*, from points in Dade, Walker, Catoosa, Whitfield, Pickens, Gilmer, Chattooga, Floyd, Gordon, Bartow, Fannin, Murray, Cherokee, Laurens, Union, Lumpkin, Dawson, and Forsyth Counties, Ga., to points in Arkansas, Oklahoma, Texas, New Mexico, and points in Louisiana on and north of U.S. Highway 190, for 180 days. Supporting shippers: There are approximately 19 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: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 113459 (Sub-No. 60 TA), filed July 31, 1970. Applicant: H. J. JEFFRIES TRUCK LINE, INC., Post Office Box 94850, 4720 South Shields Boulevard, ZIP 73129, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laminated beams and stressed skin panels*, from Bonner, Mont., to points in Louisiana, Tennessee, and Texas, for 180 days. Supporting shipper: The Anaconda Co., R. S. Sharar, Western Traffic Manager, Butte, Mont. 59701. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 114533 (Sub-No. 215 TA), filed July 31, 1970. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Proofs, cuts, copy, and other graphic arts material, laboratory specimens* as used in pathological testing, *audit media and other business records*, between Indianapolis, Ind., on the one hand, and, on the other, points in Indiana, for 180 days. Supporting shipper: The Benham Press, 215 North Senate Avenue, Post Office Box 185, Indianapolis, Ind.; Consolidated Biomedical Laboratories, Inc., Post Office Box 2289, Columbus, Ohio; Clean Wear Service Co., 53 South Koweba Lane, Indianapolis, Ind. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 117644 (Sub-No. 20 TA), filed July 29, 1970. Applicant: D & T TRUCKING CO., INC., Post Office Box 2611, 498 First Street, New Brighton, Minn. 55112. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat poducts, meat byproducts and articles distributed by meat packing houses*, as described in sections A and C of appendix I to the report and description in *Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Armour and Co., at or near Huron, S. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Armour and Co., Chicago, Ill. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 118336 (Sub-No. 3 TA) (Correction), filed July 8, 1970, published in the FEDERAL REGISTER issue of July 16, 1970, and republished as corrected, this issue. Applicant: W. B. GIBSON, Route 16, Grantsville, W. Va. 26147. Applicant's representative: John Friedman, 410 Lawson Street, Post Office Box No. 426, Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and plastic pipefittings*, from Glenville (Gilmer County), W. Va., to Talladega, Ala.; Allendale, Ill.; Orwigsburg, Pa., and Morgan, Utah, for 180 days. NOTE: The purpose of this republication is to show the correct destination point as Allendale, Ill., in lieu of Allendale, Pa., as shown in previous publication. Supporting shipper: Four D Manufacturing Co., Post Office Box No. 397, Glenville, W. Va. Attention: Mr. Ronald Parsons, Distribution Manager. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 118989 (Sub-No. 52 TA), filed July 29, 1970. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, Wis. 53221. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages* (nonalcoholic), *syrups, containers, raw materials, supplies and equipment* used or useful in the production, manufacture, vending, sale or distribution of beverages (nonalcoholic) and syrups, and return of *rejected shipments and pallets*, from Watertown, Wis., to Houghton, Iron Mountain, Newberry, and Marquette, Mich.; Mankato, Rochester, and Duluth, Minn.; Rockford, Moline, and Rock Island, Ill. and Dubuque and Davenport, Iowa, for 150 days. Supporting shipper: Wis-Pak, Inc., 860 West Street, Post Office Box 196, Watertown, Wis. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 123392 (Sub-No. 26 TA), filed July 29, 1970. Applicant: JACK B. KELLEY, INC., 3801 Virginia Street, Amarillo, Tex. 79109. Applicant's representative: Jack B. Kelley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous hydrogen chloride* in bulk, from Wichita, Kans., to points in California, Louisiana, New Jersey, New York, Pennsylvania, and Texas, for 180 days. Supporting shipper: Allen C. Lee, Regional Manager, Matheson Gas Products, Post Office Box 908, La Porte, Tex. 77571. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 123476 (Sub-No. 10 TA), filed July 31, 1970. Applicant: CURTIS TRANSPORT, INC., 1334 Lonedell Road, Arnold, Mo. 63010. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating material, cellular, vitreous* (in solid flat blocks or boards) from Sedalia, Mo., to Memphis, Tenn., for 90

days. Supporting shipper: A C and S Inc., 504 Cumberland Street, Memphis, Tenn. 38112. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 124456 (Sub-No. 2 TA), filed July 27, 1970. Applicant: B & R TUG AND BARGE, INC., Kotzebue, Alaska 99752. Applicant's representative: Wm. M. Crawford, 400 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* in cargo vans or containers and *empty cargo van or containers*, between wharfages and docks at Nome, Alaska, on the one hand, and on points within the city limits of Nome, Alaska, and points within 5 miles of the city limits of Nome, Alaska, on the other hand, for 150 days. Supporting shipper: Northern Commercial Co., Colman Building, Seattle, Wash. 98104. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 129039 (Sub-No. 3 TA), filed July 29, 1970. Applicant: JACOBY TRANSPORT SYSTEM, INC., 4754 James Street, Philadelphia, Pa. 19137. Applicant's representative: Harold Burgher (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream*, in packages and cartons, from Dolly Madison plantsites in Philadelphia, Pa., to Hyattsville, Md., and materials and food products (except in bulk, in tank vehicles), used in the manufacture of ice cream and cartons used in packaging ice cream, on return, for 180 days. Supporting shipper: Dolly Madison Ice Cream Co., Inc., Fourth and Poplar Streets, Philadelphia, Pa. 19123. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 133633 (Sub-No. 6 TA), filed July 29, 1970. Applicant: HIGHWAY EXPRESS, INC., 715 East Second Street, Post Office Box 1326, Hattiesburg, Miss. 39401. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Suite 800, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) Between Hattiesburg, Miss., and its commercial zone, and Meridian, Miss., and its commercial zone: From Hattiesburg over U.S. Highway 11 and/or I–59 to Meridian, and return over the same route, serving all intermediate points; (2) between Hattiesburg, Miss., and its commercial zone, and Jackson, Miss., and its commercial zone: (a) From Hattiesburg over U.S. Highway 49 to Jackson, and return over the same route, serving all intermediate points; (b) from Hattiesburg over former U.S. Highway 49 to Jackson, and return over the same route, serving all intermediate points; and (3) between Magee, Miss., and Beaumont, Miss.: From Magee over Mississippi Highway 28 to junction U.S. Highway 84 approximately 5 miles west of Laurel, Miss., thence over U.S. Highway 84 to Laurel, thence over Mississippi Highway 15 to Beaumont, and return over the same route, serving all intermediate points and the off-route points of Bay Springs and Raleigh, Miss., for 180 days. NOTE: Applicant states that no duplication of authority is sought and may be restricted against duplication. Applicant does intend to join and tack at Hattiesburg, Miss., and its commercial zone and at Beaumont, Miss. Applicant intends to interline with other carriers at Jackson, Meridian, Gulfport, and Hattiesburg, Miss.; Poplarville, Miss.; Mobile, Ala.; and New Orleans, La. Supporting shippers: There are approximately 122 letters 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: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212 145 East Amite Street, Jackson, Miss. 39201.

No. MC 134728 (Sub-No. 1 TA), filed July 29, 1970. Applicant: W. L. LOGAN TRUCKING CO., 3224 Navarre Road SW., Canton, Ohio 44706. Applicant's representative: James W. Muldoon, 50 West Broad Street, Suite 1310, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated steel and fabricated steel articles, and parts and accessories* used in the assembly and erection thereof, from the plantsites of Macomber, Inc., at and near Canton, Ohio, to points in Connecticut, Delaware, District of Columbia, Kentucky, Maryland, Massachusetts, New Hampshire, New Jersey, points in New York, on and east of New York Highway 98, beginning at Carlton, N.J., thence south of junction of New York Highway 98 and Interstate Highway 16 at Yorkshire, N.Y., thence south on Interstate Highway 16 to the New York-Pennsylvania State line, points in Pennsylvania, on and east of U.S. Highway 15, Tennessee, Virginia, and points in West Virginia on and east of U.S. Highway 219, for 150 days. Supporting shipper: Macomber, Inc., 1925 10th Street, Canton, Ohio. Send protests to: A. M. Culver, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70–10534; Filed, Aug. 11, 1970; 8:50 a.m.]

[Notice 571]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 7, 1970.

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

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

No. MC–FC–72152. By order of July 29, 1970, the Motor Carrier Board approved the transfer to I.W.I. Refrigerated Express, a corporation, Sioux City, Iowa, of the operating rights in certificate No. MC–119765 (Sub-No. 8) issued June 9, 1967 to Henry G. Nelsen, Inc., Avoca, Iowa, authorizing the transportation of meats, meat products, and meat byproducts, and articles distributed by meat packinghouses, as described from Sioux City, Iowa, to points in Illinois and Indiana, with certain exceptions, and Wisconsin. Marshall D. Becker, 630 City National Bank Building, Omaha, Nebr. 68102, attorney for applicants.

No. MC–FC–72232. By order of August 5, 1970, the Motor Carrier Board on reconsideration, approved the transfer to Frederick J. Browne, doing business as Cronin's Express, 22 Warren Street, Revere, Mass. 02151, of the operating rights in certificate No. MC–120380 (Sub-No. 1) and of the certificate of registration in No. MC–120380 (Sub-No. 2) issued August 30, 1962, and January 21, 1964, respectively, to Alexander Twomey, doing business as Cronin's Express, 23 Winthrop Avenue, Revere, Mass. 02151, authorizing the transportation of general commodities, with exceptions, between Boston, Cambridge, Chelsea, Winthrop, and Revere Mass.; and evidencing a right to engage in transportation in interstate commerce as described in certificate Nos. 1134 and 200 dated October 2, 1959, issued by the Public Utilities Department of Massachusetts.

No. MC–FC–72289. By order of August 5, 1970, the Motor Carrier Board approved the transfer to Thomas K. Beitelman, Allentown, Pa., of the operating rights in certificate No. MC–59282 issued July 2, 1956, to Kermit Theodore Beitelman, doing business as K. T. Beitelman, Allentown, Pa., authorizing the transportation of various commodities from, to, and between specified points and areas in Pennsylvania, New Jersey, New York, and Maryland. Paul B. Kemmerer, 1620 North 19th Street, Allentown, Pa., 18104, representative for applicants.

No. MC–FC–72297. By order of August 5, 1970, the Motor Carrier Board approved the transfer to Gerald F. Carroll, doing business as Northern Cartage Co., Harwood Heights, Ill., of the operating rights in certificate No. MC–114546 (Sub-No. 1) issued September 5, 1961, to Northern Cartage Co., Inc., Chicago, Ill., authorizing the transportation of used upholstered sofas, chairs, and foot stools, between Chicago, Ill., on the one hand, and, on the other, points in Jasper, Lake, La Porte, Newton, Porter, and Starke Counties, Ind. Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603, attorney for applicants.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70–10535; Filed, Aug. 11, 1970; 8:51 a.m.]

[No. MC–128642 (Sub-No. 1)[1]]

SKYLINE TRANSPORT, INC.

Notice of Consolidated Hearing

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 29th day of July 1970.

Upon consideration of the record in the above-entitled proceeding, and of:

(1) Petition of applicant, filed July 1, 1970, for clarification and modification of certificate No. MC–128642 (Sub-No. 1);

(2) Motion of applicant, filed July 1, 1970, to dismiss the petition for interpretation of certificate No. MC–128642 (Sub-No. 1), filed October 6, 1969;

(3) Reply by Bureau of Enforcement, Interstate Commerce Commission, filed July 20, 1970;

(4) Reply by Chemical Leaman Tank Lines, Inc., filed July 21, 1970;

and good cause appearing therefor:

It is ordered, That the said petition in (1) above be, and it is hereby, designated for hearing at a time and place hereafter to be fixed on a consolidated record with (a) applicant's petition for interpretation filed October 6, 1969, (b) No. MC–C–6757, Skyline Transport, Inc., Baltimore, Md., Investigation and Revocation of Certificate, and (c) the application in No. MC–128642 (Sub-No. 6), filed July 1, 1970.

It is further ordered, That notice of this action and of the petition in (1) above be published in the FEDERAL REGISTER.

It is further ordered, That in view of our action in the first ordering paragraph, the motion in (2) above be, and it is hereby, overruled.

It is further ordered, That copies of this order be served on the parties, and filed in the respective dockets, in each of the involved proceedings.

By the Commission, Division 1.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70–10529; Filed, Aug. 11, 1970; 8:50 a.m.]

[1] This order embraces No. MC–C–6757, Skyline Transport, Inc., Investigation and Revocation of Certificate, and No. MC–128642 (Sub-No. 6) Skyline Transport, Inc.

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