

FEDERAL REGISTER

VOLUME 35 • NUMBER 51

Saturday, March 14, 1970 • Washington, D.C.

Pages 4539-4604

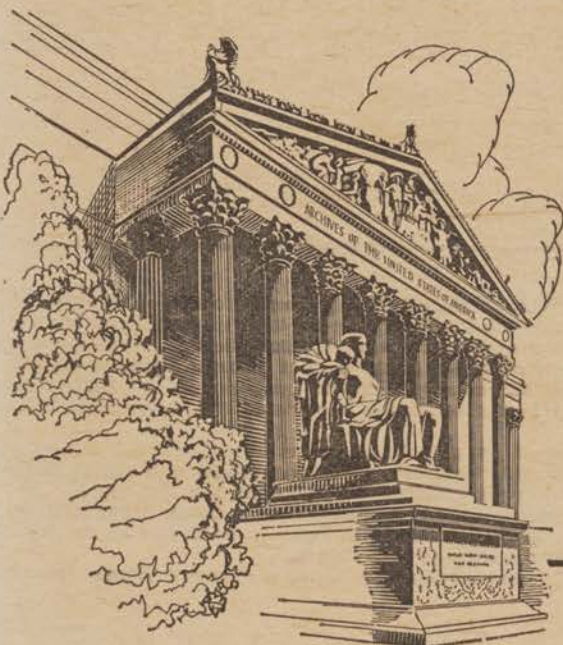
Part I

(Part II begins on page 4595)

Agencies in this issue—

The President
Agricultural Research Service
Agricultural Stabilization and
Conservation Service
Agriculture Department
Air Force Department
Business and Defense Services
Administration
Civil Rights Commission
Coast Guard
Consumer and Marketing Service
Education Office
Engineers Corps
Federal Aviation Administration
Federal Communications Commission
Federal Highway Administration
Federal Maritime Commission
Federal Power Commission
Fiscal Service
Fish and Wildlife Service
Food and Drug Administration
Interior Department
Interstate Commerce Commission
Maritime Administration
National Park Service
Renegotiation Board
Securities and Exchange Commission
Small Business Administration
Social and Rehabilitation Service
Wage and Hour Division

Detailed list of Contents appears inside.



Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1970)

Title 7—Agriculture (Parts 1120–1199)-----	\$1. 50
Title 21—Food and Drugs (Parts 1–119)-----	1. 75
Title 26—Internal Revenue Part 1 (§§ 1.851–1.1200)---	2. 00

[A Cumulative checklist of CFR issuances for 1970 appears in the first issue of the Federal Register each month under Title 1]

Order from Superintendent of Documents,
United States Government Printing Office,
Washington, D.C. 20402



Area Code 202

Phone 962-8626

(49 Stat. 500, as amended; 44 U.S.C. Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$2.50 per month or \$25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

Contents

THE PRESIDENT

EXECUTIVE ORDER

Terminating certain bodies established by the President..... 4543

EXECUTIVE AGENCIES

AGRICULTURAL RESEARCH SERVICE

Rules and Regulations

Hog cholera and other communicable swine diseases; areas quarantined 4547

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Sugarbeet proportionate share acreage, 1966 and subsequent crops; release and allotment... 4545

AGRICULTURE DEPARTMENT

See also Agricultural Research Service; Agricultural Stabilization and Conservation Service; Consumer and Marketing Service.

Notices

Interest rate provided in reparation awards; notice of proposed policy change..... 4558

AIR FORCE DEPARTMENT

Rules and Regulations

Enlistment of nonprior service personnel in Ready Reserve unit programs 4550

ARMY DEPARTMENT

See Engineers Corps.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

Notices

Bona fide motor-vehicle manufacturers; notice of determination... 4559
Duty-free entry of scientific articles (17 documents)..... 4560-4568

CIVIL RIGHTS COMMISSION

Rules and Regulations

Organization and functions..... 4552

COAST GUARD

Notices

Equipment, construction, and materials; termination of approval notice 4569

COMMERCE DEPARTMENT

See Business and Defense Services Administration; Maritime Administration.

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Handling limitations:

Grapefruit grown in Indian River District in Florida..... 4545

Grapefruit grown in Interior District in Florida..... 4546

Lemons grown in California and Arizona..... 4545

Tomatoes grown in Florida; shipment limitations..... 4546

Tomatoes; import regulations... 4547

EDUCATION OFFICE

Notices

Work-study assistance program... 4569

DEFENSE DEPARTMENT

See Air Force Department; Engineers Corps.

ENGINEERS CORPS

Rules and Regulations

York River, Hampton Roads, and Willoughby Bay, Va.; navigation regulations..... 4551

FEDERAL AVIATION COMMISSION

Rules and Regulations

Airworthiness directives; General Dynamics 240D/340D/440D airplanes 4547

Control zone and transition area; designation and alteration..... 4548

Proposed Rule Making

Objects affecting navigable airspace 4554

FEDERAL COMMUNICATIONS COMMISSION

Proposed Rule Making

Schedule of fees..... 4557

Notices

Canadian broadcast stations; notification list (2 documents)... 4583

Hearings, etc.:

Broadcasting Service of Carolina, Inc., et al..... 4580

Christian Voice of Central Ohio et al..... 4582

FEDERAL HIGHWAY ADMINISTRATION

Rules and Regulations

Motor carrier safety proceedings; rules of practice..... 4552

Proposed Rule Making

Availability for inspection of materials on flammability of vehicle interior materials; extension of time for comments..... 4557

FEDERAL MARITIME COMMISSION

Notices

Deputy Managing Director et al.; delegation of authority..... 4570

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:

Anadarko Production Co..... 4584

Consolidated Edison Company of New York, Inc..... 4588

Mississippi Valley Gas Co., et al 4584

Mobil Oil Corp., et al..... 4585

Texaco, Inc., et al..... 4586

Texas American Oil Corp..... 4585

FISCAL SERVICE

Notices

Millers Mutual Insurance Co.; notice of change of name..... 4558

FISH AND WILDLIFE SERVICE

Notices

Depredating American Coots; order terminating authorization to kill in certain counties of California 4558

Libby, Robert D.; notice of loan application 4558

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Tomatoes, canned; identity standard; correction..... 4548

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Education Office; Food and Drug Administration; Social and Rehabilitation Service.

(Continued on next page)

INTERIOR DEPARTMENT

See also Fish and Wildlife Service;
National Park Service.

Notices

Commissioner of Indian Affairs;
delegation of authority..... 4558

**INTERSTATE COMMERCE
COMMISSION****Rules and Regulations**

Tariffs of motor common carriers;
emergency transportation of
property 4553

Notices

Fourth section application for
relief 4591

Georgia intrastate freight rates,
1969; sand, gravel, crushed stone
and related articles..... 4590

Increased freight rates, 1969..... 4589

Motor carrier:

Temporary authority applica-
tions 4588

Transfer proceedings..... 4589

Wuerker, Alexander W.; statement
of changes in financial inter-
ests 4589

LABOR DEPARTMENT

See Wage and Hour Division.

MARITIME ADMINISTRATION**Notices**

"USNS Mercury" and "USS Sala-
monie"; notice of allocation... 4569

NATIONAL PARK SERVICE**Proposed Rule Making**

Mount McKinley National Park,
Alaska; mountain climbing, air-
craft 4554

RENEGOTIATION BOARD**Notices**

Persons holding prime contracts
and subcontracts for trans-
portation by water as common
carriers; extension of time for
filing financial statement..... 4572

**SECURITIES AND EXCHANGE
COMMISSION****Notices****Hearings, etc.:**

New England Electric System... 4572

Northeast Utilities..... 4572

Michigan Consolidated Gas
Co., and Michigan Consoli-
dated Homes Corp..... 4573

**SMALL BUSINESS
ADMINISTRATION****Rules and Regulations**

Small business investment com-
panies; records and reports.... 4596

• • • • •

Notices

Georgia; declaration of disaster
loan area..... 4579

Regional Division Chiefs et al.;
delegation of authority to con-
duct program activities in

Region X..... 4574

UCC Venture Corp.; issuance of
license 4580

**SOCIAL AND REHABILITATION
SERVICE****Proposed Rule Making**

Aging programs and activities;
correction 4554

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation
Administration; Federal High-
way Administration.

TREASURY DEPARTMENT

See Fiscal Service.

WAGE AND HOUR DIVISION**Rules and Regulations****Puerto Rico; wage orders:**

Artificial flower, decoration, and
party favor industry..... 4549

Button, jewelry, and lapidary
work industry..... 4549

Straw, hair and related products
industry 4548

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.

3 CFR**EXECUTIVE ORDERS:**

9586 (amended by EO 11515)..... 4543

10898 (revoked by EO 11515)..... 4543

10986 (revoked by EO 11515)..... 4543

11117 (revoked by EO 11515)..... 4543

11152 (revoked by EO 11515)..... 4543

11382 (amended by EO 11515)..... 4543

11515 4543

7 CFR

895 4545

910 4545

912 4545

913 4546

966 4546

980 4547

9 CFR

76 4547

13 CFR

107 4596

14 CFR

39 4547

71 4548

PROPOSED RULES:

77 4554

21 CFR

53 4548

29 CFR

613 4548

616 4549

688 4549

32 CFR

888a 4550

33 CFR

207 4551

36 CFR**PROPOSED RULES:**

7 4554

45 CFR

701 4552

PROPOSED RULES:

Ch. IX 4554

47 CFR**PROPOSED RULES:**

1 4557

49 CFR

386 4552

1307 4553

PROPOSED RULES:

371 4557

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11515

TERMINATING CERTAIN BODIES ESTABLISHED BY THE PRESIDENT

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. *Interdepartmental Highway Safety Board.* (a) The Interdepartmental Highway Safety Board is terminated.

(b) Executive Order No. 10898 of December 2, 1960, and Executive Order No. 10986 of January 12, 1962, are revoked.

(c) Executive Order No. 11382 of November 28, 1967, is amended by deleting section 8.

SEC. 2. *Interagency Committee on International Athletics.* The Interagency Committee on International Athletics is terminated and Executive Order No. 11117 of August 13, 1963, is revoked.

SEC. 3. *President's Committee on Manpower.* The President's Committee on Manpower is hereby terminated and Executive Order No. 11152 of April 15, 1964, is revoked.

SEC. 4. *Ohio River Bridge Tragedy.* There is hereby terminated the task force established by the President by announcement made on December 19, 1967, in connection with the collapse of the Ohio River Bridge on Highway U.S. 35 connecting Gallipolis, Ohio, and Pt. Pleasant, West Virginia.

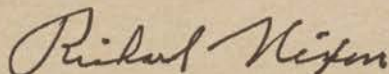
SEC. 5. *Medal of Freedom.* Executive Order No. 9586 of July 6, 1945, as amended, is hereby further amended:

(1) By substituting for subsection (b) of section 2 the following:

"(b) The President may select for the award of the Medal any person recommended to the President for award of the Medal or any person selected by the President upon his own initiative."

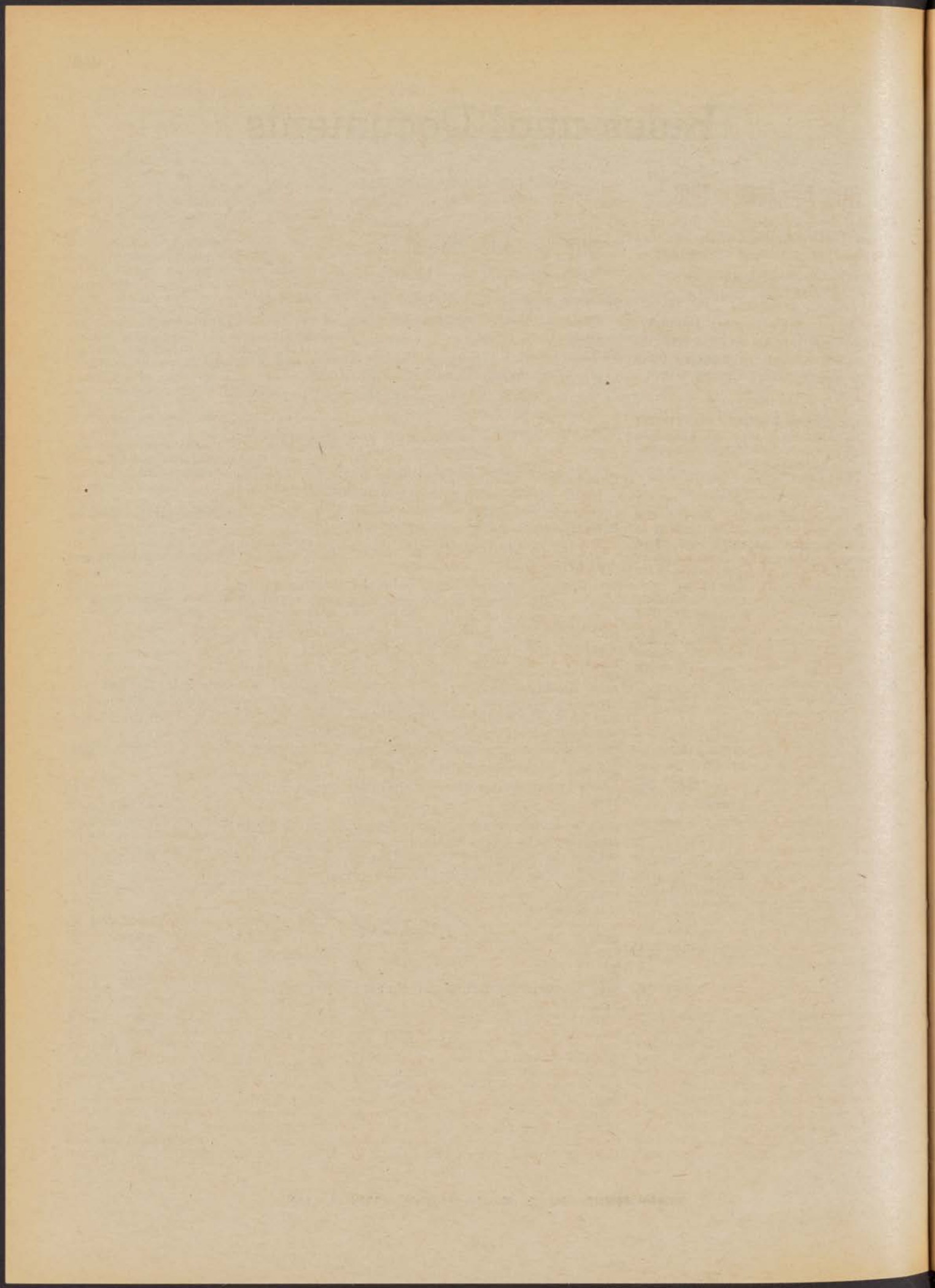
(2) By striking out all numbered sections of the order except sections 1 and 2.

SEC. 6. *Winding up of affairs.* Such actions as may be necessary to wind up any outstanding affairs of the bodies terminated by this order shall be carried out by the Bureau of the Budget or by such other agencies as may be designated therefor by the Director of the Bureau of the Budget.



THE WHITE HOUSE,
March 13, 1970.

[F.R. Doc. 70-3225; Filed, Mar. 13, 1970; 11:41 a.m.]



Rules and Regulations

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Amdt. 1]

PART 895—RELEASE AND REALLOTMENT OF SUGAR BEET PROPORTIONATE SHARE AGREEMENT, 1966 AND SUBSEQUENT CROPS

Definitions

Pursuant to the provisions of the Sugar Act of 1948, as amended, § 895.2 (30 F.R. 15203) is amended by adding a new paragraph (d) to read as follows:

§ 895.2 Definitions.

(d) "For other reasons beyond the control of the producer" are limited to the following circumstances that cause an operator to be unable to utilize all or a portion of the farm proportionate share acreage established for his farm:

(1) Unavoidable absence or incapacity of the operator, resulting in his inability to fully utilize his proportionate share, and arrangements cannot be made for the production of sugar beets on his land through a management or custom work type of operation;

(2) Flood, drought, storm, freeze, disease, insects or other similar abnormal and uncontrollable natural conditions;

(3) A sugar beet processing company contracts to purchase from a farm operator sugar beets produced on some but not all proportionate share acreage established for his farm, or does not offer a contract to a farm operator to purchase sugar beets which could be produced on the proportionate share acreage established for his farm.

(4) A sugar beet processing company contracts or offers to contract to purchase sugar beets to be produced on the proportionate share acreage established for the farm but the operator does not plant all or a portion of the proportionate share acreage because the company is abandoning sugar beet processing operations.

Statement of bases and considerations. Part 895 (30 F.R. 15203), issued pursuant to subparagraph (8) of paragraph (b) of section 302 of the Sugar Act of 1948, as amended, sets forth the conditions under which a farm operator (or farm) may receive history credit if he is unable to utilize all or a portion of his proportionate share because of crop-rotation practices or for reasons beyond his control and releases such unused portion to the ASCS county office. Since that regulation did not specify the situations which may

be considered beyond the control of operators, this amendment sets forth such situations.

Accordingly, I hereby find and conclude the aforesaid amendment will effectuate the applicable provisions of the Act.

(Secs. 301, 302, 403, 61 Stat. 929, 930, as amended, 932; 7 U.S.C. 1131, 1132, 1153)

Effective date: Date of publication.

Signed at Washington, D.C. on March 10, 1970.

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

[F.R. Doc. 70-3105; Filed, Mar. 13, 1970; 8:47 a.m.]

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

[Lemon Reg. 418]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.718 Lemon Regulation 418.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice

thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 10, 1970.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period March 15, 1970, through March 21, 1970, are hereby fixed as follows:

- (i) District 1: 13,020 cartons;
- (ii) District 2: 191,580 cartons;
- (iii) District 3: Unlimited movement.

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

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

Dated: March 12, 1970.

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

[F.R. Doc. 70-3161; Filed, Mar. 13, 1970; 8:50 a.m.]

[Grapefruit Reg. 74]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.374 Grapefruit Regulation 74.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912, 34 F.R. 12881), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Indian

[Grapefruit Reg. 39]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA**Limitation of Handling****§ 913.339 Grapefruit Regulation 39.**

River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the *FEDERAL REGISTER* (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 12, 1970.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period March 16, 1970 through March 22, 1970, is hereby fixed at 250,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: March 13, 1970.

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

[F.R. Doc. 70-3226; Filed, Mar. 13, 1970; 12:00 m.]

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913; 34 F.R. 12428), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the Interior Grapefruit Marketing Committee, established under said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the *FEDERAL REGISTER* (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 12, 1970.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period March 16, 1970, through March 22, 1970, is hereby fixed at 200,000 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and

"standard packed box" have the same meaning as when used in said marketing agreement and order.

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

Dated: March 13, 1970.

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

[F.R. Doc. 70-3227; Filed, Mar. 13, 1970; 12:01 p.m.]

[966.307 Amdt. 4]

PART 966—TOMATOES GROWN IN FLORIDA**Limitation of Shipments**

Findings. (a) Pursuant to Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in the production area, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Florida Tomato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the effective date of the amendment to the limitation of shipments (35 F.R. 3159) should be delayed until April 27, 1970.

(b) Because of adverse weather, shipments of Florida tomatoes are not expected to reach heavy volume until about the latter part of April. Therefore, it now appears that the effective date of such amendment to the regulation should be delayed accordingly.

(c) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure on this amendment (5 U.S.C. 553) in that (1) tomatoes grown in the production area are currently being marketed; (2) compliance with this amendment will not require any special preparation by handlers; (3) information regarding the committee's recommendation has been made available to producers and handlers in the production area; and (4) this amendment relieves restrictions on the handling of production area tomatoes by delaying the effective date of the more restrictive minimum sizes.

Regulation, as amended. In § 966.307 (34 F.R. 18090, 19746; 35 F.R. 3159 and 3798), the effective date of Amendment No. 2 is hereby amended to read April 27, 1970.

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

Dated: March 11, 1970.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-3136; Filed, Mar. 13, 1970; 8:49 a.m.]

[980.204 Amdt. 3]

PART 980—VEGETABLES: IMPORT REGULATIONS

Tomatoes

Pursuant to the requirements of section 8e-1 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e-1), Tomato Import Regulation, § 980.204, is hereby amended as set forth below:

Tomato import regulation, as amended.
In § 980.204 (34 F.R. 18091; 35 F.R. 3160 and 3799) *Tomato import regulation*, the effective date of Amendment No. 1 is hereby amended to read April 27, 1970.

Findings. This amendment conforms with a simultaneous amendment to the limitation of shipments effective on domestic shipments of tomatoes (§ 966.307, Amdt. 4) under Marketing Order No. 966, as amended (7 CFR Part 966) regulating the handling of tomatoes grown in Florida. It is hereby found that it is impractical and contrary to the public interest to give preliminary notice or engage in public rule making procedure on this amendment (5 U.S.C. 553) in that (1) the requirements of section 608e-1 of the Act make this amendment mandatory, (2) compliance with this amendment will not require any special preparation by importers which cannot be completed by the effective date, and (3) this amendment relieves restrictions by delaying the effective date of the more restrictive minimum sizes until April 27, 1970.

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

Dated: March 11, 1970.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Mar-
keting Service.

[F.R. Doc. 70-3137; Filed, Mar. 13, 1970;
8:49 a.m.]

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, subparagraph (e)(3) relating to the State of Georgia is amended to read:

(e) * * *

(3) *Georgia.* Newton and Walton Counties.

2. In § 76.2, in subparagraph (e)(17) relating to the State of Virginia, subdivision (vii) relating to Surry County is amended to read:

(e) * * *

(17) *Virginia.* * * *

(vii) The adjacent portions of Surry and Sussex Counties bounded by a line beginning at the junction of Secondary Highways 612 and 611; thence, following Secondary Highway 611 in a southeasterly direction to Secondary Highway 616; thence, following Secondary Highway 616 in a southwesterly direction to Secondary Highway 615; thence, following Secondary Highway 615 in a generally southerly direction to Secondary Highway 604; thence, following Secondary Highway 604 in a southwesterly direction to Secondary Highway 603; thence, following Secondary Highway 603 in a northerly direction to Secondary Highway 613; thence, following Secondary Highway 613 in a northwesterly direction to U.S. Highway 40; thence, following U.S. Highway 40 in a north-easterly direction to Secondary Highway 615; thence, following Secondary Highway 615 in a southeasterly direction to Secondary Highway 612; thence, following Secondary Highway 612 in a north-easterly direction to its junction with Secondary Highway 611.

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

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

The amendments quarantine all of Walton County in Georgia and portions of Surry and Sussex Counties in Virginia because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas designated herein.

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

Done at Washington, D.C., this 10th day of March 1970.

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

[F.R. Doc. 70-3106; Filed, Mar. 13, 1970;
8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 70-WE-8-AD
Amdt. 39-957]

PART 39—AIRWORTHINESS DIRECTIVES

General Dynamics 240D/340D/440D Airplanes

There have been instances of engine breather oil and fumes being drawn into the nacelle afterbody trailing edge on CV-600 and CV-640 airplanes that have resulted in fires. Since this condition is likely to exist in other airplanes of the same design, an airworthiness directive is being issued to require the installation of a synthetic rubber seal and metal retainer around the engine oil breather tube at the nacelle trailing edge assembly and installing an extension on the oil breather overboard discharge tube.

The 250-hour compliance time for the modification has been established by the agency on the basis of safety considerations, and is the same as that recommended by the manufacturer in the applicable service bulletin. This compliance time provides the lead time for operators to schedule and plan compliance with the AD with a minimum burden. To prescribe the modification required by this AD under the usual notice and public procedures followed by the agency within the time the agency has determined is required in the interest of safety, would necessarily result in a reduction of the compliance time for the modification required by this AD. This could possibly leave the operators insufficient time to schedule airplanes for compliance with the AD. Therefore, accomplishment of the modification required by this AD within the time the agency has determined is necessary makes strict compliance with the notice and public procedure provisions of the Administrative Procedure Act impracticable and this amendment becomes effective 30 days after publication in the **FEDERAL REGISTER**. However, interested persons are invited to submit such written data, views, or arguments as they may desire regarding this AD. Communications should identify the docket number and be submitted in duplicate to the Regional Counsel, FAA Western Region; Post Office Box 92007 Worldway Postal Center; Los Angeles, Calif. 90009; Attention: Airworthiness Directives Docket. All communications received before the effective date will be considered by the Administrator, and the AD may be

changed in the light of comments received. All comments will be available both before and after the effective date in the Rules Docket for examination by interested persons. Operators are urged to submit their comments as early as possible since it may not be possible to evaluate comments received near the effective date in sufficient time to amend the AD before it becomes effective.

The substance of this AD has been informally coordinated with the Air Transport Association, General Dynamics/Convair and Texas International Airlines.

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

GENERAL DYNAMICS. Applies to General Dynamics Model 240 airplanes equipped with Rolls Royce MK 542-4/-4K engines and Dowty Rotol (c) R245/4-40-4.5/13 propellers in accordance with General Dynamics Supplemental Type Certificate SA1054WE (hereinafter referred to as the CV-600) and General Dynamics Models 340 and 440 airplanes equipped with Rolls Royce MK 542-4/-4K engines and Dowty Rotol (c) R245/4-40-4.5/13 or Dowty Rotol (c) R259/4-40-4.5/17 propellers in accordance with General Dynamics Supplemental Type Certificate SA1096WE (hereinafter referred to as the CV-640).

Compliance required within the next 250 hours time in service after the effective date of this AD, unless already accomplished.

To preclude the possibility of engine breather oil and fumes seeping around the engine oil breather overboard discharge tube and between the trough and deflector assembly and being drawn into the nacelle afterbody accomplish the following:

(a) Install an extension of the engine oil breather overboard discharge tube and a synthetic rubber seal and retainer in accordance with General Dynamics/Convair Service Bulletin 600(240D), S.B. No. 71-2A/640 (340D), S.B. No. 71-2A, dated 9 January 1970, Reissue A, or later FAA approved revisions, or any equivalent modification approved by the Chief, Aircraft Engineering Division, Western Region.

(b) Inspect the synthetic rubber seal for condition at intervals not to exceed 1200 hours time in service subsequent to the performance of (a) above. Replace deteriorated or missing seal.

(c) Upon request of the operator the repetitive inspection in (b) above may be adjusted by an FAA Maintenance Inspector to coincide with the operator's established inspection periods; however, the interval may not exceed 1500 hours time in service.

This amendment becomes effective April 14, 1970.

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

Issued in Los Angeles, Calif., on March 6, 1970.

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

[F.R. Doc. 70-3118; Filed, Mar. 13, 1970; 8:48 a.m.]

[Airspace Docket No. 70-WE-1]

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

Designation of Control Zone and Alteration of Transition Area

On January 23, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 989) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would designate a control zone for Alamosa Municipal Airport, Colo., and alter the description of the Alamosa, Colo., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendments are hereby adopted without change.

Effective date. These amendments shall be effective 0901 G.m.t., May 28, 1970.

Issued in Los Angeles, Calif., on March 5, 1970.

LEE E. WARREN,
Acting Director, Western Region.

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

ALAMOSA, COLO.

Within a 5-mile radius of Alamosa Municipal Airport (lat. 37°26'15" N., long. 105°51'40" W.); within 3.5 miles each side of the Alamosa VORTAC 127° and 335° radials extending from the 5-mile radius zone to 11.5 miles southeast of the VORTAC; within 3 miles each side of the 013° bearing from the Frontier Airlines NDB (lat. 37°26'36" N., long. 105°51'12" W.) extending from the 5-mile radius zone to 10 miles northeast of the NDB; and within 2 miles each side of the Alamosa VORTAC 186° radial extending from the VORTAC to 10 miles south of the VORTAC.

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.

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

ALAMOSA, COLO.

That airspace extending upward from 700 feet above the surface within 10 miles northeast and 9 miles southwest of the Alamosa VORTAC 335° and 155° radials extending from 20 miles northwest to 12 miles southeast of the VORTAC; and within 2 miles northwest and 6 miles southeast of the Alamosa VORTAC 200° radial extending from the VORTAC to 16 miles southwest of the VORTAC.

That airspace extending upward from 1,200 feet above the surface within 13 miles northeast and 9.5 miles southwest of the Alamosa VORTAC 335° radial extending from the VORTAC to 31 miles northwest of the VORTAC; within 5 miles each side of the Alamosa VORTAC 018° radial extending from the VORTAC to 45 miles northeast of the VORTAC; within 5 miles each side of the Alamosa VORTAC 065° radial extending

from the VORTAC to 37 miles northeast of the VORTAC; within 5 miles each side of the Alamosa VORTAC 080° radial extending from the VORTAC to 56 miles east of the VORTAC; within 4.5 miles northeast and 9.5 miles southwest of the Alamosa VORTAC 127° radial extending from the VORTAC to 19 miles southeast of the VORTAC; and within 5 miles each side of the Alamosa VORTAC 200° radial extending from the VORTAC to 37 miles southwest of the VORTAC.

That airspace extending upward from 12,000 feet MSL within 5 miles each side of the Alamosa VORTAC 200° radial extending from 37 to 54 miles southwest of the VORTAC.

(Sec. 307a, Federal Aviation Act of 1958, as amended, 72 Stat. 749; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

[F.R. Doc. 70-3117; Filed, Mar. 13, 1970; 8:48 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 53—TOMATO PRODUCTS

Canned Tomatoes, Identity Standard; Optional Forms of Tomatoes, Increased Calcium Salts, and Use of Cyclamic Acid

Correction

In F.R. Doc. 70-2399 appearing at page 3804, in the issue of February 27, 1970, in § 53.40(c) (2), a line has been omitted after the 10th line in the center column of page 3805, which should be inserted to read: "the label shall bear the statement".

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 613—STRAW, HAIR, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 611 (34 F.R. 18044) the Secretary of Labor appointed and convened Industry Committee No. 90-D for the straw, hair, and related products industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the

Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 90-D are hereby published, to be effective March 30, 1970, in this order amending § 613 of Title 29, Code of Federal Regulations, by amending the present paragraphs (a), (b) and (c).

As amended, § 613.2 reads as follows:

§ 613.2 Wage rates.

(a) *Pre-1961 coverage classification.* (1) The minimum wage for this classification is \$1.20 an hour.

(2) This classification is defined as all activities in the industry to which section 6 of the Fair Labor Standards Act would have applied prior to the Fair Labor Standards Amendment of 1961.

(b) *1961 coverage classification.* (1) The minimum wage for this classification is \$1.40 an hour.

(2) This classification is defined as all activities in the industry which were brought within the purview of section 6 of the Act solely by reason of the Fair Labor Standards Amendments of 1961.

(c) *1966 coverage classification.* (1) The minimum wage for this classification is \$1.45 an hour for the period ending January 31, 1971; and \$1.60 an hour thereafter.

(2) This classification is defined as all activities in the industry which were brought within the purview of section 6 of the Act solely by reason of the Fair Labor Standards Amendments of 1966.

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 10th day of March 1970.

ROBERT D. MORAN,
Administrator, Wage and Hour
and Public Contracts Divisions,
Department of Labor.

[F.R. Doc. 70-3140; Filed, Mar. 13, 1970;
8:49 a.m.]

**PART 616—BUTTON, JEWELRY, AND
LAPIDARY WORK INDUSTRY IN
PUERTO RICO**

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp. p. 1004), and by means of Administrative Order No. 611 (34 F.R. 18044), the Secretary of Labor appointed and convened Industry Committee No. 90-B for the Button, Jewelry, and Lapidary Work Industry in Puerto Rico, referred to the Committee the question of the minimum rate or

rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 90-B are hereby published, to be effective March 30, 1970, in this order amending § 616.2 of Title 29, Code of Federal Regulations.

As amended, § 616.2 reads as follows:

§ 616.2 Wage rates.

(a) *Pre-1961 coverage classification.* * * *

(1) *Rosary and native jewelry classification.* (i) The minimum wage for this classification is \$1.10 an hour.

(2) *Hair ornaments and accessories classification.* (i) The minimum wage for this classification is \$1.50 an hour.

(ii) This classification is defined as the manufacture of combs, barrettes, bobby pins, hair clips, hair curlers, hair wavers, and other hair ornaments and accessories.

(3) *Button and buckle classification.* (i) The minimum wage for this classification is \$1.25 an hour.

(ii) This classification is defined as the manufacture from any material of buttons and buckles.

(4) *Gem stone, industrial jewel, and precious jewelry classification.* (i) The minimum wage for this classification is \$1.60 an hour.

(ii) This classification is defined as the sawing, cutting, grinding, polishing, and other processing of gem diamonds, other precious and semiprecious stones, synthetic stones used for decorative purposes, and natural or synthetic jewels for industrial use, including but without limitation, jewel bearings, industrial diamonds, and the processing of precious and synthetic stones as components of phonograph needles and the attachment of such jewels to metal phonograph needle components, but not including the production of such metal components; and the manufacture of jewelry and other personal ornaments from precious metals with or without precious stones.

(5) *Metal expansion watch band classification.* (i) The minimum wage for this classification is \$1.60 an hour.

(ii) This classification is defined as the fabrication or partial fabrication of metal expansion bands or expansion bracelets for watches or other uses.

(6) *Emblematic and military insignia classification.* (i) The minimum wage for this classification is \$1.55 an hour.

(ii) This classification is defined as the manufacture or partial manufacture of emblems and military insignia other than from precious metals.

(7) *General classification.* (i) The minimum wage for this classification is \$1.30 an hour.

(ii) This classification is defined as the manufacture or assembly of all products not specifically included in any other classification of this industry.

(c) *1966 coverage classification.* (1) The minimum wage for this classification is \$1.45 an hour for the period ending January 31, 1971; and \$1.60 an hour thereafter.

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 10th day of March 1970.

ROBERT D. MORAN,
Administrator, Wage and Hour
and Public Contracts Divisions.

[F.R. Doc. 70-3141; Filed, Mar. 13, 1970;
8:49 a.m.]

PART 688—ARTIFICIAL FLOWER, DECORATION, AND PARTY FAVOR INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 611 (34 F.R. 18044), the Secretary of Labor appointed and convened Industry Committee No. 90-C for the artificial flower, decoration, and party favor industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 90-C are hereby published, to be effective March 30, 1970, in this order amending § 688.2 of Title 29, Code of Federal Regulations.

As amended § 688.2 reads as follows:

§ 688.2 Wage rates.

(a) *Pre-1961 coverage classification.* (1) The minimum wage for this classification is \$1.35 an hour.

(c) 1966 coverage classification. (1) The minimum wage for this classification is \$1.45 an hour for the period ending January 31, 1971; and \$1.60 an hour thereafter.

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 10th day of March 1970.

ROBERT D. MORAN,
Administrator, Wage and Hour
and Public Contracts Divi-
sions, Department of Labor.

[F.R. Doc. 70-3142; Filed, Mar. 13, 1970;
8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER I—MILITARY PERSONNEL

PART 888a—ENLISTMENT OF NON- PRIOR SERVICE PERSONNEL IN READY RESERVE UNIT PROGRAMS

Miscellaneous Amendments

Part 888a of Title 32 of the Code of Federal Regulations is amended to read as follows:

1. Section 888a.1 is revised to read as follows:

§ 888a.1 Policy.

(a) Minimum standards for enlistment in any vacancy in any Reserve component will be the same as the minimum standards for active duty enlistment in the occupational specialty concerned.

(b) The initial enlistment of nonprior service applicants in components of the Air Reserve Forces under this part will be made in the following order:

(1) *Priority 1.* Applicants age 17 through 18½.

(2) *Priority 2.* Applicants over age 18½ but not over 20.

(3) *Priority 3.* Applicants over age 20 only after the commander has determined that qualified applicants in priorities 1 and 2 are not available.

(c) Nonprior service applicants who are accepted on unit waiting lists will be retained in their original priority age group regardless of later exceeding the maximum age of that age group.

(d) Within the above enlistment priorities, it will be normal practice to accept the earliest applicant for enlistment in the unit who meets the minimum qualifications for a vacancy. Exceptions to this general policy may be made when in the best judgment of those responsible for the procurement of Reserve personnel, and individual's civilian experience in the Air Force specialty concerned, is considered to warrant it.

2. Section 888a.10 is revised to read as follows:

§ 888a.10 What this program is.

(a) Pursuant to authority in 10 U.S.C. 511(d), this program provides for the enlistment within available recruiting

quotas of selected qualified nonprior service applicants to fill authorized grade and skill vacancies in Category A units organized to serve on AD as units. Persons enlisting are required to serve on ACDUTRA for at least 4 months. After completing the initial ACDUTRA tour, an airman will return to his AFRES unit of assignment and must participate satisfactorily in Ready Reserve training for the remainder of his enlistment, unless sooner designated a member of the Standby Reserve.

(b) As hereinafter provided, reenlistments under 10 U.S.C. 511(a) are authorized for members who have enlisted under 10 U.S.C. 511(d) and who incur a legitimate temporary religious missionary obligation during their obligated period of service.

3. Section 888a.11 is revised to read as follows:

§ 888a.11 Who may enlist.

Individuals without prior military service who are 17 but not yet 26 years old may enlist, if:

(a) They meet requirements of Part 888b of this title and certify their understanding of applicable military service obligation and participation requirements.

(b) Before enlistment, they qualify by scoring the minimum aptitude index prescribed in AFM 35-1 (Military Personnel Classification Policy Manual (Officers, Warrant Officers, Airmen)) in the career field subdivision for which considered.

(c) A recruiting quota is available and grade and skill vacancies for which they are qualified exist in the Category A unit.

(d) They do not hold and have never held status as a member of any other armed service including any Reserve component.

(e) They have not been issued orders or notice by Selective Service to report for induction. The date of publication of the induction order is considered to be the date of mailing of such order by appropriate authority in the Selective Service System. This determination normally will be made by the enlistment authority by direct verification with the Selective Service board concerned immediately prior to the individual's acceptance for enlistment.

4. Section 888a.12 is revised to read as follows:

§ 888a.12 How to enlist.

Individuals may apply for enlistment to any Category A unit organized to serve on AD as a unit. AFRES will establish appropriate priorities and quotas for recruiting. The Category A unit must have a vacancy within its UDL and within the quotas established for the unit.

(a) Applicants will be enlisted under Part 888b and must be qualified as outlined therein. AFM 35-3 (Air Reserve Forces Personnel Administration) and this part will be cited as authority on DD Form 4, Enlistment Contract—Armed Forces of the United States.

(b) Enlistment will be in the grade of Basic Airman (E-1), except that a member of the Civil Air Patrol (CAP) who possesses a Certificate of Proficiency or a

letter from CAP headquarters indicating successful completion of the CAP training program may be enlisted in the grade of Airman (E-2). The notation "CAP Certificate" will be placed in the remarks item on DD Form 4 and will be initiated by the enlistee.

(c) Enlistment as a Reserve of the Air Force for service in the AFRES will be for 6 years.

(d) Before enlisting, individuals must agree in writing to serve on ACDUTRA for a minimum of 4 months or for a longer period that would enable completion of any formal technical or other qualifying training applicable to their Air Force Specialty.

5. Section 888a.13 is amended by changing the reference "CAC" used in paragraph (b) to "AFRES", and revising paragraph (c) to read as follows:

§ 888a.13 Active duty for training (ACDUTRA).

(c) The training program consists of basic military training and one of the following until a minimum of 4 months ACDUTRA has been completed:

(1) Basic technical training.

(2) OJT at the member's home station, nearest gaining command base having the same type mission, or the nearest military installation having OJT capability in the appropriate specialty as agreed upon between the Reserve units and gaining commands. OJT will be scheduled only for individuals qualified at the time of enlistment for award of a specialty at the semiskilled level, or for individuals enlisted in a specialty for which no technical training is available.

(3) A combination of technical training and OJT.

6. Section 888a.15 is revised to read as follows:

§ 888a.15 Action required when a member's unit is inactivated or when he moves from vicinity of unit.

(a) Chapter 14 of AFM 35-3 provides procedures relating to change of residence.

(b) If a member cannot further participate with his unit because it is inactivated, he will be:

(1) Assigned to another Category A Reserve unit, or

(2) Encouraged to enroll in AFROTC if attending an appropriate educational institution, or

(3) Enlisted for service in the ANGUS, if possible, or

(4) Assigned by ARPC to an appropriate MAJCOM mobilization augmentation position (Training Category A, Pay Group A for member on flying status; Training Category B, Pay Group B, for member not on flying status), if one of the assignments above is not available, or

(5) Assigned to the ORS for processing under chapter 14, section B of AFM 35-3.

7. Section 888a.16 is revised to read as follows:

§ 888a.16 Release of members from this program.

A member may enlist in the Regular Air Force under Part 888 of this chapter at any time during his Reserve service.

After completing his initial ACDUTRA tour, the member may be granted a conditional release under chapter 30 of AFM 35-3 to serve in the ANGUS or to enlist in a Regular or Reserve component of another armed service.

8. Section 888a.20 is revised to read as follows:

§ 888a.20 What the program is.

(a) Pursuant to authority in 10 U.S.C. 511(d), this program provides for enlistment and training of qualified nonprior service personnel to fill authorized grade and skill vacancies within ANG units. Persons enlisting are required to serve on ACDUTRA for at least 4 months. Enlistment of nonprior service personnel for service in the ANGUS will not be accepted other than as a part of this program.

(b) As hereinafter provided, reenlistments under 10 U.S.C. 511(a) are authorized for members who have enlisted under 10 U.S.C. 511(d) and who incur a legitimate temporary religious mission—any obligation during their obligated period of service.

9. Section 888a.21 is amended by revising paragraphs (d) and (e) to read as follows:

§ 888a.21 Who may enlist.

(d) They do not hold and have never held status as a member of any other armed service including any Reserve component.

(e) They have not been issued orders or notice by Selective Service to report for induction. The date of publication of the induction order is considered to be the date of mailing of such order by appropriate authority in the Selective Service System. This determination will normally be made by the enlistment authority by direct verification with the Selective Service board concerned immediately prior to the individual's acceptance for enlistment.

10. Section 888a.22 is amended by revising paragraph (b) to read as follows:

§ 888a.22 How to enlist.

(b) Enlistments will be in the grade of Basic Airman (E-1), except that a member of the CAP who possesses a Certificate of Proficiency or a letter from CAP Headquarters, indicating successful completion of the CAP training program may be enlisted in the grade of Airman (E-2). The notation "CAP Certificate" will be placed in the remarks item in DD Form 4, and initialed by the enlistee.

11. Section 888a.23 is amended by revising paragraph (c) to read as follows:

§ 888a.23 Active duty for training (ACDUTRA).

(c) The training program consists of basic military training and one of the following until a total of 4 months ACDUTRA has been completed:

- (1) Basic technical training.
- (2) OJT at the member's home station, nearest gaining command base hav-

ing the same type mission, or the nearest military installation having OJT capability in the appropriate specialty as agreed on between the Reserve units and gaining commands. OJT will be scheduled only for individuals who are qualified at the time of enlistment for award of a specialty at the semi-skilled level, or for individuals enlisted in a specialty for which no technical training is available.

(3) A combination of technical training and OJT.

12. Section 888a.25 is revised to read as follows:

§ 888a.25 Action required when a member's unit is inactivated or when he moves from vicinity of unit.

(a) Chapter 14, AFM 35-3 provides procedures relating to change of residence.

(b) If a member cannot further participate with his unit because it is inactivated, he will be:

(1) Enlisted in another ANGUS unit, if possible, or

(2) Discharged from the ANGUS, transferred to the AFRes and:

- (i) Assigned to a Category A Reserve unit, or (ii) Encouraged to enroll in AFROTC, if attending appropriate educational institution, or (iii) Assigned by ARPC to an appropriate MAJCOM mobilization augmentation position (Training Category A, Pay Group A, for member on flying status; Training Category B, Pay Group B, for member not on flying status), if one of the assignments above is not available, or, (iv) Assigned to the ORS for processing under chapter 14, section B of AFM 35-3.

§ 888a.30 [Amended]

13. Section 888a.30 is amended by changing the symbol used in paragraph (a) and (a) (1) (vi) from "CAC" to "AFRES".

14. Section 888a.32 is revised to read as follows:

§ 888a.32 Retention for active duty training.

Members of Reserve components will serve the specified period of ACDUTRA unless sooner released for cause or unless extended under this section. Major commanders are authorized to retain individuals involuntarily on ACDUTRA under circumstances as indicated in this section. This authority may be delegated to the commander of the unit of attachment (active establishment unit).

(a) Individuals may be retained on ACDUTRA:

(1) To permit members washed back in training through no fault of their own to continue training if such is recommended.

(2) To make up lost time.

(3) When such retention is deemed appropriate for reasons not covered in subparagraphs (1) and (2) of this paragraph.

NOTE: Retention under subparagraphs (2) and (3) of this paragraph must be approved by Commander, AFRES (For AFRES members) or by the Adjutant General of the appropriate State (for ANGUS members).

(b) When a member is retained beyond the specified date for completion of the tour, orders will be amended to show the extension. Copies will be furnished to the AFRes or ANG unit of assignment according to AFM 10-3 (Administrative Orders). For ANGUS members, copies will also be furnished the Adjutant General of the appropriate State by the unit of attachment. For extension to complete a course of instruction, action to amend the order will be taken by the appropriate element of the major command offering instruction.

15. Section 888a.35 is revised to read as follows:

§ 888a.35 Promotion.

An airman ordered to ACDUTRA in the grade of Airman Basic (E-1) will be promoted to the permanent grade of Airman (E-2) upon completion of basic military training or 4 months of ACDUTRA in current enlistment, whichever occurs first, unless compelling military reasons prohibit such promotion. The 4 months will be computed from date of entry on ACDUTRA. The airman's date of rank and effective date of promotion will be the date of the promotion orders, except that an airman may be promoted on orders that specify a later effective date (but not later than the date of release from ACDUTRA).

16. Section 888a.36 is amended by revising paragraph (c) to read as follows:

§ 888a.36 Release from active duty for training.

(c) The servicing CBPO of the unit that terminates the member's ACDUTRA tour will be responsible for accomplishing and/or arranging the complete separation processing of the member. Prior to release from active duty, the health records of each member will be thoroughly reviewed. Depending on the validity and completeness of the physical examination for entry into active duty as well as interval medical history, the original physical examination may be accepted, supplemented, or reaccomplished at the discretion of the Director of Base Medical Services.

For the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Special
Activities Group, Office of
The Judge Advocate General.

[P.R. Doc. 70-3088; Filed, Mar. 13, 1970;
8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers,
Department of the Army

PART 207—NAVIGATION REGULATIONS

York River, Hampton Roads, and
Willoughby Bay, Va.

Pursuant to the provisions of section 7
of the River and Harbor Act of August 8,

1917 (40 Stat. 266; 33 U.S.C. 1), § 207.128 is hereby amended revising paragraph (a) (3) and (b) (3) in their entirety, § 207.155 is amended revising paragraphs (a) (1) and (2) in their entirety, and § 207.156 is revoked, effective upon publication in the FEDERAL REGISTER, as follows:

§ 207.128 York River, Va.; naval prohibited and restricted areas.

(a) * * *

(3) *Explosives-Handling Berth (Naval)*. A circular area of 600 yards radius with its center at latitude 37°13'56" N., longitude 76°28'48" W.

(b) * * *

(3) The Explosives-Handling Berth (Naval) described in paragraph (a) (3) of this section is reserved for the exclusive use of naval vessels and except in cases of emergency no other vessel shall anchor therein without the permission of local naval authorities, obtained through the Captain of the Port, U.S. Coast Guard, Norfolk, Va. There shall be no restriction on the movement of vessels through the Explosive-Handling Berth.

§ 207.155 Hampton Roads and Willoughby Bay off Norfolk Naval Base; Navy restricted areas.

(a) *The areas.* (1) Beginning at a point on the shore at the Destroyer Submarine Piers at latitude 36°56'00", longitude 76°19'30"; thence westerly to latitude 36°55'59", longitude 76°20'08.5"; thence northerly along the eastern limit of Norfolk Harbor Channel to latitude 36°56'17.5", longitude 76°20'07"; and thence easterly to a point on shore at latitude 36°56'19", longitude 76°19'46.5".

(2) Beginning at a point on the Naval Station shore at latitude 36°56'37.5", longitude 76°19'44"; thence westerly and northerly along the breakwater to its extremity at latitude 36°56'41.5", longitude 76°19'54"; thence westerly to a point on the eastern limit of Norfolk Harbor Channel at latitude 36°56'41.5", longitude 76°20'05.5", thence northerly along the eastern limit of Norfolk Harbor Channel to latitude 36°57'52"; longitude 76°20'00", thence easterly to latitude 36°57'52", longitude 76°19'35"; thence to latitude 36°57'47.7", longitude 76°18'57"; thence southeasterly to latitude 36°57'26", longitude 76°18'42"; thence easterly to latitude 36°57'26.2", longitude 76°17'55.2"; thence southerly to latitude 36°57'05"; longitude 76°17'52"; thence southeasterly to latitude 36°56'56.2"; longitude 76°17'27"; thence northeasterly to latitude 36°57'10", longitude 76°16'29"; and thence to the shoreline at latitude 36°57'18.8", longitude 76°16'22" at the Naval Air Station.

§ 207.156 [Revoked]

[Regs., Feb. 17, 1970, ENGCGW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

RICHARD B. BELNAP,
Special Advisor to TAG.

[F.R. Doc. 70-3107; Filed, Mar. 13, 1970; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Chapter VII—Commission on Civil Rights

PART 701—ORGANIZATION AND FUNCTIONS OF THE COMMISSION

Staff Organization and Field Offices

Part 701 of Chapter VII of Title 45 of the Code of Federal Regulations is amended as follows:

1. Paragraph (b) (4) of § 701.12 is revised to read as follows:

§ 701.12 Staff organization.

(b) * * *

(4) *Office of Information and Publications.* The Office of Information and Publications prepares and disseminates information about the Commission and its studies and publications through various techniques of communication; prepares or assists in the preparation of clearinghouse publications; edits and prepares for printing all Commission publications, including hearing transcripts and reports; maintains liaison with public and private groups and individuals interested in civil rights; and maintains a Documentation Center for the storage, retrieval, and dissemination of information related to civil rights problems and minority groups.

2. Section 701.13 is revised to read as follows:

§ 701.13 Field offices.

The Commission has established field offices at:

- (a) Northeastern Field Office, Room 1643, Federal Building, 26 Federal Plaza, New York, N.Y. 10007.
- (b) Mid-Atlantic Field Office, Room 204, Northwestern Federal Building, 1405 I Street NW., Washington, D.C. 20425.
- (c) Southern Field Office, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue NE., Atlanta, Ga. 30303.
- (d) Mid-Western Field Office, Room 1428, New Federal Building, 219 South Dearborn Street, Chicago, Ill. 60604.
- (e) Southwestern Field Office, Room 249, New Moore Building, 106 North Broadway, San Antonio, Tex. 78205.
- (f) Western Field Office, Room 1730, U.S. Courthouse and Federal Building, 312 North Spring Street, Los Angeles, Calif. 90012.

(Secs. 101-06, 71 Stat. 634-36, as amended; 42 U.S.C. 1975-1975e)

Effective date. These amendments shall become effective on the date of their publication in the FEDERAL REGISTER.

T. M. HESBURGH,
Chairman.

[F.R. Doc. 70-3120; Filed, Mar. 13, 1970; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

PART 386—RULES OF PRACTICE FOR MOTOR CARRIER SAFETY PROCEEDINGS UNDER SECTION 204(c) OF THE INTERSTATE COMMERCE ACT

Reply to Notice of Investigation; Hearing Examiner

On January 16, 1969, the Federal Highway Administrator added Part 386 to Title 49, CFR, prescribing procedures for the conduct of administrative proceedings and the issuance of orders under section 204(c) of the Interstate Commerce Act, 49 U.S.C. 304(c) (34 F.R. 937).

Section 386.31(a) of those rules provides for the appointment of a hearing examiner to conduct further proceedings "[u]pon the issuance of a notice of investigation." The notice of investigation is the initial pleading in a proceeding under the rules. Experience has shown that, in many cases, a proceeding is disposed of by mutual consent of the parties (such as the execution of a consent order) without any formal steps beyond the pleading stage. In such a case, the appointment of a hearing examiner appears to be unwarranted. Therefore, the Administrator is amending Part 386 to provide that a hearing examiner need be appointed only after the parties join issue.

In consideration of the foregoing, Part 386 of Title 49, CFR, is amended as set forth below.

Since these amendments do not affect any substantive right or duty and relate only to practice and procedure before the Federal Highway Administration, notice and public procedure are unnecessary and they are effective on the date of their publication in the FEDERAL REGISTER.

These amendments are issued under the authority of sections 204, 220, and 222 of the Interstate Commerce Act, as amended (49 U.S.C. 304, 320, 322), sections 834 and 835 of title 18, United States Code, section 6 of the Department of Transportation Act (49 U.S.C. 1655), and the delegation of authority contained in Part 1 of the regulations of the Office of the Secretary.

Issued on March 10, 1970.

F. C. TURNER,
Federal Highway Administrator.

Part 386 of Title 49, CFR, is amended as follows:

A. Paragraphs (a) and (c) of § 386.13 are amended to read:

§ 386.13 Reply to notice of investigation.

(a) *Time for filing.* Each respondent must file a reply to a notice of investigation within 30 days after it is served. The time for filing may be extended by

the Administrator only upon written motion which specifies good cause for the allowance of more time.

(c) *Default.* If a reply is not filed in accordance with this section, the respondent has waived his right to appear and contest the allegations of the notice of investigation. The Administrator may thereupon and without further notice to the respondent find the facts to be as alleged in the notice of investigation and issue his final order based upon such findings.

B. Paragraph (a) of § 386.31 is amended to read:

§ 386.31 Hearing examiner.

(a) *Appointment.* After issue is joined, either by the filing of a reply which contests the allegations of the notice of investigation or by the failure of the parties to agree upon an acceptable order for disposing of the proceedings by consent, the Administrator appoints a hearing examiner to conduct further proceedings and notifies the parties of his name and address.

[F.R. Doc. 70-3115; Filed, Mar. 13, 1970; 8:48 a.m.]

Chapter X—Interstate Commerce Commission

SUBCHAPTER D—TARIFFS AND SCHEDULES

[Special Permission No. M-60160]

PART 1307—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS OF MOTOR CARRIERS

Tariffs of Motor Common Carriers; Emergency Transportation of Property

At a Session of the Interstate Commerce Commission, Special Permission Board, held at its office in Washington, D.C., on the 25th day of February 1970.

It appearing, that Special Permission No. M-60160, revised June 14, 1967, prohibits the tariff from bearing a specific expiration date which will be later than the date upon which the emergency temporary authority expires;

And it further appearing, that the proposed rule making required by the Ad-

ministrative Procedure Act (5 U.S.C. 553) is unnecessary inasmuch as the change in existing regulations to be effectuated by this order will permit motor common carriers of property having emergency temporary operating authority to publish a "W" series tariff bearing a specific expiration date which will be later than the date upon which the emergency temporary authority expires, thus constituting a relaxation of the regulations heretofore prescribed:

It is ordered, That 49 CFR Part 1307.100, be, and the same is hereby revised to read as follows:

§ 1307.100 Motor common carriers of property; establishment of rates, etc., covering emergency movements of property.

(a) Subject to the limitations herein, motor common carriers of property may establish rates and other tariff provisions covering emergency movements of property under section 210(a) of Part II of the Interstate Commerce Act, without further notice prior to acceptance of shipments for transportation other than posting, where required, of an individual tariff publication (not a looseleaf page), containing such rates and other tariff provisions, and having four copies of the publication, with a letter of transmittal, filed with the Regional Director of the Bureau of Operations in whose region the carrier is domiciled or with the Supervisor designated by the Regional Director.

(b) Additional departure from the terms of Tariff Circular MF No. 3 (§§ 1307.21-1307.47): Motor common carriers of property may depart from the terms of Tariff Circular MF No. 3 (§§ 1307.21-1307.47) to the extent necessary to permit the filing of tariff publications in the manner authorized in the foregoing paragraph hereof.

(c) *Limitations:*

(1) This permission does not authorize the cancellation of any rate or provision on the same commodity between the same points and may not be used to establish rates and other provisions which will result in duplicating or conflicting rates, except as authorized in Limitation (5) below.

(2) Tariffs filed hereunder must be consecutively numbered in the carrier's "W" series in the following manner:

MF-I.C.C. No. W-----.

(3) Tariffs filed hereunder may contain only the rates, rules and other provisions covering the movement of property under emergency temporary authority and may not contain other rates or provisions.

(4) All tariffs filed hereunder must bear a specific expiration date which will not be later than 45 days after the effective date of the tariff.

(5) When it has been discovered that provisions of one "W" series tariff do not conform to emergency temporary authority actually granted, another tariff, in the carrier's "W" series, may be filed in accordance with paragraphs (a), (b), and (c) to cancel the first and conform tariff provisions to the operating authority.

(6) Supplements to "W" series tariffs are permissible only for the purpose of changing, specifically, the expiration date of the tariff to a date not later than the date upon which the emergency temporary authority, or an extension thereof, expires.

This permission does not modify any outstanding formal order of the Commission, nor waive any of the requirements of its published rules relative to the construction and filing of tariff publications, except as herein authorized, nor modify any of the provisions of Part II of the Interstate Commerce Act, except as to notice.

It is further ordered, That this revision shall become effective February 25, 1970.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 217(c), 49 Stat. 560, as amended; 49 U.S.C. 317(c))

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

By the Commission, Special Permission Board,

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-3128; Filed, Mar. 13, 1970; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

MOUNT MCKINLEY NATIONAL PARK, ALASKA

Special Regulations, Mountain Climbing, Aircraft

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), the Act of February 26, 1917 (39 Stat. 938, as amended; 16 U.S.C. 351), the Act of January 26, 1931 (46 Stat. 1043; 16 U.S.C. 350a), the Act of March 19, 1932 (47 Stat. 68; 16 U.S.C. 355), 245 DM1 (27 F.R. 6395), as amended, National Park Service Order No. 34 (31 F.R. 4255), as amended, and Regional Director, Western Region Order No. 4 (31 F.R. 5577), as amended, it is proposed to amend § 7.44 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to provide a registration system for mountain climbing in certain areas of the park in the interest of public safety, and to designate a permissible aircraft landing area within the park.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comment, suggestions, or objections to the Superintendent, Mount McKinley National Park, Post Office Box 2252, Anchorage, Alaska 99501, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Section 7.44 is amended to read as follows:

§ 7.44 Mount McKinley National Park.

(g) *Climbing and hiking.* (1) Registration is required in advance on a form provided by the Superintendent, for climbing Mount McKinley and Mount Foraker. Registration shall also include a statement of previous climbing experience for each member of the climbing party and a physician's statement certifying the physical fitness for the climb for each member.

(2) A two-way radio capable of reaching another manned station in ready contact with park headquarters must be carried by the climbing party.

(3) All members of the registered party are required to report in with park headquarters immediately upon return from the climb.

(h) *Aircraft operations.* Aircraft shall be operated within the park as provided in § 2.2 of this chapter, except as hereinafter specified.

(1) Landing of aircraft shall be permitted on the airstrip locally known as the McKinley Park Station Airport, located in secs. 3 and 4, T. 14 S., R. 7 W.; and secs. 33 and 34, T. 13 S., R. 7 W., Fairbanks Meridian.

ERNEST J. BORGMAN,
Superintendent,
Mount McKinley National Park.

[F.R. Doc. 70-3109; Filed, Mar. 13, 1970;
8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Ch. IX]

AGING PROGRAMS AND ACTIVITIES

Notice of Proposed Rule Making

Correction

In F.R. Doc. 70-2682 appearing at page 4180 in the issue for Thursday, March 5, 1970, the reference to "title II" in the second line of § 903.1 should read "title III".

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 77]

[Docket No. 10183; Notice No. 70-11]

OBJECTS AFFECTING NAVIGABLE AIRSPACE

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending part 77 of the Federal Aviation Regulations to change the standards for determining obstructions to air navigation. This action would change the standards to conform with current en route and terminal IFR procedures, and would modify civil and military airport and runway related imaginary surfaces to reflect present day requirements in the design and use of airports.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before

May 13, 1970, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Part 77 of the Federal Aviation Regulations establishes standards for determining obstructions in navigable airspace; sets forth the requirements for notice to the Administrator of proposed construction or alteration; and provides for aeronautical studies of obstructions, public hearings on the hazardous effect of construction proposals, and establishing antenna farm areas.

During the development and coordination of the proposal contained in this notice, the FAA discussed two possible changes to section 77.25, Civil Airport imaginary surfaces.

Section 77.25 as proposed in this notice would establish an approach surface at each end of each runway based upon the type of approach available or planned for that runway. This approach surface would be longitudinally centered on the extended runway centerline and would extend outward and upward from each end of the primary surface. Section 77.25 would also establish transitional surfaces that would extend outward and upward at right angles to the runway centerline at a slope of 7 to 1 from the edges of the primary and approach surfaces at all airports. The following two changes were discussed by FAA but not made a part of this notice:

a. Section 77.25 would specify that the approach surface would begin 200 feet beyond the end of the landing threshold. The result of this change would be that when the location of the threshold for the landing of airplanes has been moved to obtain obstruction-free approaches and, therefore, would be no longer located at the beginning of the runway area that may still be available for the takeoff of airplanes, the approach surface would begin 200 feet beyond the end of that displaced landing threshold. The primary surface would still extend 200 feet beyond each end of the runway.

b. Section 77.25 would specify that the slope of the transitional surfaces that extend outward and upward from the edges of the primary surface would be 4 to 1 instead of 7 to 1.

Public comment is specifically requested on the advisability of these two possible changes that would respectively change the reference of the approach surfaces to the landing threshold and change the slope of the transitional surfaces along the primary surface.

In view of the fact that a majority of landing and takeoff runways are of turf, dirt or similar unprepared surface rather

than of specially prepared hard surface, and of differing lateral dimensions, it was agreed that for the purposes of Part 77, any clearly defined strip or pathway designated by appropriate authority for the landing and takeoff of aircraft would be considered to be a "runway." Despite other variances, the factor common to all runways is the centerline and, it is this factor that permits application of the primary surface and related transitional surfaces for obstruction standards, since the primary surface is longitudinally centered on the runway.

The standards prescribed in Part 77 for determining obstructions to air navigation are used by the Administrator in the performance of the statutory functions authorized by the Federal Aviation Act and the Federal Airport Act. These functions include the formation of long-range plans and policies and the furnishing of technical advice and assistance for the orderly development and location of landing areas. To ensure the use of the obstruction standards of Part 77 as a basis for development of airport design standards and to clarify the current language, this proposal would change § 77.3(a)(3) to state that the obstruction standards established in Part 77 are used by the Administrator in developing technical standards and guidance in the design and construction of airports.

The current Subpart C of Part 77 establishes airport and runway related imaginary surfaces based upon runway lengths corrected in accordance with the current FAA airport design standards to no gradient and standard conditions of temperature and elevation. It has been determined that a more realistic approach to accommodate modern aircraft performance characteristics and current IFR procedures, would be to base the imaginary surfaces on the category of runway by type of approach procedures available or planned. Defined categorizations proposed are "Utility Runway," "Visual Runway," "Nonprecision Instrument Runway," and "Precision Instrument Runway."

To help military tenants at civil airports to attain agreement for the installation of approved devices, a proposed change would exclude from the notice requirement certain facilities, aids, and devices if they are of a type approved by the appropriate military service. Presently, this approval is reserved to the Administrator, FAA.

Several changes to the section on "Standards for determining obstructions" are proposed to provide additional protection, for clarification, and for uniformity.

Other minor changes are proposed to establish consistency and for clarification.

In consideration of the foregoing, it is proposed to amend Part 77 of the Federal Aviation Regulations as follows:

1. By adding the following definitions at the end of § 77.2:

§ 77.2 Definition of terms.

"Utility Runway" means a runway that is constructed for and intended to be used by aircraft of 12,500 pounds maximum gross weight and less, excluding turbojet powered aircraft.

"Visual Runway" means a runway intended solely for the operation of aircraft using visual approach procedures, with no existing instrument procedure and no instrument designation indicated on a Federal Aviation Administration or military service approved airport layout plan or by any other FAA or military planning document.

"Nonprecision Instrument Runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance for which a straight-in nonprecision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are planned, or indicated on an FAA or military service planning document.

"Precision Instrument Runway" means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), a Precision Approach Radar (PAR), or a runway for which a precision approach system is planned, as indicated by an FAA or military service approved airport layout plan or other FAA or military service planning document.

2. By amending paragraph (a)(3) of § 77.3 to read as follows:

§ 77.3 Standards.

(a) * * *

(3) Developing technical standards and guidance in the design and construction of airports; and

3. By amending paragraph (a)(3) of § 77.13 to read as follows:

§ 77.13 Construction of alteration requiring notice.

(a) * * *

(3) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it, would exceed a standard of subparagraph (1) or (2) of this paragraph.

4. By amending paragraph (c) of § 77.15 to read as follows:

§ 77.15 Construction or alteration not requiring notice.

(c) Any air navigation facility, airport visual approach or landing aid, air-

craft arresting device, or meteorological device, of a type approved by the Administrator or an appropriate military service, the location and height of which is fixed by its functional purpose.

5. By amending § 77.21 to read as follows:

§ 77.21 Scope.

(a) This subpart establishes standards for determining obstructions to air navigation. It applies to existing and proposed manmade objects, objects of natural growth, and terrain. The standards apply to the use of navigable airspace by aircraft and to existing air navigation facilities, such as an air navigation aid, airport, Federal airway, instrument approach or departure procedure, or approved off-airway route. Additionally, they apply to a planned facility or use, or a change in an existing facility or use, if a proposal therefor is on file with the Federal Aviation Administration or an appropriate military service on the date the notice required by § 77.13(a) is filed.

(b) [Revoked]

(c) * * *

(d) At those airports having defined runways with specially prepared hard surfaces, the primary surface for each such runway extends 200 feet beyond each end of the runway. At those airports having defined strips or pathways that are used regularly for the taking off and landing of aircraft and have been designated by appropriate authority as runways, but do not have specially prepared hard surfaces, each end of the primary surface for each such runway shall coincide with the corresponding end of the runway. At those airports having a landing and takeoff area with no defined pathways for the landing and taking off of aircraft, a determination shall be made as to which portions of the landing and takeoff area are regularly used as landing and takeoff pathways. Those pathways so determined shall be considered runways and an appropriate primary surface as defined in subsection 77.25(c) will be considered as being longitudinally centered on each runway so determined, and each end of that primary surface shall coincide with the corresponding end of that runway.

6. By amending § 77.23 to read as follows:

§ 77.23 Standards for determining obstructions.

(a) * * *

(1) A height of 500 feet above ground level at the site of the object.

(2) A height that is 200 feet above the established airport elevation, within 3 nautical miles of the established reference point of an airport, excluding heliports, with its longest runway more than 3,200 feet in actual length, and that height increases in the proportion of 100 feet for each additional nautical mile of distance from the airport reference point up to a maximum of 500 feet.

(3) A height within a terminal obstruction clearance area, including an

initial approach segment, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstruction clearance.

(4) A height within an en route obstruction clearance area, including turn and termination areas, of a Federal airway or approved off-airway route, that would increase the minimum obstruction clearance altitude.

(5) The surface of a takeoff and landing area of an airport or any imaginary surface established under §§ 77.25, 77.28, or 77.29. However, no part of the takeoff or landing area itself will be considered an obstruction.

(b) Except for traverse ways on or near an airport with an operative ground traffic control service, furnished by an air traffic control tower or by the airport management and coordinated with the air traffic control service, the standards of paragraph (a) of this section apply to traverse ways used or to be used for the passage of mobile objects only after the heights of these traverse ways are increased by: (1) 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, (2) 15 feet for any other public roadway, (3) 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, (4) 23 feet for a railroad, and, (5) for a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.

7. By amending § 77.25 to read as follows:

§ 77.25 Civil airport imaginary surfaces.

The following civil airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end.

(a) Horizontal surface—a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

- (1) 5,000 feet for all runways designated as utility or visual; and,
- (2) 10,000 feet for all runways other than utility designated as nonprecision instrument; and,
- (3) 10,000 feet for all runways designated as precision instrument.

The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

(b) Conical surface—a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

(c) Primary surface—a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface coincides with the elevation of the nearest point on the runway centerline. The width of a primary surface is:

- (1) 250 feet for utility runways having only visual approaches.
- (2) 500 feet for utility runways having nonprecision instrument approaches.
- (3) For other than utility runways the width is:
 - (i) 500 feet for visual runways having only visual approaches
 - (ii) 500 feet for nonprecision instrument runways having visibility minimums greater than three-fourths statute mile
 - (iii) 1,000 feet for precision instrument runways and those nonprecision instrument runways having visibility minimums as low as three-fourths statute mile.

The width of the primary surface of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for either end of that runway.

(d) Approach surface—a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

(1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:

- (i) 1,250 feet for that end of a utility runway with only visual approaches;
- (ii) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;
- (iii) 2,000 feet for that end of a utility runway with a nonprecision instrument approach;
- (iv) 3,500 feet for that end of a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths statute mile;
- (v) 4,000 feet for that end of a nonprecision instrument runway, other than utility, having a nonprecision instrument approach with visibility minimums as low as three-fourth mile; and

(vi) 16,000 feet for precision instrument runways.

(2) The approach surface extends for a horizontal distance of:

- (i) 5,000 feet at a slope of 20 to 1 for all utility and visual runways; and,
- (ii) 10,000 feet at a slope of 34 to 1 for all nonprecision instrument runways other than utility; and,
- (iii) 10,000 feet at a slope of 50 to 1 with an additional 40,000 feet at a slope of 40 to 1 for all precision instrument runways.

(3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

(e) Transitional surface—these surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

8. By revoking § 77.27 *Civil airport imaginary surfaces related to runways.*

9. By amending § 77.28 to read as follows:

§ 77.28 Military airport imaginary surfaces.

(a) *Related to airport reference points.* These surfaces apply to all military airports. For the purposes of this part a military airport is any airport operated by an armed force of the United States.

(b) *Related to runways.* These surfaces apply to all military airports.

(1) Primary surface—a surface located on the ground or water longitudinally centered on each runway with the same length as the runway. The width of the primary surface for runways is 2,000 feet. However, at established bases where substantial construction has taken place in accordance with a previous lateral clearance criteria, the 2,000-foot width may be reduced to the former criteria.

10. By amending § 77.29 to read as follows:

§ 77.29 Airport imaginary surfaces for heliports.

(b) *Heliport approach surface.* The approach surface begins at each end of the heliport primary surface with the same width as the primary surface, and extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet. The slope of the approach surface is 8 to 1 for civil airports and 10 to 1 for military heliports.

These amendments are proposed under the authority of sections 307, 313, and 1101 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354, and 1501), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 5, 1970.

WILLIAM M. FLENER,
Director,
Space Air Traffic Service.

[F.R. Doc. 70-3116; Filed, Mar. 13, 1970;
8:48 a.m.]

Federal Highway Administration

[49 CFR Part 371]

[Docket No. 3-3; Notice 3]

AVAILABILITY FOR INSPECTION OF MATERIALS ON FLAMMABILITY OF VEHICLE INTERIOR MATERIALS

Extension of Time for Comments

A motor vehicle safety standard on Flammability of Interior Materials was proposed by a notice published on De-

cember 31, 1969 (34 F.R. 20434). In response to requests by interested parties, background materials relating to this subject in the possession of the National Highway Safety Bureau will be made available for inspection by members of the public from March 6 to 30, 1970, excepting Saturdays and Sundays, from 9 a.m. to 5 p.m. in Room 5308, 400 Seventh Street SW., Washington, D.C. 20591.

In response to another request, because of the wide range of materials affected by the proposal, the time for interested parties to submit comments on the above notice is hereby extended from March 30 until April 30, 1970.

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407, and the delegation of authority by the Secretary of Transportation to the Federal Highway Administrator, 49 CFR 1.4(c).

F. C. TURNER,
Federal Highway Administrator.

MARCH 9, 1970.

[F.R. Doc. 70-3114; Filed, Mar. 13, 1970;
8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 18802]

SCHEDULE OF FEES

Notice of Proposed Rule Making

The notice of proposed rule making in the above-entitled matter, FCC 70-183, published in the FEDERAL REGISTER on February 27, 1970, 35 F.R. 3815, is corrected as follows:

In paragraph 7, move the footnote reference "8" after the word "applicable" and insert it after "section 302" in the next line. At the bottom of the page, change the explanation of footnote "8" from "47 U.S.C. 8302" to read "47 U.S.C. § 302".

Released: March 10, 1970.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-3130; Filed, Mar. 13, 1970;
8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. S-500]

ROBERT D. LIBBY

Notice of Loan Application

MARCH 6, 1970.

Robert D. Libby, 550 Ravenna Boulevard NE., Apartment No. 3, Seattle, Wash. 98115, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 31-foot length overall wood vessel to engage in the fishery for salmon, halibut, and lingcod.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

C. E. PETERSON,
Chief,

Division of Financial Assistance.

[F.R. Doc. 70-3097; Filed, Mar. 13, 1970;
8:47 a.m.]

DEPREDATING AMERICAN COOTS

Order Terminating Authorization To Kill in Certain Counties of California

On page 436 of the FEDERAL REGISTER of Tuesday, January 13, 1970, there was published an order permitting depredating American Coots (*Fulica americana*) to be killed in designated agricultural areas in California, including the seven counties named below.

It has been determined that the emergency condition created by these depredating American Coots (*Fulica americana*) has been abated and no longer exists in the following named counties of California:

- | | |
|------------|----------------|
| 1. Fresno. | 5. Merced. |
| 2. Kern. | 6. Stanislaus. |
| 3. Kings. | 7. Tulare. |
| 4. Madera. | |

Therefore, the termination date of the order published on page 436 of the FED-

ERAL REGISTER of Tuesday, January 13, 1970, will be at sunset on March 15, 1970, in the seven counties of California named above.

(Section 16.25, Title 50, Code of Federal Regulations)

Effective date: This amendment will be effective upon publication in the FEDERAL REGISTER.

JOHN S. GOTTSCHALK,
Director, Bureau of
Sport Fisheries and Wildlife.

MARCH 11, 1970.

[F.R. Doc. 70-3098; Filed, Mar. 13, 1970;
8:47 a.m.]

Office of the Secretary

[Order No. 2508, Amdt. 87]

COMMISSIONER OF INDIAN AFFAIRS

Delegation of Authority With Respect to Specific Legislation

Section 30 of Order 2508, as amended, is further amended by the addition under paragraph (a) of a new subparagraph to read as follows:

SEC. 30. *Authority under specific acts.* (a) In addition to any authority delegated elsewhere in this order, the Commissioner of Indian Affairs, except as provided in paragraph (b) of this section, is authorized to perform the functions and exercise the authority vested in the Secretary of the Interior by the following acts or portions of acts or any acts amendatory thereof:

(46) The Act of October 17, 1968 (82 Stat. 1147), which provides for the disposition of the judgment funds awarded The Southern Paiute Nation of Indians.

WALTER J. HICKEL,
Secretary of the Interior.

MARCH 9, 1970.

[F.R. Doc. 70-3108; Filed, Mar. 13, 1970;
8:47 a.m.]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1969 Rev., Supp. No. 17]

MILLERS MUTUAL INSURANCE COMPANY

Change of Name

The Millers Mutual Fire Insurance Company, Harrisburg, Pa., a Pennsylvania corporation, formally changed its name to Millers Mutual Insurance Company, effective March 10, 1969. A copy of the Amendment to the Articles of Agreement of The Millers Mutual Fire Insurance Company approved

by the Governor of the Commonwealth of Pennsylvania on February 7, 1969, changing the name of The Millers Mutual Fire Insurance Company to Millers Mutual Insurance Company, has been received and filed in the Treasury.

A new Certificate of Authority as an acceptable surety on Federal bonds, has been issued by the Secretary of the Treasury to the Millers Mutual Insurance Company, Harrisburg, Pa., under sections 6 to 13 of Title 6 of the United States Code, to replace the Certificate issued July 1, 1969 to the Company under its former name, The Millers Mutual Fire Insurance Company. The underwriting limitation of \$279,000 previously established for the Company remains unchanged.

The change in name of The Millers Mutual Fire Insurance Company does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to the Certificate of Authority issued by the Secretary of the Treasury.

Certificates of Authority expire on June 30 each year, unless sooner revoked and new Certificates are issued on July 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: March 10, 1970.

[SEAL]

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 70-3119; Filed, Mar. 13, 1970;
8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

INTEREST RATE PROVIDED IN REPARATION AWARDS

Notice of Proposed Policy Change

Since June 1, 1966, reparation awards issued pursuant to the provisions of the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. 499a et seq.), and the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have provided for the payment of interest at the rate of 6 percent per annum, in addition to payment of the principal amount of damages found to be due.

Public notice is hereby given that the Secretary of Agriculture, through the Judicial Officer, Office of the Secretary, in

view of current interest rates, proposes, effective as to reparation orders under the Perishable Agricultural Commodities Act, 1930, as amended, and reparation orders under the Packers and Stockyards Act, 1921, as amended, issued on and after June 1, 1970, where an award of interest is appropriate, to award interest at the rate of 8 percent per annum.

All persons who desire to submit written comments in connection with the aforesaid proposal should file the same in triplicate, not later than April 15, 1970, with the Hearing Clerk, Office of the Secretary, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public inspection during official hours of business (7 CFR § 1.27 (b)).

Done at Washington, D.C., this 11th day of March 1970.

THOMAS J. FLAVIN,
Judicial Officer.

[F.R. Doc. 70-3138; Filed, Mar. 13, 1970;
8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

BONA FIDE MOTOR-VEHICLE MANUFACTURERS

Notice of Determination

Notice is hereby given that pursuant to authority contained in Chapter III, Part 301, of Title 19 of the Code of Federal Regulations, the Administrator, as of March 1, 1970, has determined the following to be bona fide motor-vehicle manufacturers:

Action-Age, Inc., 18780 Cranwood Parkway, Cleveland, Ohio 44128. Sept. 11, 1969.
Haywood Adams Brake Service, 116 Carroll Street, Thomasville, Ga. 31792. Jan. 18, 1970.
Advanced Equipment Corporation, 260-09 Hillside Avenue, Floral Park, N.Y. 11004. May 31, 1969.
Allis-Chalmers Manufacturing Co., Outdoor Products Division, Post Office Box 128, Lexington, S.C. 29072. Dec. 1, 1969.
American Machine & Foundry Co., York Division, Whiteford Road, York, Pa. 17402. May 2, 1969.
American Motors Corporation, 14250 Plymouth Road, Detroit, Mich. 48232. Jan. 18, 1970.
American Trailer Service, Inc., 2814 North Cleveland Avenue, St. Paul, Minn. 55113. Jan. 18, 1970.
American Trailers, Inc., 1500 Exchange Avenue, Oklahoma City, Okla. 73101. Jan. 18, 1970.
Antietam Equipment, Post Office Box 91, Hagerstown, Md. 21740. Jan. 1, 1970.
Arctic Enterprises, Inc., Zeh and South LaBree, Thief River Falls, Minn. 56701. Aug. 1, 1969.
Arlens Company, 655 West Ryan Street, Brillion, Wis. 54110. Aug. 10, 1969.
ATV Manufacturing Co., 1215 William Flynn Highway, Route 8, Glenshaw, Pa. 15110. Oct. 1, 1969.
Aurora Engineering, 9717 West M-21, Ovid, Mich. 48866. Jan. 6, 1970.
Automotive Safety, Inc., 725 Dowd Avenue, Elizabeth, N.J. 07201. Jan. 18, 1970.

Automotive Service Company, 111-113 North Waterloo, Jackson, Mich. 49204. Jan. 18, 1970.
Avanti Motor Corporation, 765 South Lafayette Boulevard, South Bend, Ind. 46623. Jan. 11, 1970.
Adam Black & Sons, Inc., 276-300 Tonnele Avenue, Jersey City, N.J. 07306. Jan. 18, 1970.
Blue Bird Body Co., Post Office Box 397, Fort Valley, Ga. 31030. Jan. 18, 1970.
Boatel Company, Inc., 24 North Walnut, Mora, Minn. 55051. Oct. 10, 1969.
Boyertown Auto Body Works, Inc., Third and Walnut Street, Boyertown, Pa. 19512. Sept. 1, 1969.
Brake & Equipment Service Co., Inc., 1801 North Mayfair Road, Milwaukee, Wis. 53226. Jan. 10, 1970.
Brake Service and Parts, Inc., 170 Washington Street, Post Office Box 774, Bangor, Maine 04401. Jan. 18, 1970.
Bristol-Donald Co., Inc., 50 Roanoke Avenue, Newark, N.J. 07105. Jan. 1, 1970.
The Carnegie Body Co., 9500 Brookpark Road, Cleveland, Ohio 44129. Jan. 18, 1970.
Capitol Trailer & Body Co., 3420 East Broadway, North Little Rock, Ark. 72117. Apr. 22, 1969.
Checker Motor Corporation, 2016 North Pitcher Street, Kalamazoo, Mich. 49007. Jan. 1, 1970.
Chrysler Corporation, 341 Massachusetts Avenue, Highland Park, Mich. 48203. Jan. 18, 1970.
B. M. Clark Co., Inc., Route 17, Union, Maine 04862. Jan. 14, 1970.
Cloverleaf Equipment & Sales, Inc., 7801 Old Granger Road, Garfield Heights, Ohio 44125. Jan. 18, 1970.
Coder Service, Inc., 420 Hopkins Street, Buffalo, N.Y. 14220. Feb. 17, 1970.
Comet Corporation, Spokane Industrial Park, Spokane, Wash. 99216. Jan. 18, 1970.
Commercial Truck & Trailer, Inc., 313 North State Street, Girard, Ohio 44420. Jan. 18, 1970.
Connell Motor Truck Co. of Fresno, 2832 Church Avenue, Fresno, Calif. 93766. Jan. 15, 1970.
Coot Industries, Inc., Suite 291, Ferry Building, San Francisco, Calif. 94111. Sept. 22, 1969.
Couparral Co., Inc., 1460 Sibley Memorial Highway, St. Paul, Minn. 55118. Oct. 7, 1969.
Crenshaw Corporation, 1700 Commerce Road, Post Office Box 4217, Richmond, Va. 23224. Apr. 1, 1969.
Critzler Equipment Co., East 3804 Front Avenue, Post Office Box 152, Spokane, Wash. 99210. Jan. 10, 1970.
Cross Truck Equipment Co., Inc., 1801 Perry Drive SW., Canton, Ohio 44706. Jan. 11, 1970.
Cummins Engine Co., 1000 Fifth Street, Columbus, Ind. 47201. Mar. 1, 1970.
Daleiden Auto Body & Mfg. Corporation, 425 East Vine Street, Kalamazoo, Mich. 49001. Jan. 12, 1970.
Dealers Truck Equipment Co., Inc., Post Office Box 1435, 2460 Midway Street, Shreveport, La. 71102. Jan. 17, 1970.
Dealers Truckstell Sales, Inc., 653 Beale Street, Post Office Box 1020, Memphis Tenn. 38101. Dec. 31, 1969.
Chet Decker Auto Sales, 300 Lincoln Avenue, Hawthorne, N.J. 07506. Nov. 3, 1969.
Roy F. Drake Body and Equipment Co., 1501 North Minnesota Avenue, Sioux Falls, S. Dak. 57101. Jan. 18, 1970.
Drake-Scruggs Equipment, Inc., 600 South 31st Street, Springfield, Ill. 62703. Jan. 9, 1970.
Dyna-Truck Division, Dynamics Corp. of America, 217 Kossuth Street, Bridgeport, Conn. 06608. Jan. 18, 1970.
Eastern Tank Corporation, 290 Pennsylvania Avenue, Paterson, N.J. 07503. Jan. 1, 1970.

Eight Point Trailer Corporation, 6100 East Washington Boulevard, Los Angeles, Calif. 90022. Jan. 18, 1970.
Emmert Trailer Inc., 614 Mishawake Street, Elkhart, Ind. 46514. Jan. 18, 1970.
John Evans Manufacturing Co., Post Office Box 669, Sumter, S.C. 29150. Jan. 1, 1970.
The Flexible Co., 326-332 North Water Street, Loudonville, Ohio 44842. Jan. 18, 1970.
FMC Corporation, Riverside Division, 3075 14th Street, Riverside, Calif. 92502. Jan. 1, 1970.
Ford Motor Company, The American Road, Dearborn, Mich. 48121. Jan. 18, 1970.
Fox Corporation, 1111 West Racine Street, Janesville, Wis. 53545. Jan. 18, 1970.
Freightliner Corporation, 5400 North Basin Avenue, Portland, Oreg. 97208. Dec. 13, 1969.
F.T.S. Corporation, 5995 North Washington Street, Denver, Colo. 80216. July 8, 1969.
FWD Corporation, 105 East 12th Street, Clintonville, Wis. 54929. Jan. 1, 1970.
Gar-Wood Detroit Truck Equipment Inc., 21083 Mound Road, Warren, Mich. 48091. Jan. 18, 1970.
General Motors Corporation, 3044 West Grand Boulevard, Detroit, Mich. 48202. Jan. 18, 1970.
General Trailer Co., Inc., 546 West Wilkins Street, Indianapolis, Ind. 46225. Jan. 18, 1970.
The Gerstenslager Co., 1425 East Bowman Street, Wooster, Ohio 44691. July 1, 1969.
Gibbs Machinery Co., Wheat and Assembly Streets, Columbia, S.C. 29202. Jan. 19, 1970.
Gidley-Eschenheimer Corporation, 858 Providence Highway, Dedham, Mass. 02026. July 14, 1969.
Gilson Bros. Co., Post Office Box 152, Laack Street, Plymouth, Wis. 53073. Sept. 26, 1969.
Gooch Brake and Equipment Co., Inc., 512 Grand Avenue, Kansas City, Mo. 64106. Jan. 11, 1970.
Grand Rapids Brake Service, Inc., 1935 Century Avenue SW., Grand Rapids, Mich. 49509. Jan. 18, 1970.
Harris Rlm and Wheel, Inc., 525 Peters Street NW., Atlanta, Ga. 30310. Jan. 1, 1970.
Hawkeye Truck Equipment Co., 4101 East 14th Street, Des Moines, Iowa 50313. Jan. 18, 1970.
Hercules-Gallon Products, Inc., Post Office Box 607, 500 Sherman Street, Gallon, Ohio 44833. Aug. 24, 1969.
Herter's Inc., Route 1, Wesaca, Minn. 59093. May 15, 1969.
The Hess & Eisenhardt Co., 8959 Blue Ash Road, Cincinnati, Ohio 45242. Jan. 9, 1970.
Hobbs Trailers, 609 North Main Street, Post Office Box 1568, Fort Worth, Tex. 76101. Apr. 23, 1969.
Hudsonville Truck & Trailer Service Co., 5210 36th Avenue, Hudsonville, Mich. 49426. Jan. 31, 1970.
O. G. Hughes & Sons, Inc., 312 South Central Avenue, Knoxville, Tenn. 37902. Apr. 16, 1969.
IMP Boats, A Division of American Photocopy Equipment Co., 500 West Lincoln Road, Iola, Kans. 66749. Oct. 1, 1969.
Indiana Trailer Supply Inc., Transport Equipment Division, 2600 South Nappaner Street, Elkhart, Ind. 46514. Aug. 1, 1969.
International Harvester Co., 401 North Michigan Avenue, Chicago, Ill. 60611. Jan. 18, 1970.
Kaiser Jeep Corporation, 940 North Cove Boulevard, Toledo, Ohio 43601. Jan. 18, 1970.
Kar-Kraft Brighton, Inc., 800 Whitney, Brighton, Mich. 48116. Oct. 1, 1969.
Kay Wheel Sales Co., Tacony and Van Kirk Streets, Philadelphia, Pa. 19135. Dec. 31, 1969.
Kencar Equipment Co., 1906 Lakeview Avenue, Dayton, Ohio 45408. Jan. 18, 1970.

- Kenworth Motor Truck Co., 8801 East Marginal Way, Seattle, Wash. 98108. Jan. 18, 1970.
- Kinetics International Division, LTV Aerospace Corporation, 1000 South Point Circle, Post Office Box 493, Tyler, Tex. 75701. Feb. 4, 1970.
- KW-Dart Truck Company, 1301 North Manchester Trafficway, Kansas City, Mo. 64120. Jan. 18, 1970.
- Ledwell & Son, Inc., Post Office Box 1106, Texarkana, Tex. 75501. Jan. 18, 1970.
- Leland Equipment Co., 7777 East 42nd Place South, Tulsa, Okla. 74101. Jan. 18, 1970.
- Machine Products & Tool, Inc., 6600 South City Road 18, Eden Prairie, Minn. 55343. Oct. 7, 1969.
- Mack Trucks, Inc., Executive Offices, Box M, Allentown, Pa. 18105. Jan. 18, 1970.
- Jay Madsen Corporation, 132 South 12th Street, Newark, N.J. 07107. Jan. 18, 1970.
- Mallard Coach Corporation, 603 Hi Mount Road, West Bend, Wis. 53095. Jan. 11, 1970.
- Manning Equipment, Inc., 3709 Bishop Lane, Louisville, Ky. 40218. Apr. 16, 1969.
- Marion Metal Products Co., 1765 East 18th Street, Post Office Box 6954, Marion, Ohio 43302. Jan. 18, 1970.
- Massart Supply, Inc., 211 West Third Street, Lafayette, La. 70501. Jan. 18, 1970.
- Merit Tank & Body, Inc., 707 Gilman Street, Berkeley, Calif. 94710. Jan. 18, 1970.
- Middlehauff, Inc., 1615 Ketcham Avenue, Toledo, Ohio 43608. Jan. 18, 1970.
- Mid West Truck & Equipment Co., 640 East Pershing Road, Decatur, Ill. 62526. Jan. 18, 1970.
- Mille Lacs Industries, Inc., Post Office Box 8, Ogilvie, Minn. 56358. Nov. 1, 1969.
- Moline Body Co., 222 52nd Street, Moline, Ill. 61265. Jan. 10, 1970.
- Monon Trailer and Body Co., Post Office Box 446, Monon, Ind. 47959. Jan. 18, 1970.
- Edward G. Moody & Son, Spittbrook Road, Nashua, N.H. 03060. Jan. 1, 1970.
- Moore and Sons, Inc., 2900 Airways Boulevard, Memphis, Tenn. 38130. Dec. 31, 1969.
- Motor Coach Industries, Inc., Pembina, N. Dak. 58271. Jan. 18, 1970.
- Motor Truck Equipment Corp., 2950 Irving Boulevard, Post Office Box 47385, Dallas, Tex. 75247. Jan. 18, 1970.
- Muscat Corporation, 56 East Broadway, Forest Lake, Minn. 55025. Feb. 10, 1970.
- Mutual Truck Parts, Inc., 2000 South Wabash Avenue, Chicago, Ill. 60616. Apr. 16, 1969.
- Neil's Automotive Service, Inc., 167 East Kalamazoo Avenue, Kalamazoo, Mich. 49006. Jan. 1, 1970.
- Nelson Mfg. Co., Route No. 1, Ottawa, Ohio 45875. Jan. 18, 1970.
- New England Oil Burner Co., Route 2-A Main Street, Colchester, Vt. 05446. Jan. 10, 1970.
- New Frontier Corp., 4030 South Division Avenue, Grand Rapids, Mich. 49508. Jan. 31, 1970.
- Nye Implement Co., Inc., NKA NYE, INC., 250 East Fourth Street, Fostoria, Ohio 44830. Jan. 18, 1970.
- Ohio Body Mfg. Co., New London, Ohio 44851. Jan. 1, 1970.
- Ohio Truck Equipment, Inc., 4100 Rev Drive, Cincinnati, Ohio 45232. May 1, 1969.
- Olson Bodies, Inc., 600 Old Country Road, Garden City, N.J. 11530. Nov. 1, 1969.
- Olson Trailer & Body Builders Co., 2740 South Ashland, Green Bay, Wis. 54306. Jan. 18, 1970.
- Oshkosh Truck Corporation, 2307 Oregon Street, Oshkosh, Wis. 54901. Jan. 18, 1970.
- Ottawa Steel Products Daybrook-Ottawa Corporation, Post Office Box 49, Ottawa, Kans. 66067. Jan. 17, 1970.
- Outboard Marine Corporation, 100 Pershing Road, Waukegan, Ill. 60085. Jan. 18, 1970.
- Pacific Car & Foundry Co., 777 106th Avenue NE, Post Office Box 1518, Bellevue, Wash. 98004. Jan. 18, 1970.
- Palmer Spring Co., 355 Forest Avenue, Portland, Maine 04101. Jan. 18, 1970.
- Palmer Trailer Sales Co., Inc., 162 Park Street, Route 20 East, Palmer, Mass. 01069. Jan. 18, 1970.
- Peerless Trailer & Truck Service, Inc., 18205 Southwest Boones Ferry Road, Post Office Box 447, Tualatin, Ore. 97062. Jan. 8, 1970.
- Perfection Equipment Co., 7 South Pennsylvania, Oklahoma City, Okla. 73107. Jan. 5, 1970.
- Perfection Truck Equipment Co., 347 North James, Kansas City, Mo. 64108. Jan. 18, 1970.
- Peterbilt Motors Co., 38801 Cherry Street, Post Office Box 404, Newark, Calif. 94560. Jan. 18, 1970.
- Pezzani & Reid Equipment Co., 3960 West Fort Street, Detroit, Mich. 48216. Jan. 18, 1970.
- Polaris Industries, Div. of Textron Inc., Roseau, Minn. 56751. Aug. 2, 1969.
- Poloron Products of Pa., Inc., East Corey Street, Scranton, Pa. 18505. Nov. 1, 1969.
- Power Brake Company, Inc., 1506 West Morehead Street, Box 838, Charlotte, N.C. 28208. Jan. 17, 1970.
- Power Brake Service & Equipment Co., Inc., 1307 Carnegie Avenue, Cleveland, Ohio 44115. Jan. 18, 1970.
- Providence Body Co., Post Office Box 2783, Elmwood Station, Providence, R.I. 02907. June 2, 1969.
- Reliable Spring Co., Inc., 10557 South Michigan Avenue, Chicago, Ill. 60628. Jan. 20, 1970.
- Rupp Manufacturing Inc., 1776 Airport Road, Mansfield, Ohio 44903. Oct. 3, 1969.
- S.S. Automobiles, Inc., 161 West Wisconsin Avenue, Milwaukee, Wis. 53203. May 22, 1969.
- Safety Sales & Service Corp., 50-92 South Cameron Street, Post Office Box 1439, Harrisburg, Pa. 17105. Jan. 18, 1970.
- Schlen Body & Equipment Co., North on University, Carlinville, Ill. 62626. Jan. 18, 1970.
- Schweigers, Inc., South Highway 81, Watertown, S. Dak. 57201. Jan. 18, 1970.
- Scientific Brake & Equipment Co., 314 West Genesee Avenue, Saginaw, Mich. 48602. Jan. 18, 1970.
- Shasta Truck & Equipment, Inc., 3333 South Market Street, Redding, Calif. 96001. Jan. 18, 1970.
- A. O. Smith-Inland, Inc., Post Office Box 584, Milwaukee, Wis. 53201. Mar. 5, 1969.
- Smith-Moore Body Company, Inc., Brook Road at Lombardy, Richmond, Va. 23220. Jan. 18, 1970.
- Paul Stutler, Inc., 3397 East Waterloo Road, Akron, Ohio 44312. Jan. 2, 1970.
- South Florida Engineers, Inc., 5911 East Buffalo Avenue, Post Office Box 11927, Tampa, Fla. 33610. July 2, 1969.
- Sport King, Inc., 28650 Grand River Avenue, Farmington, Mich. 48024. Aug. 19, 1969.
- Swab Wagon Company, Inc., 21 South Calowhill Street, Elizabethtown, Pa. 17023. May 7, 1969.
- Syracuse Auto Parts, Inc., 120 North Geddes Street, Syracuse, N.Y. 13204. Jan. 18, 1970.
- P. A. Thomas Car Works, Inc., 1408 Courtesy Road, High Point, N.C. 27261. Aug. 1, 1969.
- Thiokol Chemical Corporation, Logan Division, 2503 North Main Street, Logan, Utah 84321. Jan. 18, 1970.
- Trade Winds Co., Inc., Depot Street, Manawa, Wis. 54949. Jan. 15, 1970.
- Trail-A-Sled, Inc., Box 300, Crosby, Minn. 56441. Apr. 29, 1969.
- Transport Equipment Co., 3400 Sixth Avenue, Seattle, Wash. 98134. Jan. 18, 1970.
- Travco Corporation, 6894 Maple Valley Road, Brown City, Mich. 48416. May 1, 1969.
- Truck Equipment Co., 260 Industrial Avenue, New Orleans, La. 70121. Jan. 18, 1970.
- Truck Equipment Co., 1911 Southwest Washington Street, Peoria, Ill. 61602. Jan. 18, 1970.
- Truck Equipment, Inc., Post Office Box 3280, Green Bay, Wis. 54303. Jan. 18, 1970.
- Tuff Boy, Inc., 5151 East Almondwood Drive, Manteca, Calif. 95336. Dec. 31, 1969.
- Union City Body Co., Inc., 1015 West Pearl Street, Union City, Ind. 47390. Aug. 15, 1969.
- Unit Rig & Equipment Co., 5400 South 49th West Avenue, Tulsa, Okla. 74101. Jan. 1, 1970.
- Utility Trailer & Equipment Co., Inc., 4771 Southeast 17th Avenue, Portland, Ore. 97202. Jan. 1, 1970.
- Vesely Company, 2101 North Lapeer Road, Lapeer, Mich. 48446. Apr. 24, 1969.
- Viking Snowmobiles, Inc., Post Office Box 37, Twin Valley, Minn. 56584. Aug. 1, 1969.
- Wayne Corporation % Indian Head, Inc., 111 West 40th Street, New York, N.Y. 10018. Oct. 31, 1969.
- The Treco Corporation, d.b.a. Weaver Trailer & Body Company, 1355 West Mound Street, Columbus, Ohio 43223. Jan. 18, 1970.
- Walter Motor Truck Company, School Road, Voorheesville, N.Y. 12186. Apr. 29, 1969.
- Weigand GMC Truck Sales, Inc., 1008 North Tuscarawas Avenue, Dover, Ohio 44622. Jan. 18, 1970.
- Wheel Horse, Inc., 2001 East Maple Street, Des Moines, Iowa 50317. July 1, 1969.
- White Motor Corporation, Post Office Box 6979, Cleveland, Ohio 44114. Jan. 18, 1970.

The Administrator will publish from time to time such revisions of this list as may be appropriate to reflect additions, deletions, or other necessary changes in it.

WILLIAM D. LEE,
Administrator, Business and
Defense Services Administration.

[F.R. Doc. 70-3087; Filed, Mar. 13, 1970;
8:46 a.m.]

EMORY UNIVERSITY SCHOOL OF MEDICINE

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

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

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

Docket No. 70-00241-33-43780. Applicant: Emory University, School of Medicine, Atlanta, Ga. 30322. Article: Miscellaneous laboratory apparatus (stainless steel tray for holding 48 incubation tubes with chipped ice, gassing manifold, insulated boiling water bath with hinged top, cold water bath with inlet for tap water and outlet for draining water from bath into sink, incubation bath, stainless steel ice bath to hold 50 ml. beaker with soaking medium, rack for holding 40-place test tube supports containing pyrex test

tubes in boiling water and cold water baths).

Intended use of article: The article will be used in connection with mouse hemidiaphragm insulin assay.

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

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

Reasons: The foreign article provides a series of temperature treating chambers in a single integrated unit, which permits the expeditious processing of samples for insulin assay through its sequential steps.

We are advised by the Department of Health, Education, and Welfare (HEW) that this characteristic of the foreign article is pertinent to the purposes for which the article is intended to be used. (Memorandum dated February 11, 1970.) HEW further advises that it knows of no comparable apparatus being manufactured in the United States, which provides this characteristic.

CHARLEY M. DENTON,
Assistant Administrator for In-
dustry Operations, Business
and Defense Services Admin-
istration.

[F.R. Doc. 70-3086; Filed, Mar. 13, 1970;
8:46 a.m.]

FREEMPORT PUBLIC SCHOOLS

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

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

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

Docket No. 70-00110-16-61800. Applicant: Freemport Public Schools, Post Office Box 50, Freemport, N.Y. 11520. Article: Planetarium and auxiliary projectors, Model "Apollo". Manufacturer: Goto Optical Co., Japan.

Intended use of article: The article will be used for instruction on all grade levels covering specific areas as follows:

Grades 1 through 3—Moon, Planets and Stars, Elementary Science, The Big Ocean, Water Cycles.

Grade 4—Earth, Moon, and Space, Causes of Weather, Forecasting Weather.

Grades 5 and 6—Earth and Space Navigation, Matter and Energy, Earthly Forces, The Solar System.

Grades 7 through 12—Weather, Earth-Space Relationship, Navigation, Astronomy, Practical Science, Physics I and II, and Physical Science.

In addition, it will be used in adult education programs as well as community activities.

Comments: Comments dated September 25, 1969 were received from Spitz Laboratories, Inc. (Spitz), which allege inter alia that the Spitz Model A4 planetarium meets the specifications of the foreign article and is completely suitable for the intended purposes of the article. Comments dated September 26, 1969 were also received from Nova Laboratories (Nova) which allege inter alia that Nova was capable of meeting the requirements of the foreign article for its intended purposes.

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

Reasons: The applicant requires for its purposes an apparatus that could be used with domes of approximately 10 feet in diameter; is easily movable from one classroom to another and from one school to another; can be automatically as well as manually controlled; provides a minimum of 750 stars and automatic phasing of the Moon; and has facilities for automatically pointing to any given planet or star. (1) The Spitz Model A4 planetarium has a density of 1,345 stars, but specifies a 30-foot dome. The Spitz Model A4 is primarily designed for fixed installation in museums and similar places for viewing by large groups. The Spitz Model A4, therefore, does not provide the characteristic of mobility which is considered to be pertinent to the purposes for which the foreign article is intended to be used. (2) The Nova Model III planetarium provides 750 stars and can be equipped for use with domes of 10 feet in diameter. The Nova Model III is also capable of being operated both automatically and manually. However, it is not designed for portability. Moreover, the Model III does not provide any means for automatically pointing to and identifying any particular stars or planets. We are advised by the National Bureau of Standards (NBS) in its memorandum dated November 21, 1969, that this characteristic is pertinent to the purposes for which the foreign article is intended to be used. For the foregoing reasons, we find that neither the Spitz Model A4 nor the Nova Model III planetarium is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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

CHARLEY M. DENTON,
Assistant Administrator for In-
dustry Operations, Business
and Defense Services Admin-
istration.

[F.R. Doc. 70-3085; Filed, Mar. 13, 1970;
8:46 a.m.]

NORTH CENTRAL FOREST EXPERIMENTAL STATION

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

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

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

Docket No. 70-00097-60-46500. Applicant: North Central Forest Experimental Station, Forest Service, U.S.D.A., Folwell Avenue, St. Paul, Minn. 55101. Article: Ultramicrotome, Model LKB 8800 Ultratome III. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for cutting ultrathin sections for electron microscopic examination. Two main types of tissue will be studied: (1) Developmental studies of vascular cell walls, and (2) cytohistological studies of dividing cells. In the study of cell walls, tritium labeled precursors will be supplied and the transfer of the labeled constituents through the organelles and the site of deposition within the developing wall will be investigated. In the cytohistological studies, precise morphological delimitations of subcellular organelles must be defined with the use of different fixatives and treatments of plant material.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the application was received (Aug. 5, 1969).

Reasons: The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument being manufactured in the United States at the time the application was received was the Model MT-2 ultramicrotome that was being manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2 had a guaranteed minimum thickness capability of 100 angstroms. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 15, 1969, that the ability to cut sections less than 100 angstroms thick is pertinent to the applicant's research studies.

For this reason, we find that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of

equivalent scientific value to the foreign article, which was being manufactured in the United States at the time the application was received.

CHARLEY M. DENTON,
Assistant Administrator for In-
dustry Operations, Business
and Defense Services Admin-
istration.

[F.R. Doc. 70-3070; Filed, Mar. 13, 1970;
8:45 a.m.]

SINAI HOSPITAL OF BALTIMORE

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

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

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

Docket No. 70-00081-33-46500. Applicant: Sinai Hospital of Baltimore, Inc., Belvedere Avenue at Greenspring, Baltimore, Md. 21215. Article: Ultramicrotome, Model LKB 8800A Ultratome III. Manufacturer: LKB Produkter AB, Sweden.

Intended use of article: The article will be used to develop new histochemical methods for a variety of enzymes and functional groups of macromolecules that can be used with the electron microscope. It is hoped to develop methods that will enable scientists to relate enzymatic activity to the ultrastructure of tissue, thus creating new tools for biological science. Since some of the methods under investigation require evaluation of the location of the product of enzyme action on the surface of the membranes, section thickness less than 100 angstroms will be required.

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

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

Reasons: The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument available at the time the application was received was the Model MT-2 ultramicrotome that was being manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2 had a guaranteed minimum thickness capability of 100 angstroms. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 12, 1970, that the applicant's research studies require uniform serial sections of less than 100 angstroms. Therefore, the lower min-

imum thickness capability of the foreign article is pertinent to the purposes for which the article is intended to be used.

For this reason, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

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

CHARLEY M. DENTON,
Assistant Administrator for In-
dustry Operations, Business
and Defense Services Admin-
istration.

[F.R. Doc. 70-3078; Filed, Mar. 13, 1970;
8:45 a.m.]

STATE UNIVERSITY OF NEW YORK AT BUFFALO

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

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

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

Docket No. 70-00092-33-46040. Applicant: State University of New York at Buffalo, Office of Facilities Planning, Equipment Division, 3258 Main Street, Buffalo, N.Y. 14214. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany.

Intended use of article: The article will be used in the continued expansion of research on the experimental pathology of hypertensive disease. This program is directed toward the identification of the basic mechanisms involved in the pathogenesis of several new types of endocrine hypertension. Emphasis will be placed upon those varieties of hypertensive disease (adrenal regeneration and methylandrostenediol) and recently expanded to include hypertension produced by other androgens and metopirone.

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

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

Reasons: (1) The foreign article provides a resolving capability of 3.5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) The most

closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly produced by the Radio Corp. of America (RCA), and which is now being manufactured by the Forglo Corp. (Forglo). The Model EMU-4B provides 5 angstroms resolving capability. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 12, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the article is intended to be used. (2) The foreign article permits a continuous change in magnification from 400X to 220,000X without changing pole pieces, whereas the Model EMU-4B requires a change in pole pieces to achieve the same results. In the memorandum cited above, HEW advises that in opening the column when changing pole pieces in the Model EMU-4B, the specimen is subjected to contamination and possible damage.

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

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

CHARLEY M. DENTON,
Assistant Administrator for In-
dustry Operations, Business
and Defense Services Admin-
istration.

[F.R. Doc. 70-3075; Filed, Mar. 13, 1970;
8:45 a.m.]

UNIVERSITY OF ALABAMA

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

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

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

Docket No. 0-00079-33-46500. Applicant: University of Alabama in Birmingham, 1919 Seventh Avenue South, Birmingham, Ala. 35233. Article: Ultramicrotome, LKB 8800 Ultratome III. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for morphological and histochemical study of hard tissue. In this study, a major emphasis in the morphological study is on cellular interrelationships. Because of the close topographical continuity between some of the cellular elements, there is a need for extremely

thin sections, between 50 angstroms and 2 microns, to determine their specific relationship.

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

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

Reasons: The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument available at the time the application was received was the Model MT-2 ultramicrotome that was being manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2 had a guaranteed minimum thickness capability of 100 angstroms. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 12, 1970 that the applicant's research studies require uniform serial sections of less than 100 angstroms. Therefore, the lower minimum thickness capability of the foreign article is pertinent to the purposes for which the article is intended to be used. For this reason, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-3079; Filed, Mar. 13, 1970; 8:45 a.m.]

UNIVERSITY OF CALIFORNIA

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

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

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

Docket No. 70-00099-33-46500. Applicant: University of California, Davis, Department of Human Anatomy, Davis, Calif. 95616. Article: Ultramicrotome, Model LKB 8800 Ultratome III. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used to cut ultrathin sections for electron microscopic examination. The major research intended is in the central nervous system, including the visual system. The primary interests include degeneration reaction sites in preterminal axon and synaptic structure, enzyme localization in subcellular fractions and relationships of intracellular and extracellular spaces associated with membranes. Because the details of intracellular and extracellular structure is exacting there is primary concern for consistent thin serial sections to determine the specific interrelationships.

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

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

Reasons: The foreign article has a minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument available at the time the application was received, was the Model MT-2 ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2 has a minimum thickness capability of 100 angstroms. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 22, 1970, that the achievement of the applicant's purposes requires long series of sections less than 100 angstroms with consistent uniformity and accuracy.

For this reason, we find that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

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

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-3076; Filed, Mar. 13, 1970; 8:45 a.m.]

UNIVERSITY OF CALIFORNIA 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, prescribed 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. 70-00461-33-46500. Applicant: University of California, San Francisco Medical Center, Purchasing Department, 1438 South 10th Street, Richmond, Calif. 94804. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used to prepare a variety of tissues, such as peripheral blood cells, bone marrow, kidney, liver, intestinal mucosa, muscle, skin biopsies, and cartilage, for electron microscopy. These materials from experimental animals and human biopsies, will be investigated for morphological variations of specific subcellular components, including mitochondria, rough and smooth endoplasmic reticulum, microtubules, fibrils, fat, fibers, and other inclusions. Very thin serial sections of known thickness must be cut consistently. Application received by Commissioner of Customs: February 5, 1970.

Docket No. 70-00471-33-46040. Applicant: University of Pennsylvania, School of Medicine, 36th and Hamilton Walk, Philadelphia, Pa. 19104. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used for the teaching and training of medical students, orthopaedic residents, and Fellows in orthopaedic research as well as for research on the fine structure of the epiphyseal plate. Studies will be made to compare the fine structure of in vivo epiphyseal plates with that of in vitro epiphyseal plates; to detect fine structure changes induced in in vitro epiphyseal plates grown in various oxygen tensions; and to detect changes in fine structure of in vitro epiphyseal plates grown in various electrical fields. Application received by Commissioner of Customs: February 9, 1970.

Docket No. 70-00474-33-46040. Applicant: University of California, San Francisco, Purchasing Department, 1438 South 10th Street, Richmond, Calif. 94804. Article: Electron microscope, model HU-11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used to screen for vital particles in fresh human brain tumors and in animal brain tumors induced by various chemical carcinogen; for histochemical analysis of various enzyme systems on ultrastructural level in fresh

human brain tumor and in human and animal brain tumors grown in tissue culture; and to study intercellular and inter-nuclear bridges in the human and animal glioma in tissue culture. Application received by Commissioner of Customs: February 10, 1970.

Docket No. 70-00475-88-74000. Applicant: New York State Museum and Science Services-Geological Survey, Room 973, State Education Building Annex, Albany, N.Y. 12224. Article: Portable seismograph, Model FS-3, shot box, battery recharger, and cable reel. Manufacturer: Huntex, Ltd., Canada. Intended use of article: The scientific purpose that the instrument will be used for will be a continuing study of the preglacial drainage patterns in the Hudson-Mohawk Lowlands. The study attempts to locate buried stream and river channels beneath glacial overburden. The applicant has established a network of points in the area being studied, and has obtained seismic bedrock data at these points. The data obtained from these points, plus a new set planned for the next two seasons, will trace the buried preglacial drainage systems in the Hudson Basin. Application received by Commissioner of Customs: February 10, 1970.

Docket No. 70-00479-65-46040. Applicant: The Pennsylvania State University, College of Earth & Mineral Sciences, University Park, Pa. 16802. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used as a training instrument for undergraduates, M.S. and Ph. D. candidates, postdoctoral Fellows, resident, and visiting staff members. It will also be used for two teaching courses which cover the theory and practical application of electron microscopy in the Materials and Mineral Sciences. In addition, the electron microscope will be used for varied research projects on studies of air pollution particles with respect to particle size, state of aggregation, crystal structure and general morphology; replication study of the fine detail of fracture surfaces in metals and alloys; and to study powder mineral samples to observe crystal phase morphology and to identify specific components. Application received by Commissioner of Customs: February 11, 1970.

Docket No. 70-00480-33-46040. Applicant: Medical University of South Carolina, 80 Barre Street, Charleston, S.C. 29401. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for research work on ultrastructural alterations in drug-induced cardiomyopathies; for studies on liver and kidney fine structural changes produced by chlorinated phenolic compounds; and for research on human intestinal specimens. Graduate and undergraduate students will be taught the techniques and applications of electron microscopy in two courses, "Electron Microscopy in Pharmacology" and "Electron Microscopy in Cell and Molecular Biology." Application received by

Commissioner of Customs: February 11, 1970.

Docket No. 70-00481-33-77030. Applicant: University of California, San Francisco, Purchasing Department, 1438 South Tenth Street, Richmond, Calif. 94804. Article: NMR spectrometer, Model JNM-4H-100. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: A major research application for which the article will be used is a study of the perturbation of p^m chemical shifts and coupling constants of nucleoside phosphates like adenosine triphosphate by hormone (e.g. epinephrine). As increasing quantities of the hormone are added to a sample of adenosine triphosphate, it is expected that one of the phosphate signals will show a small down field shift. From the magnitude of the change in the chemical shift, the association constant for the interaction can be determined. Application received by Commissioner of Customs: February 12, 1970.

Docket No. 70-00483-33-46500. Applicant: Harvard Medical School, 25 Shattuck Street, Boston, Mass. 02115. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to cut uniform sections of biological materials, mainly mammalian tissues derived from experimental animals, exhibiting normal and pathologic structure. The properties to be investigated are those which lend themselves to the understanding of transport processes for macromolecules into and across cells and cellular barriers. The objectives to be pursued in the course of the investigation are to reveal at the ultrastructural level the structural bases of transport of macromolecules into and across cells under physiological and pathologic conditions. Application received by Commissioner of Customs: February 13, 1970.

Docket No. 70-00482-33-46500. Applicant: North Carolina State University, Post Office Box 5935, Raleigh, N.C. 27607. Article: Ultramicrotome, Model LKB 4800, with Ultratome table. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: Faculty and graduate students of the Department of Zoology, School of Agriculture and Life Sciences will use the article in preparation of thin sections for electron microscopy associated with basic scientific research. A major use is for sectioning material for studies of mitochondrial biogenesis in trypanosomatids. Serial sections of uniform thickness are essential to this research. Application received by Commissioner of Customs: February 13, 1970.

Docket No. 70-00484-33-46500. Applicant: The University of Texas (Southwestern) Medical School at Dallas, Department of Anatomy, 5323 Harry Hines Boulevard, Dallas, Tex. 75235. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is to be used by residents, graduate and medical students as well as faculty for

the preparation of thin serial sections for examination under the electron microscope. Some of the research projects requiring use of the ultramicrotome are studies concerning cortical synaptic structure and function in ischemia; fine structural analysis of the hypothalamus in reference to its secretory activities; and a fine structural study of liver endoplasmic reticulum. Application received by Commissioner of Customs: February 13, 1970.

Docket No. 70-00485-60-46500. Applicant: University of Missouri, Department of Plant Pathology, Columbia, Mo. 65201. Article: Ultramicrotome, Model LKB 8800. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used as an interdisciplinary research tool in the College of Agriculture Electron Microscope Facility. Members of several departments, including Food Science and Nutrition, Forestry, Plant Pathology, Horticulture and Geology currently utilizing the facility are primarily concerned with fine structure in a wide range of biological specimens. One study concerns the ultrastructure of reproductive, sporulating and germinating stages in fungal development. Germinating structures are especially soft and delicate and require the utmost care in handling and embedding. Another study, ultrastructural defects in wood, presents special problems in embedding and ultrathin sectioning. Application received by Commissioner of Customs: February 13, 1970.

Docket No. 70-00486-92-46500. Applicant: University of Maine, Department of Zoology, Orono, Maine 04473. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in preparing several different types of samples for electron microscopy. These include invertebrate tissues (coelenterates, echinoderms, and insects) being used in studies of development and genetics; specimens of *Euglena* being utilized in studies of chloroplast growth and replication; chicken fibroblast cultures infected with avian encephalomyelitis virus; and samples of woody plant tissue in studies of wood anatomy. Graduate students will be trained in ultrastructural techniques in a course in problems in zoology. Application received by Commissioner of Customs: February 13, 1970.

Docket No. 70-00487-33-46500. Applicant: University of Pennsylvania, School of Medicine, 34th Street and Spruce Street, Philadelphia, Pa. 19104. Article: Ultramicrotome, Model LKB 4800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in a research project on the fine structure of cerebral tissues under normal and pathologic conditions. Brain biopsies from human patients, rodent brains, organotypic tissue cultures of CNS and fibroblast cultures of systemic metabolic disorders will be examined. These specimens are fixed for electron microscopy. The experiments will use various embedding. A course in

neuropathology is given in order for students to become familiar with ultrastructural techniques including microscopy. Application received by Commissioner of Customs: February 13, 1970.

Docket No. 70-00489-65-46070. Applicant: University of Missouri—Rolla, General Services Building, Purchasing Department, Rolla, Mo. 65401. Article: Scanning electron microscope, Model JSM-2. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used for research on the microstructure of clay particles; the structure of polymer-carbon filaments; the morphology of zinc electrodeposits as related to impurity ions in solution; and the oxidation of lead and zinc and its alloys. Four academic courses will use the microscope to train students in the theory, use, care and maintenance of the scanning electron microscope. Application received by Commissioner of Customs: February 16, 1970.

Docket No. 70-00491-33-11700. Applicant: American Health Foundation, 180 East End Avenue, New York, N.Y. 10028. Article: Automatic smoking machine, capillary press type. Manufacturer: H. Borgwaldt, West Germany. Intended use of article: The article will be used to apply absolutely fresh cigarette smoke condensate ("tar") to the skin of laboratory animals—in this case mice—used in experiments testing the carcinogenicity of a large variety of smoke condensates and tobacco additives. Application received by Commissioner of Customs: February 16, 1970.

Docket No. 70-00494-33-01110. Applicant: Wayne State University School of Medicine, Medical Research Building (432), 550 East Canfield Avenue, Detroit, Mich. 48201. Article: Amino acid analyzer, Model JLC-5AH. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used to study amino acid composition of free amino acids and related compounds in biological fluids and tissues, and of purified proteins and their subunits from man and other animals; for physiological significance of quantities of free amino acids and related compounds in metabolically disturbed children; for preparation of free amino acid pool for analyses; and for studies on human variation. The instrument will also be used in five courses to acquaint students with principles and main methods of evolutionary biology with particular reference to evolution of man. Application received by Commissioner of Customs: February 17, 1970.

Docket No. 70-00460-01-59800. Applicant: New York University, Chemistry Department, 181 Street and University Avenue, Bronx, N.Y. 10453. Article: Flash photolysis apparatus, Model FP-2. Manufacturer: Northern Precision Co., Ltd., U.K. Intended use of article: The article will be used for basic research in photochemistry, involving experiments

in flash photolysis and spectroscopic detection of transient molecules produced by flash excitation. Application received by Commissioner of Customs: February 5, 1970.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-3084; Filed, Mar. 13, 1970; 8:46 a.m.]

UNIVERSITY OF CHICAGO

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

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

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

Docket No. 70-00090-01-85800. Applicant: University of Chicago, Argonne National Laboratory, 9700 South Case Avenue, Argonne, Ill. 60439. Article: Velocity selector, high speed slotted disk type. Manufacturer: Werkspoor-Amsterdam, The Netherlands.

Intended use of article: The article will be used to perform fundamental research in chemical kinetics by studying the collision of chemical reactions between atoms or molecules in a velocity selected fast beam and molecules in low velocity (thermal) beam as a function of the velocity of the fast beam. The velocity selector will be used in conjunction with a cathode sputtering source for producing neutral species of high velocity.

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

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

Reasons: The foreign article is a device capable of selecting velocity increments from high speed molecular or atomic beams. The ability of the foreign article to rotate up to 54,000 revolutions per minute (r.p.m.) transmitting a beam at 16,900 meters per second is pertinent to the purposes for which the foreign article is intended to be used. We are advised by the National Bureau of Standards (NBS) in a memorandum dated November 13, 1969, that it knows of no instrument or apparatus capable of fulfilling the purposes for which the foreign article is intended to be used, which

is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-3072; Filed, Mar. 13, 1970; 8:45 a.m.]

UNIVERSITY OF CHICAGO

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

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

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

Docket No. 70-00088-33-46040. Applicant: University of Chicago, Department of Pathology, 950 East 59th Street, Chicago, Ill. 60637. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used for research on human tissue removed during surgery and for the study of experimental animal tissues. Various projects which necessitate the use of a reliable high resolution electron microscope are listed below:

(a) Correlative light and electron microscopic study of human lymphomas and leukemias.

(b) Fine resolution for localization of ferritin labeled antibodies, and for radioisotope labeled incorporation studies of mucopolysaccharide and protein synthesis.

(c) Fine resolution of the molecular components of the human gastric mucus in "normal" patients and under the effect of drugs as studied with the negative staining method.

(d) Fine resolution study for the three dimensional reconstruction of consecutively serial sectioned cells of various light microscopically not further identifiable, human malignant tumors, and three dimensional study of subcellular components of muscle cells in human myopathies.

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

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

Reasons: (1) The foreign article provides a resolving capability of 3.5 angstroms. (The lower the numerical rating

in terms of angstrom units, the better the resolving capability.) The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly produced by the Radio Corp. of America (RCA), and which is now being manufactured by the Forglor Corp. (Forglor). The Model EMU-4B provides 5 angstroms resolving capability. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 12, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the article is intended to be used. (2) The foreign article permits a continuous change in magnification from 400X to 220,000X without changing pole pieces, whereas the Model EMU-4B requires a change in pole pieces to achieve the same results. In the memorandum cited above, HEW advises that in opening the column when changing pole pieces in the Model EMU-4B, the specimen is subjected to contamination and possible damage.

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

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

CHARLEY M. DENTON,
Assistant Administrator for In-
dustry Operations, Business
and Defense Services Admin-
istration.

[F.R. Doc. 70-3073; Filed, Mar. 13, 1970;
8:45 a.m.]

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

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

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

Docket No. 70-00054-33-46040. Applicant: University of Cincinnati, Department of Biological Sciences, Cincinnati, Ohio 45221. Article: Electron Microscope, Model EM6B/801. Manufacturer: Associated Electrical Industries, U.K.

Intended use of article: The article will be used for both research and teaching purposes, and will be used to examine the fine structure of biological specimens. The applicant's research efforts for the next few years will be directed primarily

towards the study of the biogenesis of mitochondria and chloroplasts, and the role of cytoplasmic DNA in this process of biogenesis.

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

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

Reasons: The foreign article is equipped with a serial section holder which can hold a 25-millimeter (mm.) ribbon of serial sections. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly being manufactured by the Radio Corp. of America (RCA) and which is now being produced by Forglor Corp. (Forglor). The Model EMU-4B electron microscope can be equipped with a grid which can hold a ribbon of serial sections up to 3 mm. in length. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 17, 1969, that a serial section holder which can accommodate a 25-mm. ribbon of serial sections is pertinent to the purposes for which the article is intended to be used. HEW further advised that the Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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

CHARLEY M. DENTON,
Assistant Administrator for In-
dustry Operations, Business
and Defense Services Admin-
istration.

[F.R. Doc. 70-3083; Filed, Mar. 13, 1970;
8:45 a.m.]

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

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

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

Docket No. 70-00098-33-46500. Applicant: University of Missouri—Kansas City, 1011 East 51st Street, Kansas City, Mo. 64110. Article: Ultramicrotome, Model LKB 8800 Ultratome III. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used to cut very thin sections for examination in the electron microscope. The instrument will be used in connection with a variety of projects related to dental research. The projects would include studies on the very soft tissues such as parotid gland tumors, as well as studies concerning the possible viral etiology of certain oral tumors and an accurate description of the fine structure of the affected cells. For this reason, it is imperative to section long ribbons of equal thickness in serial sections. These sections should be easily varied by the operator between 50 angstroms and 2 microns.

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

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

Reasons: The foreign article has a minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument available at the time the application was received, was the Model MT-2 ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2 has a minimum thickness capability of 100 angstroms. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 22, 1970, that the achievement of the applicant's purposes requires long series of sections less than 100 angstroms with consistent uniformity and accuracy.

For this reason, we find that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

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

CHARLEY M. DENTON,
Assistant Administrator for In-
dustry Operations, Business
and Defense Services Admin-
istration.

[F.R. Doc. 70-3077; Filed, Mar. 13, 1970;
8:45 a.m.]

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

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

A copy of the record pertaining to this decision is available for public review

during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00073-33-46500. Applicant: Vanderbilt University, 21st Avenue South, Nashville, Tenn. 37203. Article: Ultramicrotome, LKB 8800A Ultratome III. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used to produce ultrathin sections of plastic embedded tissue, cells, or fractions of cells for electron microscopic examination. Certain of the studies will entail examination of cells for the presence of small viruses and will require extremely thin sections for the highest resolution possible. In addition, in order to study the relationship of virus production to various cell organelles, it will be necessary to cut long series of equal thickness serial sections which should be varied by the operator between 50 angstroms and 2 microns.

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

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

Reasons: The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument available at the time the application was received was the Model MT-2 ultramicrotome that was being manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2 had a guaranteed minimum thickness capability of 100 angstroms. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 9, 1970, that the applicant's research studies require uniform serial sections of less than 100 angstroms. Therefore the lower minimum thickness capability of the foreign article is pertinent to the purposes for which the article is intended to be used. For this reason, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-3074; Filed, Mar. 13, 1970; 8:45 a.m.]

VETERANS ADMINISTRATION HOSPITAL, ALBANY, N.Y.

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

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

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

Docket No. 70-00076-33-46500. Applicant: Veterans Administration Hospital, 113 Holland Avenue, Albany, N.Y. 12208. Article: Ultramicrotome, LKB 8800 Ultratome III. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used to produce ultrathin sections for electron microscopic examination. The primary uses are for the investigation of arterial disease and the ultrastructure of the components of the normal and diseased arteries under experimental conditions. Low magnification electron microscopy has so far revealed no changes which can indubitably be linked with the initial alterations of arterial disease and more detailed examination of the interrelationships of endothelium and muscle fibers on one hand, and collagen, elastic tissue, basement membrane and microfibrils on the other, are required including the use of several sections of selected parts and cells of the arterial wall.

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

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

Reasons: The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument available at the time the application was received was the Model MT-2 ultramicrotome that was being manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2 had a guaranteed minimum thickness capability of 100 angstroms. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 8, 1970, that the applicant's research studies require uniform serial sections of less than 100 angstroms. Therefore, the lower minimum thickness capability of the foreign article is pertinent to the purposes for which the article is intended to be used.

For this reason, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-3082; Filed, Mar. 13, 1970; 8:45 a.m.]

VETERANS ADMINISTRATION HOSPITAL, RICHMOND, VA.

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

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

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

Docket No. 70-00106-33-46040. Applicant: Veterans Administration Hospital, Richmond, Va. 23219. Article: Electron microscope, Model EM-801. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The article will be used to study the fine structure of the liver in normal rats and in rats with experimental biliary obstruction, using colloidal lanthanum as a tracer. The instrument will also be used in the study of renal, liver, and intestinal biopsies from patients hospitalized at the institution. Studies are planned on the permeability of brain capillaries to lanthanum and to horseradish peroxidase administered intravenously with or without experimentally induced anoxia. The instrument will also be used for the training of technicians, physicians, and other scientists in electron microscopy and experimental pathology.

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

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

Reasons: The foreign article is equipped with a tilt stage having a guaranteed resolving power of 5 angstroms. The most closely comparable domestic instrument available at the time the foreign article was ordered was the EMU-4B electron microscope which was then being manufactured by the Radio Corp. of America (RCA) and which is currently being produced by Forglor Corp. (Forglor). The Model EMU-4B electron microscope can be equipped with a tilt stage but the guaranteed resolving power of this stage is less than the guaranteed resolving power of the foreign article.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 28, 1970 that the guaranteed resolving power of the tilt stage of the foreign article is pertinent to the applicant's investigations involving the location of passage ways between biliary vessels and blood vessels.

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

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

CHARLEY M. DENTON,
Assistant Administrator for In-
dustry Operations, Business
and Defense Services Admin-
istration.

[F.R. Doc. 70-3080; Filed, Mar. 13, 1970;
8:45 a.m.]

WILLIAMS COLLEGE

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

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

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

Docket No. 70-00074-33-46500. Applicant: Williams College, Office of the Treasurer, Hopkins Hall, Main Street, Williamstown, Mass. 01267. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden.

Intended use of article: The article will be used to produce ultrathin sections of biological material for examination in the electron microscope. The projects involved are: (a) The study of cell contacts and other features in differentiating tissues of mammalian embryos; and (b) the study of hypothalamic neurosecretory cells and their relationships

to the pituitary gland in salamanders and newts. Since both projects study nonhomogeneous tissues, it is essential that a wide range of specific orientations between the specimen holder and knife be achieved with great precision on the microtome. It is desirable that the operator be able to easily and quickly change section thickness between 50 angstroms and 2 microns.

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

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

Reasons: The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument available at the time the application was received was the Model MT-2 ultramicrotome that was being manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2 had a guaranteed minimum thickness capability of 100 angstroms. We are advised by the Department of Health, Education, and Welfare (HEW), in its memorandum dated December 22, 1969, that the applicant's research studies require uniform serial sections of less than 100 angstroms. Therefore, the lower minimum thickness capability of the foreign article is pertinent to the purposes for which the article is intended to be used.

For this reason, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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

CHARLEY M. DENTON,
Assistant Administrator for In-
dustry Operations, Business
and Defense Services Admin-
istration.

[F.R. Doc. 70-3081; Filed, Mar. 13, 1970;
8:45 a.m.]

WRIGHT STATE UNIVERSITY

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

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

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

Docket No. 70-00093-33-46040. Applicant: Wright State University, Col. Glenn Highway, Dayton, Ohio 45431. Article: Electron microscope, Model EM9A and spares. Manufacturer: Carl Zeiss, West Germany.

Intended use of article: The article will be used for both teaching and research. Teaching will include a course in microinstrumentation available to any graduate student enrolled in the Division. In addition, the instrument will be used for research projects of the faculty that require moderate magnification. The following projects anticipate such use:

1. Structure and function of chloroplasts.
2. Reproduction, development and aging of cell organelles.
3. Mineralization of regenerating fish scales.
4. Endocrine control of sodium transport in fish gill epithelium.
5. Retinal structure in American marsupials.
6. Endocrine control of metamorphosis in larval shrimp.

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

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

Reasons: The foreign article is a low level (40,000x) electron microscope with a single accelerating voltage, which is relatively simple to operate. As such, it serves as a transitional instrument between light and electron microscopy in courses designed to teach the principles of electron microscopy. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly produced by the Radio Corp. of America (RCA), and which is currently being manufactured by the Forglor Corp. (Forglor). The Model EMU-4B is a highly sophisticated research instrument which requires trained personnel for its operation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 8, 1970, that the applicant requires for its intended uses an instrument which is simple in design and whose operations can be easily taught. HEW further advises that the Model EMU-4B is not suitable for the intended educational purposes.

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

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

CHARLEY M. DENTON,
Assistant Administrator for In-
dustry Operations, Business
and Defense Services Admin-
istration.

[F.R. Doc. 70-3071; Filed, Mar. 13, 1970;
8:45 a.m.]

Maritime Administration
"USNS MERCURY" AND
"USS SALAMONIE"

Notice of Allocation

In F.R. Doc. 69-15154 appearing in the FEDERAL REGISTER issue of December 19, 1969, notice was given that pursuant to the Ship Exchange Act (section 510(i) of the Merchant Marine Act, 1936, as added by Public Law 86-575 and amended by Public Law 89-254, 46 U.S.C. 1160(i)), the USNS Mercury and USS Salamonie owned by the United States of America, represented by the Secretary of Commerce, acting by and through the Maritime Administrator, were available for trade-out to American-flag steamship operators in exchange for their older and less efficient ships in accordance with the terms therein stated.

In response to the notice, five companies filed applications. On the basis of a review of the applications received in relation to the criteria for assignments of the ships as stated in the notice, the "USNS Mercury" has been assigned by the Maritime Administrator to Matson Navigation Co. The "USS Salamonie" will not be assigned in response to the one application received for the ship.

Conditions of assignment. The assignment of the "USNS Mercury" is approved subject to the applicant agreeing to the following conditions:

(a) The applicant must qualify for the ship exchange in accordance with the provisions of the Ship Exchange Act, Public Law 86-575 and Public Law 89-254, and with the requirements of General Order 92 Rev. (34 F.R. 6929).

(b) The applicant must accept the ship assignment within 10 days and enter into a ship exchange contract within 60 days after the receipt of notice of assignment. The assignment is contingent upon the execution of a shipyard contract or commitment for the purposed conversion and the completion of financing both as approved by the Maritime Administration no later than the time of execution of the ship exchange contract; evidence of firm commitment and date upon which the ship will be placed in a shipyard and date upon which the actual work is to commence in the shipyard; the posting with the Maritime Administration of a certified cash deposit of \$50,000 at the time of acceptance of the ship assignment. The deposit shall be applied as a credit to the applicant under the contract. Should the applicant fail to enter into a ship exchange contract within such 60-day period the said \$50,000 deposit shall be retained by the Maritime Administration as liquidated damages. The allocation is also contingent upon the applicant meeting all other requirements for the exchange of ships.

(c) In the event the applicant fails to meet the aforesaid requirements the allocation will automatically be cancelled and the ship will be immediately offered for trade-out by a notice of availability published in the FEDERAL REGISTER.

(d) The Maritime Administration, without obligation to the applicant, re-

serves the right to cancel the above assignment prior to the execution of an exchange contract, if it determines that it would be in the public interest to do so, or that the applicant is not proceeding promptly or in good faith to comply with the conditions of the assignments.

(e) The ship exchange contract will contain provisions requiring that the applicant complete the conversion of the ship substantially in accordance with plans approved by the Maritime Administration within 12 months after execution of the ship exchange contract, unless additional time is granted by the Maritime Administration for good cause. The exchange contract will provide that in the event the applicant fails to complete the conversion within the time stipulated, there shall become due and payable liquidated damages in the sum of \$1,000 per day for failure to complete the conversion and should this default continue for a period of more than 60 days, the exchange contract will be subject to termination at the option of the Maritime Administration in which event title and possession of the "USNS Mercury" will be returned to the U.S. Government, without obligation to the applicant.

(f) The assignment of the ship is conditioned upon the ship being taken for title by the applicant or a closely related company.

By order of the Maritime Administrator.

Dated: March 11, 1970.

JAMES S. DAWSON, Jr.,
 Secretary.

[F.R. Doc. 70-3159; Filed, Mar. 13, 1970;
 8:50 a.m.]

**DEPARTMENT OF HEALTH,
 EDUCATION, AND WELFARE**

Office of Education

**WORK-STUDY ASSISTANCE
 PROGRAM**

**Notice of Establishment of Closing
 Date for Receipt of Applications for
 Grants Affecting Residents of Amer-
 ican Samoa or Trust Territory of the
 Pacific Islands Who Attend Eligible
 Institutions Elsewhere**

Title IV, Part C, of the Higher Education Act of 1965, as amended, provides for a program of part-time employment of needy college students. Section 443 authorizes the Commissioner of Education to make grants to eligible institutions to assist in the operation of work-study programs. "Eligible institution" is defined as (1) an institution of higher education (as defined in section 435(b) of the Act), (2) an area vocational school (as defined in section 8(2) of the Vocational Education Act of 1963), or (3) a proprietary institution of higher education (as defined in section 461(b) of the Act).

Under section 442(e) of the Act an amount has been reserved to provide work-study assistance to students who reside in, but who attend eligible institutions outside of, American Samoa or the Trust Territory of the Pacific Islands. Grants made under this provision may be used only for the purpose of providing work-study assistance to such students.

The Commissioner has determined that it is necessary for the efficient administration of the program to establish a "cutoff date" for the receipt of applications from eligible institutions for such grants for work-study assistance for students who reside in, but who attend eligible institutions outside of, American Samoa or the Trust Territory of the Pacific Islands during the fiscal year ending June 30, 1971. Accordingly, notice is hereby given that, in order to be assured of consideration, applications must be received in the U.S. Office of Education by April 15, 1970.

No particular application form is required. A letter stating the names of the students to be employed during the fiscal year ending June 30, 1971, the residence of each such student (i.e., American Samoa or one of the Islands of the Trust Territory of the Pacific Islands), and the amount which each such student can be expected to earn during the fiscal year ending June 30, 1971, will be considered sufficient to constitute an application. The Federal share of the earnings of such students will be not in excess of 80 percent.

Applications must be filed with: Chief, Work-Study Branch, Division of Student Financial Aid, Bureau of Higher Education, Office of Education, Washington, D.C. 20202.

Dated: March 10, 1970.

PETER P. MUIRHEAD,
 Associate Commissioner
 for Higher Education.

Approved: March 10, 1970.

JAMES E. ALLEN, Jr.,
 Commissioner of Education.

[F.R. Doc. 70-3209; Filed, Mar. 13, 1970;
 9:48 a.m.]

**DEPARTMENT OF
 TRANSPORTATION**

Coast Guard

[CGFR 70-17]

**EQUIPMENT, CONSTRUCTION, AND
 MATERIALS**

Termination of Approval Notice

1. Certain laws and regulations (46 CFR, chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental

Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from December 12, 1969, to January 26, 1970 (List No. 2-70). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.4(a)(2) and (g)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction and materials are set forth in 46 CFR, Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats for Classes A, 1, or 2 not carrying passengers for hire.

The W. L. Dumas Manufacturing Co., 8 A Street NW., Miami, Okla. 74354, no longer manufactures certain kapok buoyant cushions and Approval No. 160.048/77/1 was therefore terminated effective January 13, 1970.

The Liberty Distributors, 2570 Devon Avenue, Des Plaines, Ill. 60016, Approval No. 160.048/220/0 expired and was terminated effective January 12, 1970.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

The Liberty Distributors, 2570 Devon Avenue, Des Plaines, Ill. 60016, Approval No. 160.052/208/0 expired and was terminated effective January 12, 1970.

TELEPHONE SYSTEMS, SOUND-POWERED

Hose-McCann Telephone Co., Inc., 25th Street and Third Avenue, Brooklyn 32, N.Y., no longer manufactures certain sound-powered telephone station assemblies and Approval No. 161.005/11/1 was therefore terminated, effective December 12, 1969.

FLASHLIGHTS, ELECTRIC, HAND

Bright Star Industries, Clifton, N.J., Approval Nos. 161.008/7/2 and 161.008/3/2 expired and were terminated, effective January 26, 1970.

GAUGING DEVICES, LIQUID LEVEL LIQUEFIED COMPRESSED GAS

The Bastian-Blessing Co., 4201 W. Peterson Avenue, Chicago 46, Ill., Ap-

proval Nos. 162.019/19/0, 162.019/20/0, and 162.019/21/0 expired and were terminated, effective December 17, 1969.

Dated: March 10, 1970.

W. J. SMITH,
Admiral, U.S. Coast Guard
Commandant.

[F.R. Doc. 70-3139; Filed, Mar. 13, 1970;
8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Commission Order 201.1 (Revised)]

DEPUTY MANAGING DIRECTOR, ET AL.

Redelegation of Authorities

SECTION 1. *Purpose.* 1.01 The purpose of this order is to redelegate certain authorities delegated to the Managing Director, pursuant to Federal Maritime Commission Manual of Orders, Commission Order No. 1 (Revised), March 9, 1970.

SEC. 2. *Redelegations of authorities.* 2.01 The authorities set forth in Sections 4 through 8 of this order are hereby redelegated to the respective officials having jurisdiction of the particular functional areas; in the absence of such officials, their duly designated deputies are authorized to exercise the redelegations made to their respective superiors.

2.02 These officials shall exercise the authorities redelegated herein in a manner consistent with the established policy of the Federal Maritime Commission.

2.03 The authorities redelegated may not be exercised unless resolution of all legal questions and the approval of the form of all legal documents have been obtained, either concurrently or previously, from the General Counsel, or his designee.

2.04 These officials may not redelegate their authorities to subordinate personnel, except by prior approval of the Federal Maritime Commission and the Managing Director.

SEC. 3. *Limitation on the exercise of redelegated authorities.* 3.01 The officials to whom are redelegated the authorities specified herein shall, notwithstanding the provisions of this order, consult with the Managing Director on any matter of question involving:

1. Deviation from established policy or procedure.

2. An important decision or interpretation thereof.

3. Matters on which differences of opinion exist between bureaus under the direction of the Managing Director or with other offices of the Federal Maritime Commission.

SEC. 4. *Specific authorities redelegated to the Deputy Managing Director.* 4.01 Authority, in the absence or preoccupation of the Managing Director, to exercise all authorities of the Managing Director consistent with programs, policies and precedents established by previous

action of the Commission or the Managing Director.

SEC. 5. *Specific authorities redelegated to the Bureau of Compliance.* 5.01 The Director, Bureau of Compliance is delegated authority to:

1. Determine the validity of alleged or suspected violations, exclusive of formal complaints, of the shipping statutes and rules, regulations and orders of the Commission by common carriers by water in the foreign commerce of the United States, conference of such carriers and other persons subject to the provisions of the shipping statutes; determine corrective action necessary with respect to violations and conduct negotiations and obtain compliance by the violating parties, except where violations involve major questions of policy or major interpretations of statutes, or orders, rules and regulations of the Commission, or acts having material effect upon the commerce of the United States.

2. Develop, prescribe, and administer programs to assure compliance with the provisions of the shipping statutes of common carriers by water in the foreign commerce of the United States and steamship conferences, including but not limited to those programs for: (a) the submission of regular and special reports, information and data; (b) the conduct of field audit of the activities and practices of such common carriers and conferences; and (c) in collaboration with the Director, Office of Transport Economics, the conduct of rate studies.

5.02 The Chief, Office of Carrier Agreements is delegated authority to:

1. Approve unprotested transshipment agreements covering transportation of cargo in the foreign commerce of the United States which are not unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, detrimental to the commerce of the United States, contrary to the public interest, or violative of the Shipping Act, 1916, as amended; such agreements should include the:

a. Complete name of the parties entering into the arrangement and specifically setting forth the portion of the trade that each party will cover, including: Ports or areas of origin and destination; cargo to be carried; and ports or ranges of ports at which cargo will be transshipped;

b. Responsibility of parties for establishing and filing the applicable through rates, rules, regulations and other tariff matters;

c. Provisions for the apportionment of the through revenue and transshipment expenses stated in percentages, or specific dollar amounts;

d. When applicable, provisions for application and apportionment of other expenses such as wharfage, special handling, lighterage, tonnage dues, surcharges, and other such charges assessed by a governmental authority;

e. When desired by the parties, provisions for indemnification between the parties for liabilities incurred from loss, damage, delay, or misdelivery of goods;

f. Provision for the termination of the agreement within a stated notice period; and

g. Provisions for the submission to the Federal Maritime Commission for approval of any modification or addition to the agreement.

2. Approve the termination of section 15 (Shipping Act, 1916, as amended) agreements between common carriers by water in the foreign commerce of the United States or conferences of such carriers, after publication of notice of intent to terminate in the FEDERAL REGISTER, when such terminations are (1) requested by the parties to the agreements or (2) deemed to have occurred when it is determined that the parties are no longer engaged in concerted activities requiring section 15 approval and official inquiries and correspondence cannot be delivered to the parties.

3. Approve untested modifications to approved section 15 agreements which are filed to (1) reflect changes in the name of a country or port, or (2) increase or decrease the trade areas within the general geographic scope of the approved existing agreement, provided that such increases or decreases do not involve foreign to foreign trade, or (3) reflect non-substantive changes in language, procedures or administration.

4. Approve, pursuant to section 15 (Shipping Act, 1916, as amended) untested passenger agency agreements and container interchange agreements between ocean common carriers.

5.03 The Chief, Office of Tariffs and Informal Complaints is delegated authority to:

1. Accept or reject tariff filings submitted by common carriers by water engaged in the foreign commerce of the United States.

2. Approve special permission applications submitted by common carriers by water in the foreign commerce or conferences of such carriers for relief from a statutory and/or Commission tariff requirement.

5.04 Branch Chiefs, Office of Tariffs and Informal Complaints, in the absence or preoccupation of the Chief, Office of Tariffs and Informal Complaints are:

1. Delegated authority to reject tariff filings submitted by common carriers by water engaged in the foreign commerce of the United States which do not meet the timeliness requirements of section 18(b) of the Shipping Act, 1916.

2. Authorized to approve special permission applications covering cargo moving under contracts and/or rates negotiated by the Military Sea Transportation Service, Department of the Navy.

Sec. 6. *Specific authorities redelegated to the Director, Bureau of Domestic Regulation.* 6.01 Authority to accept or reject tariff filings of domestic offshore carriers or conferences of such carriers for failure to meet the requirements of statute or the Commission's requirements, or for lack of completeness and clarity of the rules and regulations gov-

erning the tariff, or noncompliance with special permission or other order of the Commission.

6.02 Authority to approve special permission applications submitted by domestic offshore carriers for relief from a statutory and/or Commission tariff requirement.

6.03 Authority to (a) process, within the framework of prescribed Commission policy and criteria, applications for licenses and to issue licenses approved by the Managing Director to persons, partnerships, corporations, or associations desiring to engage in the business of ocean freight forwarding; (b) reissue or transfer, within the framework of Commission policy and criteria, freight forwarder licenses; (c) prepare recommendations to the Managing Director for the denial of licenses, or rescind letters of intent to deny; (d) deny any application for freight forwarder license where applicant has received a letter of intent to deny and, within the notice period, has not requested a hearing or has not furnished the required security; (e) grant extensions of the time specified in letters of intent to deny licenses; (f) revoke the grandfather rights of applicants who have requested withdrawal of the application, moved from their last known address and reasonable efforts to locate their present whereabouts have failed, or been denied a license in accordance with subsection (d) of this section; (g) revoke the license of a freight forwarder upon request of the licensee; (h) upon receipt of notice of cancellation of any bond, to notify the licensee in writing that his license will automatically be suspended or revoked, effective on the bond cancellation date, unless a new or reinstated bond is submitted to and approved by the Commission prior to such date, and subsequently to order such suspension or revocation for failure to maintain a bond.

6.04 Authority to review and determine the validity of alleged or suspected violations, exclusive of formal complaints, of the shipping statutes and rules, regulations, and orders of the Commission by common carriers by water in the domestic offshore commerce of the United States, conferences of such carriers, terminal operators, freight forwarders, and other persons subject to the provisions of the shipping statutes; authority to determine corrective action necessary with respect to violations and conduct negotiations and obtain compliance by the violating parties, except where violations involve major questions of policy or major interpretations of statutes, or order, rules and regulations of the Commission, or acts having material effect upon the commerce of the United States; authority to determine, with respect to the container inspection program, whether alleged or suspected violations should or should not be referred to the Department of Justice.

6.05 Authority to develop, prescribe and administer programs to assure compliance with the provisions of the shipping statutes of common carriers by water in the domestic offshore trade, ter-

terminal operators, freight forwarders and other persons subject thereto, including but not limited to those programs for: (a) The submission of regular and special reports, information and data; (b) the conduct of field audit of the activities and practices of such common carriers by water in the domestic offshore trade, terminal operators, freight forwarders and other persons; and (c) in collaboration with the Director, Bureau of Financial Analysis, the conduct of rate studies.

6.06 Authority to approve, pursuant to section 15, Shipping Act, 1916, as amended, untested, cooperative working arrangements between independent ocean freight forwarders eligible to carry on the business of forwarding pursuant to section 44, Shipping Act, 1916, as amended.

6.07 Authority to approve, pursuant to section 15, Shipping Act, 1916, untested terminal leases, licenses, assignments, or other agreements of a similar character for the use of terminal property or facilities between persons subject to the Shipping Act, 1916.

6.08 Authority to determine whether terminal leases, licenses, assignments, or other agreements of a similar character for the use of terminal property or facilities between persons subject to the Shipping Act, 1916, are within the purview of section 15.

6.09 Authority to approve the termination of section 15 (Shipping Act, 1916, as amended) agreements between domestic offshore carriers or conferences of such carriers, ocean freight forwarders or terminal operators, after publication of notice of intent to terminate in the FEDERAL REGISTER, when such terminations are (1) requested by the parties to the agreements or (2) deemed to have occurred because of failure of the parties to an agreement to respond to official inquiries and correspondence.

6.10 Authority to issue notices of intent to cancel inactive tariffs of carriers in the domestic offshore trades, after a diligent effort has been made to locate the carrier without success, or if the carrier has advised the Commission that it no longer offers a domestic common carrier service but refuses to cancel its tariff upon written request; and to cancel such tariff if within 30 days after publication, the carrier does not furnish reasons why such tariff should not be cancelled.

SEC. 7. *Specific authorities redelegated to the Director, Bureau of Financial Analysis.*

7.01 The authority to approve or disapprove applications as specified in General Order 11 "Reports of Rate Base and Income Account by Vessel Operating Common Carriers in the Domestic Offshore Trades", sections: 512.3(c)(1)—extensions for time of filing; 512.3(c)(2)—alternate data; 512.3(c)(3)—waiver of filing; and 512.3(d)—the submission of statements for the first 6 months of any fiscal year.

SEC. 8. *General authority redelegated to the heads of bureaus and offices reporting to the Managing Director (C.O. 1 (Revised), Section 3.02).* 8.01 Authority to exercise all functions and take all actions necessary, to direct and carry

out the duties and responsibilities assigned to their respective bureaus and offices, in collaboration with and subject to the concurrence of other appropriate offices or bureaus, as may be required, in accordance with their functional assignments as prescribed in Manual of Orders, Commission Order No. 1 (Revised).

Sec. 9. *Effect on other orders.* 9.01 This revision supersedes Commission Order No. 201.1 (Revised) published in the FEDERAL REGISTER December 1, 1966, and all amendments and supplements published subsequent thereto. In the FMC Manual of Commission Orders, this supersedes Commission Order 201.1 (Revised), dated November 21, 1966, and all amendments published subsequent thereto.

WM. JARREL SMITH, Jr.,
Acting Deputy Managing Director
(For the Managing Director).

[F.R. Doc. 70-3129; Filed, Mar. 13, 1970;
8:49 a.m.]

RENEGOTIATION BOARD

PERSONS HOLDING PRIME CONTRACTS OR SUBCONTRACTS FOR TRANSPORTATION BY WATER AS COMMON CARRIERS

Extension of Time for Filing Financial Statements Under Renegotiation Act of 1951

Every person who held a prime contract or subcontract for transportation by water as a common carrier at any time during the calendar year 1969 is hereby granted an extension of time until September 1, 1970, for filing a financial statement for such year pursuant to section 105(e)(1) of the renegotiation Act of 1951, as amended.

Dated: March 10, 1970.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 70-3102; Filed, Mar. 13, 1970;
8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4845]

NEW ENGLAND ELECTRIC SYSTEM

Notice of Proposed Amendment of Agreement and Declaration of Trust and Order Authorizing Solicitation of Proxies

MARCH 10, 1970.

Notice is hereby given that New England Electric System ("NEES"), Turnpike Road, Westboro, Mass. 01581, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7(e), and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed

transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

NEES proposes to submit to its shareholders at the annual meeting to be held on Apr. 28, 1970, a management proposal to amend Article 31 of its Agreement and Declaration of Trust to modify the preemptive rights of shareholders so that unless the board of directors otherwise prescribes, such rights shall not exist in cases where any common shares to be issued for cash are publicly offered by competitive bidding or to or through underwriters or investment bankers for public sale.

The aforesaid amendment of Article 31 of the Agreement and Declaration of Trust will require an affirmative vote of a majority of common shares outstanding and a two-thirds vote of the board of directors. NEES does not propose to engage the services of professional proxy solicitors in connection with the proposed solicitation of its shareholders although NEES itself proposes to make such solicitation.

Expenses to be incurred in connection with the proposed transactions are estimated at \$1,500 consisting of services of the system service company, at cost. The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

NEES has requested that the effectiveness of its declaration with respect to the solicitation of proxies from its shareholders be accelerated as provided in Rule 62.

Notice is further given that any interested person may, not later than March 24, 1970, request in writing that a hearing be held with respect to the proposed amendment to the Agreement and Declaration of Trust, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that the declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration regarding the proposed solicitation of proxies be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-3110; Filed, Mar. 13, 1970;
8:48 a.m.]

[70-4848]

NORTHEAST UTILITIES

Notice of Proposed Amendment of Declaration of Trust and Order Authorizing Solicitation of Proxies

MARCH 10, 1970.

Notice is hereby given that Northeast Utilities ("Northeast"), 174 Brush Avenue, Springfield, Mass. 01089, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7(e), and 12(e) of the Act, and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Northeast proposes to submit to its shareholders at the annual meeting to be held on April 28, 1970, a management proposal to amend Article 19 of its Declaration of Trust to modify the preemptive rights of shareholders so that such rights shall not exist in cases where any common shares to be issued for cash are publicly offered by competitive bidding or to or through underwriters or investment bankers for public sale.

The aforesaid amendment of Article 19 of the Declaration of Trust will require an affirmative vote of the holders of at least two-thirds of the outstanding common shares of Northeast.

Expenses to be incurred in connection with the proposed transactions are estimated at \$2,750, including legal fees of \$1,750. The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Northeast has requested that the effectiveness of its declaration with respect to the solicitation of proxies from its shareholders be accelerated as provided in Rule 62.

Notice is further given that any interested person may, not later than March 24, 1970, request in writing that a hearing be held with respect to the proposed amendment to the Declaration of Trust, stating the nature of his interest,

the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that the declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration regarding the proposed solicitation of proxies be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. BUBOIS,
Secretary.

[F.R. Doc. 70-3111; Filed, Mar. 13, 1970;
8:48 a.m.]

[70-4778]

**MICHIGAN CONSOLIDATED GAS CO.,
AND MICHIGAN CONSOLIDATED
HOMES CORP.**

**Notice of Proposed Acquisition of
Capital Stock and Notes of a Non-
utility Subsidiary Company by a
Subsidiary Company of a Regis-
tered Holding Company**

MARCH 9, 1970.

Notice is hereby given that Michigan Consolidated Gas Co. ("Michigan Consolidated"), 1 Woodward Avenue, Detroit, Mich. 48226, a public utility subsidiary company of American Natural Gas Co., a registered holding company, and its wholly owned subsidiary company, Michigan Consolidated Homes Corp., ("Homes"), a nonutility company, have filed an application-declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10, and 12,

and Rules 43 and 45 promulgated thereunder as applicable to the proposed transactions. These transactions relate to the financing of two housing projects for low- and moderate-income families. All interested persons are referred to the amended application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Michigan Consolidated distributes and sells natural gas at retail in various cities and towns in the State of Michigan, including the city of Detroit. As of March 31, 1969, Michigan Consolidated had operating revenues of \$269,608,000 and net plant of \$478,895,000. Homes, a Delaware corporation, is a "limited dividend" corporation as defined in the National Housing Act, and as such is subject to the regulations issued by the Federal Housing Administration ("FHA"). Homes was organized for the purpose of constructing, owning, and operating low and moderate income housing projects under the National Housing Act.

Homes has virtually completed a pilot housing project consisting of 130 units in the inner-city area of Detroit, the financing of which was authorized by the Commission on March 31, 1969 (Holding Company Act Release No. 16331). Under that order Homes was authorized to issue, and Michigan Consolidated was permitted to acquire, up to 5,000 shares of its \$100 per value common stock and up to \$3 million of short-term notes which would mature not later than 18 months from the first borrowing.

Homes has executed a 40-year mortgage on this housing project to the Federal National Mortgage Association in the principal amount of \$2,086,000, and applied \$1,900,000 to retire a like amount of notes which it had issued to Michigan Consolidated for construction funds. As of January 16, 1970, Homes also had outstanding 1,000 shares of common stock, having an aggregate par value of \$100,000, and about \$1,847,000 in notes, all held by Michigan Consolidated, of which about \$52,000 represented the balance of outstanding notes Homes had issued in connection with the pilot project.

Michigan Consolidated and Homes now propose to construct two additional projects within Michigan Consolidated's service area, pursuant to section 236 of the National Housing Act, as amended by the Housing and Urban Development Act of 1968. The first (Inkster project) involves 134 units for low and moderate income families on a 9-acre urban renewal site in Inkster, Mich., a suburb of Detroit, at an estimated cost of \$2,680,000. The second project is for an apartment development of 168 units for elderly and handicapped persons of low and moderate income on a 5-acre urban renewal site in Detroit known as the Elmwood Park Rehabilitation Project No. 1 (Elmwood project), at an estimated cost of about \$2,891,000. These two projects, as discussed below, are presently under construction and funds for that purpose have been advanced on notes issued by Homes to Michigan Consolidated. When these projects are completed, all outstanding notes will be refunded by a

40-year FHA insured mortgage up to 90 percent of the cost, which includes an allowance for a builder's profit; the balance by common stock of Homes to be acquired by Michigan Consolidated.

Homes proposes from time to time to issue and sell to Michigan Consolidated 5,000 shares of its common stock at the par value thereof, in addition to the 5,000 shares heretofore authorized by the Commission, in order to provide equity capital for the two projects now proposed and others contemplated for the next several years, and for working capital and organizational expenses. Homes also proposes to issue, and Michigan Consolidated proposes to acquire, up to \$6 million in short-term notes to provide for construction and other expenses for the Inkster and Elmwood projects, such notes to be repaid by Homes out of the proceeds of the mortgage loans when these projects are completed. These notes will mature 18 months from the date of the first borrowing, may be prepaid at any time without penalty, and will bear interest at the same rate paid by Michigan Consolidated from time to time for short-term loans or, in the absence of any such loans, at the prime rate of National Bank of Detroit.

The Inkster project was 75 percent completed as of January 16, 1970, and to finance construction Homes issued to Michigan Consolidated \$1,475,000 in notes. The Elmwood project was 10 percent completed on that date and was financed by advances of \$320,000 from Michigan Consolidated, for which Homes issued notes for that amount to Michigan Consolidated. Applicants-declarants state that the prior order of March 31, 1969 had authorized Homes to issue up to \$3 million in notes; and that, when \$1,900,000 in notes issued in connection with the pilot project were retired, Homes was free to reissue notes, with maturities of 18 months from the date of the first borrowing, for additional projects which Homes had indicated it might undertake if the pilot project was successful. Applicants-declarants further state that, if interim financing of the Inkster and Elmwood projects had not been authorized by the prior order of the Commission and if the pending application-declaration is approved and granted, all notes previously issued will be canceled and all notes hereafter outstanding will be issued pursuant to the authority now sought. They also state in this connection that Michigan Consolidated has in no way profited from the loans to Homes, since the notes issued by Homes have at all times been at the prime rate which Michigan Consolidated has been paying to banks for borrowings to meet its own needs and those of Homes.

The Division of Corporate Regulation advises that the record in this proceeding can be completed without a formal hearing and that the applicants-declarants have agreed to file additional information and documents as requested by the Division. The applicants-declarants request that, when the record is thus completed, the pending proposals

may be considered on the briefs filed in the prior proceeding (No. 70-4648), if no hearing is requested by any interested person.

The amended application-declaration states that no approval or consent of any regulatory body, other than this Commission, is necessary for the proposed transactions. Fees and expenses to be incurred by Michigan Consolidated and Homes in connection with the proposed transactions are estimated at \$1,000, including legal fees of \$500.

Notice is further given that any interested person may, not later than March 25, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F.R. Doc. 70-3101; Filed, Mar. 13, 1970;
8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-C
(Region X)]

REGIONAL DIVISION CHIEFS, REGIONAL COUNSEL, DISTRICT DIRECTORS, ET AL.

Delegation of Authority To Conduct Program Activities in Region X

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30-C, 35 F.R. 2840, published in the FEDERAL REGISTER on February 11, 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 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 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 section 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 million, provided the chief concurs in at least one prior recommendation.

2. To extend the disbursement period 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, 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 guaranties.

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 an 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 region, approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guaranties.

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.

I. Regional 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 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, sub-

leases, 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 section 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 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 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 (4) 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 section 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 FDA 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, 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.

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—Fairbanks, Alaska. **1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) \$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 (b) \$350,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; and to approve or decline disaster guaranteed loans in an amount not exceeding \$350,000 (SBA share).

**2. To execute loan authorizations for Central Office, regional, and district approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By _____
(Name)
Branch Manager
(City)

**3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

**4. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

5. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

6. 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.

7. 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.

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: February 9, 1970.

FORBES BRUCE,
Regional Director, Region X.

[F.R. Doc. 70-3121; Filed, Mar. 13, 1970;
8:48 a.m.]

[Declaration of Disaster Loan Area 753]

GEORGIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of February 1970, because of the effects of certain disasters, damage

resulted to residences and business property located in the county of Ware, Ga.;

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 office below indicated from persons or firms whose property, situated in the aforesaid county, suffered damage or destruction resulting from tornadoes occurring on February 25, 1970.

OFFICE

Small Business Administration Regional Office, 100 Edgewood Avenue NE., Atlanta, Ga. 30303.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to September 30, 1970.

Dated: March 5, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-3099; Filed, Mar. 13, 1970;
8:47 a.m.]

UCC VENTURE CORP.

Notice of Issuance of a Federal License To Operate as a Minority Enterprise Small Business Investment Company

Notice is hereby given that the Small Business Administration (SBA) has issued license No. 10/10-5153, dated February 26, 1970, to UCC Venture Corp., located at 833 Frito-Lay Tower, Dallas, Tex. 75235, to operate as a minority enterprise small business investment company in the State of Texas under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act).

Dated: March 4, 1970.

A. H. SINGER,
Associate Administrator
for Investment.

[F.R. Doc. 70-3112; Filed, Mar. 13, 1970;
8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18441 etc.; FCC 70R-86]

BROADCASTING SERVICE OF CAROLINA, INC., ET AL.

Memorandum Opinion and Order Retaining Application in Hearing on Stated Issues

In regard applications of Broadcasting Service of Carolina, Inc., Graham, N.C.,

Docket No. 18441, File No. BP-17143, RCR, Ltd., Asheboro, N.C., Docket No. 18442, File No. BP-17273, J. M. Farlow and William D. Mills, doing business as Duplin County Broadcasters, Rose Hill, N.C., Docket No. 18443, File No. BP-17406, C. M. Taylor and J. H. Lewis, doing business as Blue Ridge Broadcasting, Blacksburg, Va., Docket No. 18445, File No. BP-17580, for construction permits.

1. The Review Board has before it a joint petition for approval of agreement, filed December 2, 1969, by the above-captioned parties.¹ Of the four captioned applications, that of Broadcasting Service of Carolina, Inc. (Broadcasting Service), for Graham, N.C., was the first filed and is mutually exclusive with the remaining three applications. None of the remaining three applications are mutually exclusive with each other. All four were designated for hearing by Commission Memorandum Opinion and Order, FCC 69-104, 34 F.R. 2441, published February 20, 1969. Among the issues specified in the designation order were the standard 307(b) issue; a financial issue and an antenna characteristics issue as to Broadcasting Service; and financial qualifications issues, a transmitter site issue and a "community needs" or Suburban issue as to Blue Ridge Broadcasting Co. The parties, by their joint petition for approval of agreement, request the Board to dismiss Broadcasting Service's (Graham, N.C.) application and grant the applications of RCR, Ltd. for Asheboro, N.C.; J. M. Farlow and William D. Mills, doing business as Duplin County Broadcasters for Rose Hill, N.C.; and Blue Ridge Broadcasting (Blue Ridge) as amended (see below) for Blacksburg, Va. This would be accomplished as follows: Broadcasting Service would dismiss its application for Graham, N.C. In consideration for the dismissal of their application the principals of Broadcasting Service would each acquire 406 shares of stock in RCR, Ltd. at the rate of \$1 per share (par value). Broadcast Service would then pay Blue Ridge \$13,000 (reimbursement for funds reasonably and prudently expended in filing and prosecution of its application), the Blue Ridge application would be amended to change the name of the applicant to Broadcasting Service of Carolina, Inc., and Blue Ridge would drop out of the proceeding. Thus, the Graham application would be dismissed, its principals would acquire a minority interest in the Asheboro application and be substituted for Blue Ridge in the Blacksburg application. The petitioners argue that the public interest will be served since it will be possible to immediately grant three applications for new standard broadcast stations, thereby

bringing an additional 0.5 mv/m or better signal to 1,002,873 persons, and a first local transmission service to Rose Hill, North Carolina, without the delay and expense which inevitably results from a hearing.

2. The Review Board finds, and the Broadcast Bureau agrees, that the proposed arrangement, will not impede the objectives of section 307(b) of the Communications Act, and therefore publication, pursuant to § 1.525(b) is not required. Moreover, when all of the pleadings and amendments are taken into account, the necessary explanations and affidavits of the parties are before us so that we can now decide whether the arrangement complies with § 1.525(a) of the rules.²

3. As noted by the Broadcast Bureau, the instant proposal is neither an ordinary dismissal or merger agreement. However, the practical effect insofar as the listening public is concerned is the same. Thus, the principals of Broadcasting Service acquire a minority interest in RCR, Ltd., dismiss their application for Graham, N.C., and acquire total ownership of a third applicant. Since neither the technical nor programming proposals of any of the three remaining applications are changed, the result to the listening public would be comparable to an agreement whereby Broadcasting Service would merely dismiss its application for Graham, N.C. As observed by the Bureau, this would have been a more direct method of achieving the desired objective; however, we must consider the proposal advanced by the parties to the proceeding. The Bureau argues that the proposal to substitute Broadcasting Service for Blue Ridge in the Blacksburg application in effect creates a new applicant, and that since Blue Ridge is not dismissing its application the proposal is not within the scope of 47 CFR 1.525 and thus approval of such a plan is not within the jurisdiction of the Board. Thus, argues the Bureau, the joint petition must be denied. We cannot accept the Bureau's position with respect to this matter. Both the statute³ and the controlling Commission rule⁴ are cast in terms which give the Commission broad latitude to approve agreements that will permit resolution of the private differences among the various applicants without the necessity of formal hearing, thus reducing the Commission's hearing load and bringing additional service to the public at an earlier date than would otherwise be the case. Section 1.525, supra, reads as follows:

Whenever applicants for a construction permit for a broadcast station enter into

¹ The Bureau in its opposition took the position that since an amendment was not associated with the joint petition the matter could not be resolved. It also noted lack of a detailed showing concerning the history and justification for the arrangement which permitted the principals of Broadcasting Service to acquire a minority interest in RCR, Ltd. These deficiencies have been met by the amendments and in pleadings subsequently filed by the joint petitioners.

² 47 U.S.C. 311(c).

⁴ 47 CFR 1.525.

¹ The Board also has before it an opposition to the joint petition filed by the Broadcast Bureau Dec. 17, 1969; a joint reply to the opposition filed Jan. 9, 1970; a petition for acceptance of amendment filed Jan. 5, 1970; the Bureau's opposition to the petition for acceptance, filed Jan. 14, 1970; a supplemental petition for acceptance of amendment filed Jan. 19, 1970; and the Bureau's opposition to the supplemental petition for acceptance of amendment, filed Jan. 28, 1970.

an agreement to procure the removal of a conflict between applications pending before the Commission by withdrawal or amendment of an application or by its dismissal pursuant to § 1.568, all parties thereto shall, within 5 days after entering into the agreement, file with the Commission a joint request for approval of such agreement.

In our view, the instant agreement falls within the letter and spirit of this rule, and the cases cited by the Bureau do not hold to the contrary. As we read those cases they stand for the proposition that merger agreements may not be used as devices to afford the dismissing applicant compensation over and above funds "reasonably and prudently expended in the filing and prosecution of its application." We have no such problem with respect to the Blue Ridge application.⁵ Moreover, the action requested here is consistent with the Review Board's action in *Little Dixie Radio, Inc.*, 12 FCC 2d 349, 13 RR 2d 271 (1968).

4. The Bureau also argues that, in the absence of further explanation concerning the negotiations with respect to Broadcasting Service's acquisition of stock in RCR, Ltd., it is impossible to decide the merits of that aspect of the joint agreement. However, the petitioners have supplied further affidavits with their opposition which provide answers to the factual questions raised by the Bureau. The additional affidavits include a detailed description of the negotiations leading to that portion of the agreement. They explain that the stock sold to the principals of Broadcasting Service will be additional shares issued by RCR, Ltd., and in justification of the transaction, explain that Broadcasting Service had demonstrated reasonable and prudent expenditures in filing and prosecuting its Graham application of \$23,858.41, while the comparable expenses of RCR, Ltd., were \$11,056, 13.5 percent of which equals \$1,485. Thus, argue the joint petitioners, Broadcasting Service is recovering less than 7 percent of its out of pocket costs. Aside from this argument we note that by the terms of the agreement the principals of Broadcasting Service who acquire stock in RCR, Ltd., are obliged to pay \$1 per share (the par value and the same price as that paid by the present stockholders of RCR, Ltd.) for the stock they acquire. RCR, Ltd., is a new corporation and its only assets consist of cash received from sale of stock. Thus, it is clear that the arrangement between the principals of Broadcasting Service and RCR, Ltd., is a "bona fide" merger, not a device to acquire excess compensation. The right to participate on the board of directors and "rights of first refusal" are not unusual in contracts for acquisition of stocks in closed corporations and pose no special problems here. It therefore appears to the Board that the portion of the agreement concerning the principals

of Broadcasting Service's acquisition of RCR, Ltd., stock does not preclude the approval of the joint request.

5. The Bureau's argument that the facts in this case pose trafficking and § 1.65 questions which, under the doctrine set forth in *Publix Television Corporation*, 36 FCC 2d 1215, 4 RR 2d 481 (1964), would preclude reimbursement to Blue Ridge is not well taken. It is clear that the \$13,000 to be paid to Blue Ridge will be less than it "reasonably and prudently expended in the filing and prosecution of its application." We cannot equate a transaction where there is no indication of bad faith or profit on the part of the dismissing applicant with trafficking. Nor does the fact that actual legal and engineering expenses of Blue Ridge to date are more than twice the applicant's initial \$5,000 estimate for such expenses warrant a section 1.65 issue, as contended by the Bureau. 47 CFR 1.65 requires applicants to amend their applications:

Whenever the information furnished in the pending application is no longer substantially accurate and complete in all significant respects, the applicant shall as promptly as possible and in any event within 30 days, unless good cause is shown, amend or request the amendment of his application so as to furnish additional or corrected information as may be appropriate.

In the circumstances of this case we do not believe that Blue Ridge's failure to amend its application to reflect increased costs for legal and engineering expenses warrants the addition of a disqualifying § 1.65 issue. The increased costs were the result of problems incurred in the hearing and the Blue Ridge application shows a financial cushion far greater than the discrepancy between the estimates and actual cost to date.⁶ In view of these facts the increased legal and engineering costs would have no significant effect upon Blue Ridge's ability to carry out its proposal. Thus, a § 1.65 issue is not required.

6. From all of the foregoing it is clear that the petitioners have met the requirements of § 1.525(a) of the rules. The amendment to the Blacksburg application was promptly filed after the agreement was consummated.⁷ Moreover since the amendment would not necessitate the addition of new issues or parties to the proceeding; would not prejudice any party or result in a competitive advantage

to any party and would contribute to the orderly and expeditious disposition of Commission business, we find good cause for accepting it.

7. There are however, a number of unresolved issues which must be considered. The designation order, supra, included a financial issue directed to Broadcasting Service, an issue concerning the suitability of Blue Ridge's proposed antenna site, and a Suburban issue directed to Blue Ridge. The joint petitioners contend that in view of the proposed amendments all of these issues can now be resolved. We are unable to reach this conclusion. Even though Broadcasting Service filed exhibits concerning its efforts to ascertain community needs and interests with the joint amendments, it failed to demonstrate how the program proposals set forth in Blue Ridge Exhibit 4, which it proposes to adopt, would meet the needs and interests of Blacksburg as determined by its analysis of the surveys. In the absence of this vital information it will be necessary to retain the Blacksburg application in hearing. Since further hearing is necessary on the Suburban issue we will not undertake to resolve the other outstanding issues at this stage of the proceeding. The Board will, however, approve the joint agreement and accept the amendment proffered January 5, 1970, and the supplemental amendment proffered January 19, 1970.⁸ As noted, however, the amended application for Blacksburg must be retained in hearing to permit resolution of the financial issue with respect to Broadcasting Service, the site suitability issue designated against Blue Ridge, and the Suburban issue designated against Blue Ridge. Since Broadcasting Service will be the applicant in the amended application for Blacksburg, Va., the last two issues noted above must now be resolved by that applicant. With the dismissal of Broadcasting Service's application for Graham, N.C., there is no longer an impediment to grant of either Duplin County Broadcasters' application for Rose Hill, N.C. or RCR, Ltd.'s application for Asheboro, N.C. Those applications will be severed from this proceeding and granted.

8. Accordingly, it is ordered, That the joint petition for approval of agreement, filed December 2, 1969, by Broadcasting Service of Carolina, Inc., RCR, Ltd., Duplin County Broadcasters, and Blue Ridge Broadcasting is granted to the extent indicated herein and the agreement is approved; that, the petition for acceptance of amendment, and the supplemental petition for acceptance of amendment, filed January 5, 1970, and January 19, 1970, respectively by Broadcasting Service of Carolina, Inc., and in which the other above-captioned parties join, are granted, and the amendments submitted therewith are accepted for

⁵ Blue Ridge projected its construction and first year's operating costs at \$70,493. It will have available to it a loan in the amount of \$75,000 from C. M. Taylor, one of its partners, and a deferred credit arrangement with RCA in the amount of \$46,120. Therefore, it is apparent that Blue Ridge would have a substantial surplus of available funds with which to meet anticipated requirements.

⁷ We agree with the Bureau that more orderly consideration of agreements is possible when amendments and other related documents are submitted with the petition to accept the agreement. We also join with the Bureau in its contention that negotiations of such agreements must not be allowed to interfere with the orderly disposition of Commission business. However, we are satisfied that the ultimate disposition of the instant case will be substantially expedited by the joint agreement.

⁸ Mr. J. H. Lewis of Blue Ridge Broadcasting attached an itemized list of expenses totaling \$14,754. Of this amount over \$13,000 represents engineering and legal fees which are supported by the separate affidavits of legal and engineering counsel.

⁶ As noted by the Bureau there is some ambiguity as to the state of the proffered amendment to the Blacksburg application. The Board will assume that all those matters and exhibits submitted with the amendment of Jan. 5, 1970, and not superseded by the Jan. 17, 1970, supplemental amendment, are included in the present Blacksburg proposal.

filing; that the application (BP-17143) of Broadcasting Service of Carolina, Inc., for Graham, N.C., is dismissed with prejudice; that the application (BP-17273) of RCR, Ltd., for Asheboro, N.C., is severed from this proceeding and granted; that the application (BP-17406) of J. M. Farlow and William D. Mills, doing business as Duplin County Broadcasters for Rose Hill, N.C., is severed from this proceeding and granted; that Broadcasting Service of Carolina, Inc., is substituted for Blue Ridge Broadcasting in BP-17580; and that the amended application (BP-17580) of Broadcasting Service of Carolina, Inc., for Blacksburg, Va., is retained in hearing to resolve the following issues:

1. To determine whether Broadcasting Service of Carolina, Inc., is financially qualified to construct its proposed station at Blacksburg, Va., and without assistance, operate the proposed station for 1 year.

2. To determine the efforts made by Broadcasting Service of Carolina, Inc., to ascertain the community needs and interests of the area to be served, and the means by which it proposes to meet those needs and interests.

3. To determine whether the transmitter site proposed by Broadcasting Service of Carolina, Inc., is satisfactory with particular regard to terrain irregularities which may exist in the vicinity of the antenna system.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the application of Broadcasting Service of Carolina, Inc., should be granted.

Adopted: March 6, 1970.

Released: March 9, 1970.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-3132; Filed, Mar. 13, 1970;
8:49 a.m.]

[Docket No. 18308, etc.; FCC 70R-80]

CHRISTIAN VOICE OF CENTRAL OHIO, ET AL.

Memorandum Opinion and Order Modifying Issues

In regard applications of Christian Voice of Central Ohio, Gahanna, Ohio, Docket No. 18308, File No. BPH-6137, Delaware-Marysville Broadcasting Service, Inc., Delaware, Ohio, Docket No. 18309, File No. BPH-6199, Delaware-Gahanna FM Radio Broadcasting Station, Inc., Delaware, Ohio, Docket No. 18793, File No. BPH-7004, for construction permits.

1. The Review Board has before it a joint petition for approval of agreement, filed by Christian Voice of Central Ohio (CVCO) and Delaware-Marysville

² Board Members Berkemeyer and Kessler concurring in result only. Board Member Slone absent.

Broadcasting Service, Inc. (D-M) on January 23, 1969, and a supplementary petition for approval of agreement, filed by the same parties on January 28, 1969. Also before the Board and related to this matter is a motion to enlarge issues, filed October 24, 1968, by Ohio State University, and a petition for special relief, filed November 17, 1969, by the Broadcast Bureau.¹ The Review Board considered the joint petition for approval of agreement and pleadings related thereto in its Memorandum Opinion and Order, FCC 69R-144, released March 24, 1969, 16 FCC 2d 879, 15 RR 2d 1022, at which time the Board found that the parties had complied with the requirements of § 1.525(a) of the Commission's rules. However, the Board was unable to determine that the proposed agreement did not impede the effectuation of section 307(b) of the Communications Act, and publication was therefore required; the agreement was held in abeyance pending publication. Publication was accomplished and, within 30 days thereafter, a competing application was filed. That application was accepted for filing and designated for a consolidated hearing with the applications of CVCO and D-M by Commission Order, FCC 70-127, released February 12, 1970, --- FCC 2d ---, --- RR 2d ---. Since the parties to the petition for approval of agreement have now complied with all of the requirements of section 1.525 of the Commission's rules and the Board has previously found that approval of the agreement would be in the public interest, it will now be approved and D-M's application dismissed. The application of CVCO will be retained in hearing status with the mutually exclusive application of Delaware-Gahanna FM Radio Broadcasting Station, Inc. (D-G), which was accepted for filing and designated for consolidated hearing in the above cited Commission's memorandum opinion and order of February 12, 1970, supra.

2. Among the unresolved issues with respect to CVCO's application is the following:

To determine whether the proposal of Christian Voice of Central Ohio will realistically provide a local transmission facility for its specified station location and in light thereof, whether the application of Christian Voice of Central Ohio should be considered, for the purpose of the determination to be made herein under section 307(b) of the Com-

¹ The Board also has before it the Broadcast Bureau's opposition to joint petition for approval of agreement, filed Feb. 12, 1969; D-M's reply to the Bureau's opposition, filed Mar. 3, 1969; CVCO's reply to Bureau's opposition, filed Mar. 3, 1969; the Bureau's comments in support of Ohio State University's motion to enlarge issues, filed Nov. 6, 1968; a letter from counsel for D-M concerning Ohio State's motion to enlarge issues, filed Nov. 6, 1968; CVCO's opposition to the Bureau's petition for special relief, filed Dec. 2, 1969; and the Broadcast Bureau's reply to CVCO's opposition to its petition for special relief, filed Dec. 9, 1969.

munications Act of 1934, as amended, a proposal for Gahanna.

The Bureau, in its petition for special relief, requests that, in view of the Commission's wording of a comparable issue in Berwick Broadcasting Corporation, 20 FCC 2d 393, FCC 69-1213, released November 12, 1969, the issue in this case be modified to read as follows:

To determine whether the proposal of Christian Voice of Central Ohio will realistically provide a local transmission facility for its specified station location or for another larger community.

CVCO opposes the Bureau's request on the grounds that the order which it seeks to modify was at the time of the Bureau's petition almost a year old; that the factual circumstances with respect to CVCO's application are not comparable to those before the Commission in Berwick; and that its application as most recently amended makes it clear that CVCO proposes to serve Gahanna. The Bureau's argument that its petition for special relief was promptly filed within 5 days after the Commission released its memorandum opinion and order in Berwick, supra, is valid; thus, the Bureau's petition is timely filed. Nor do the alleged factual distinctions urged by CVCO preclude a grant of the Bureau's petition. The bulk of these alleged distinctions relate to the nature of CVCO's application in an apparent attempt to meet the specified issue or show that it should not have been specified in the first instance. However, the Board has consistently held that it will not, except in unusual circumstances not present here, delete or attempt to resolve outstanding issues on the basis of a showing contained in pleadings or postdesignation amendments. Rather, the Bureau's request relates to the nature of the issue itself, i.e., whether once specified, it affects an applicant's basic qualifications or merely its comparative qualifications, and, in light of the Commission's action in the Berwick case, supra, it is clear that the issue in question relates to the basic qualifications of the applicant against whom it is specified.² The Bureau's request will therefore be granted.

3. Ohio State University's petition to enlarge issues was directed toward the D-M application. In view of the Board's action dismissing that application, this petition is moot and will be dismissed.

4. Accordingly, it is ordered, That the joint petition for approval of agreement and the supplementary petition for approval of agreement of dismissal and for other relief, filed on January 23 and January 28, 1969, respectively by Christian Voice of Central Ohio, and Delaware-Marysville Broadcasting Service, Inc. are granted; the agreement is approved to the extent that the application (BPH-6199) of Delaware-Marysville

² We note that issues identical to that requested by the Bureau were specified with respect to the D-G application when the Commission designated that application for consolidated hearing in the proceeding.

Broadcasting Service, Inc., for a new FM broadcast station at Delaware, Ohio, is dismissed and the application of Christian Voice of Central Ohio for a new FM broadcast station at Gahanna, Ohio, is retained in hearing; and

5. *It is further ordered*, That the Broadcast Bureau's petition for special relief, filed November 17, 1969, is granted

and the specified issue is modified to read as follows:

To determine whether the proposal of Christian Voice of Central Ohio would realistically provide a transmission service for Gahanna, Ohio, or for another larger community.

6. *It is further ordered*, That the petition to enlarge issues, filed October 24, 1968, by Ohio State University, is dismissed.

Adopted: March 5, 1970.

Released: March 6, 1970.

FEDERAL COMMUNICATIONS

COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-3131; Filed, Mar. 13, 1970;
8:49 a.m.]

² Board Member Nelson not participating.

[Canadian List No. 263]

CANADIAN STANDARD BROADCAST STATIONS

Notification List

JANUARY 21, 1970.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw.	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							Number of radials	Length (feet)	
CFAC (change in transmitter site from that notified on list No. 199. PO: 10 kw., DA-N).	Calgary, Alberta, N. 50°59'21", W. 115°50'20".	960 kilocycles 50	DA-N ND-D-211	U	III	-----	-----	-----	1-15-71.
(New)-----	Port aux Basques, Newfoundland, N. 47°35'08", W. 59°07'22".	1230 kilocycles 0.25	ND-182	U	IV	146.5	120	320	1-15-71.
(New) (delete assignment)-----	Trenton, Ontario-----	1320 kilocycles ID/0.5 N.	DA-2	U	III	-----	-----	-----	-----
(New) (delete assignment)-----	Wetaskiwin, Alberta-----	1310 kilocycles ID/0.5 N.	ND-184	U	IV	-----	-----	-----	-----
(New) (delete assignment)-----	Wabush, Labrador-Newfoundland.	1310 kilocycles 0.25	ND-180	U	IV	-----	-----	-----	-----
(New) (delete assignment)-----	Bracebridge, Ontario-----	1360 kilocycles 1	ND-190	D	III	-----	-----	-----	-----
(New)-----	Burnaby, British Columbia, N. 49°10'57", W. 123°02'23".	1370 kilocycles 10	DA-1	U	III	-----	-----	-----	1-15-71.
CKFH (PO: 1430 kc., 10 kw., DA-2).	Toronto, Ontario, N. 43°37'03", W. 79°22'47".	1430 kilocycles 50	DA-2	U	III	-----	-----	-----	1-15-71.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau.

[F.R. Doc. 70-3133; Filed, Mar. 13, 1970; 8:49 a.m.]

[Canadian List No. 266]

CANADIAN STANDARD BROADCAST STATIONS

Notification List

FEBRUARY 10, 1970.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw.	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							Number of radials	Length (feet)	
CBNA (now in operation)-----	St. Anthony, Newfoundland N. 51°22'04", W. 55°37'00".	600 kilocycles 10	DA-2	U	III	-----	-----	-----	-----
(New) (correction of class from that shown on list No. 261).	Caraquet, New Brunswick, N. 47°45'40", W. 65°03'45".	810 kilocycles 10D/5N	DA-N ND-D-180	U	II	-----	-----	-----	-----
(New) (delete assignment)-----	Milton Ontario-----	960 kilocycles 0.5	DA-1	U	III	-----	-----	-----	-----
(New) (delete assignment)-----	Burlington, Ontario-----	1090 kilocycles 0.5	ND-	D	II	-----	-----	-----	-----
CKOY (correction of coordinates).	Ottawa, Ontario, N. 45°15'36", W. 75°47'03".	1310 kilocycles 50	DA-2	U	III	-----	-----	-----	-----
CJLS (change in location and mode of operation from that shown on list No. 258. PO: 0.25 kw., ND-188.)	Yarmouth, Nova Scotia, N. 43°50'25", W. 66°08'50".	1310 kilocycles 5D/1N	DA-2	U	IV	-----	-----	-----	E.I.O. 1-2-71.
CHOV (correction of coordinates).	Pembroke, Ontario, N. 45°48'52", W. 77°04'40".	1350 kilocycles 1	DA-1	U	III	-----	-----	-----	-----

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau.

[F.R. Doc. 70-3134; Filed, Mar. 13, 1970; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-1322]

ANADARKO PRODUCTION CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund.

MARCH 6, 1970.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, chapter I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplement to the rate schedule filed by respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule

involved. Unless respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.¹

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 20, 1970.

By the Commission.

[SEAL]

KENNETH F. PLUMB,
Acting Secretary.

¹ If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI70-1322..	Anadarko Production Co., Post Office Box 9317, Fort Worth, Tex. 76107.	286	1	Kansas Nebraska Natural Gas Co., Inc. (Bradshaw Area, Hamilton County, Kans.).	\$1,820	2-2-70	4-1-70	4-2-70	13.5	13.5	

² Contract dated after Sept. 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1 and proposed rate does not exceed the area initial rate ceiling.

³ The stated effective date is the effective date requested by respondent.

⁴ The suspension period is limited to 1 day.

⁵ Periodic rate increase.

⁶ Pressure base is 14.65 p.s.i.a.

⁷ Subject to a downward B.T.U. adjustment.

The contract related to Anadarko Production Co.'s (Anadarko) rate filing was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed rate exceeds the area increased rate ceiling but does not exceed the initial service ceiling for Kansas. We believe, in this situation, Anadarko's rate filing should be suspended for 1 day from April 1, 1970, the proposed effective date.

[F.R. Doc. 70-3090; Filed, Mar. 13, 1970; 8:46 a.m.]

[Dockets Nos. CP69-353, CP70-123]

MISSISSIPPI VALLEY GAS CO. ET AL.

Order Denying Motion, Consolidating Proceedings, Setting Hearing Date and Prescribing Procedure

MARCH 9, 1970.

CP69-353. Mississippi Valley Gas Co. (Mississippi), Jackson, Miss. 39207, filed on June 27, 1969, under docket No. CP69-353, pursuant to section 7(a) of the Natural Gas Act, an application for an order directing Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Houston, Tex. 77001 (Tennessee), to connect its transportation facilities with distribution facilities to be constructed by Mississippi and sell and deliver natural gas to Mississippi for resale in the town of

Holcomb in Grenada County, Miss., and to construct measuring and regulating facilities at the delivery point.

Mississippi proposes to construct and operate a natural gas distribution system in Holcomb at an estimated cost of \$47,412 to be financed from funds on hand. Holcomb's natural gas requirements in the third year of operation are estimated at 17,340 Mcf annual and 160 Mcf maximum day at 14.73 p.s.i.a.

Tennessee filed an answer opposing Mississippi's application on the ground that service to Mississippi "will place an undue burden upon Tennessee's ability to render adequate service to its existing customers" and "will further limit Tennessee's ability to meet the requests for incremental service from its existing customers".

Notice of Mississippi's application, setting July 31, 1969, as the final date for filing protests or petitions to intervene, was published in the FEDERAL REGISTER on July 10, 1969 (34 F.R. 11446). None was filed.

By order issued October 7, 1969, the Commission ordered that a public hearing on the issues presented by Mississippi's application be held commencing on January 13, 1970, and that each party file and serve proposed evidence, including prepared testimony of witnesses and exhibits on or before stated dates.

Mississippi filed and served its proposed evidence as directed.

Instead of filing proposed evidence, Tennessee filed on December 8, 1969, a motion that Mississippi's application be considered by the Commission under the shortened procedure prescribed by § 1.32 (a) of the Commission's rules of practice and procedure on the ground that it is unable to meet the requested additional natural gas requirements of its existing customers and, although to serve Mississippi would not impair Tennessee's ability to render presently authorized service to existing customers, it should not be directed to commence natural gas service to a new customer.

Tennessee omitted to state, however, the facts underlying its conclusion that it is unable to meet the requests of its existing customers for additional service and its motion, therefore, will be denied.

The hearing, set to commence January 13, was postponed indefinitely by notice issued January 9, 1970.

CP70-123. Northwest Alabama Gas District (Alabama), Post Office Box 129, Hamilton, Ala. 35570, filed on November 10, 1969, under Docket No. CP70-123, pursuant to section 7(a) of the Natural Gas Act, an application for an order directing Tennessee Gas Pipeline Co. to connect its natural gas transportation facilities with pipeline facilities to be

constructed by Alabama and sell and deliver natural gas to Alabama for resale through the distribution system of the city of Sulligent, Ala.

Northwest Alabama Gas District alleged that it is a political subdivision of the State of Alabama and is therefore a "municipality" as defined in the Natural Gas Act. It presently purchases gas solely from the Southern Natural Gas Co. which it resells to four municipal gas distribution systems and distributes in eight communities in northwest Alabama including Sulligent.

Alabama alleged that during the past several winters it has had much difficulty maintaining adequate pressure for the Sulligent distribution system because the system is served by 14.3 miles of 3½ inch pipeline, restricting the pressure. To correct this condition, Alabama proposes to construct 4.9 miles of 3-inch lateral line from Sulligent to Tennessee's main line in Lamar County at an estimated cost of \$54,800 to be financed from cash on hand, and to purchase from Tennessee natural gas to serve the requirements of the Sulligent distribution system and an industrial plant. Such requirements for the third year of operation are estimated at 686 Mcf maximum day and 166,927 Mcf annual, of which 86,117 Mcf would go to the industrial plant.

Tennessee filed an answer opposing Alabama's application on several grounds, suggesting that Alabama could increase the pressure at Sulligent by building additional compression, that Alabama could get sufficient gas from its present supplier, that Alabama could not qualify for service under Tennessee's applicable rate schedule, and further, that Tennessee would be able to meet only a portion of the requests of its present customers for additional gas for the 1970-71 winter and, therefore, it is not in the public interest for Tennessee to be directed to commence natural gas service to a new customer who now is receiving service from another pipeline.

Notice of Alabama's application, setting December 12, 1969, as the final date for filing protests and petitions to intervene, was published in the FEDERAL REGISTER on November 25, 1969 (34 F.R. 18833). None was filed.

The Commission finds:

The applications of Mississippi and Alabama under Dockets Nos. CP69-353 and CP70-123 present issues in common. It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceedings on the applications be consolidated and that a public hearing be held on the issues presented by said applications as ordered hereinafter.

The Commission orders:

(A) Tennessee's motion aforesaid is denied.

(B) The proceedings on the applications under Dockets Nos. CP69-353 and CP70-123 are hereby consolidated.

(C) A public hearing on the issues presented by said applications will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m. on May 26, 1970.

(D) Each party shall file with the Commission and serve on all other parties and the Commission's staff proposed evidence including prepared testimony of witnesses and exhibits, as follows:

Alabama shall file and serve evidence comprising its case-in-chief on or before March 31, 1970.

Mississippi shall serve, on or before March 31, 1970, evidence comprising its case-in-chief on every party not previously served. Mississippi may file and serve, on or before the same date, evidence supplementing evidence previously filed.

Tennessee shall file and serve on or before April 14, 1970, evidence comprising its case-in-chief.

Mississippi and Alabama shall file and serve rebuttal evidence on or before May 5, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-3091; Filed, Mar. 13, 1970;
8:46 a.m.]

[Docket No. RI70-414 etc.]

MOBIL OIL CORP. ET AL.

Order Amending Rate Suspension Order

MARCH 9, 1970.

By order issued November 7, 1969, in P. G. Lake, Inc., Docket No. RI70-418, under the lead docketed proceeding entitled Mobil Oil Corp. et al., Docket No. RI70-414 et al., P. G. Lake, Inc.'s (Lake) proposed increased rate from 14 cents to 15 cents per Mcf (designated as Supplement No. 2 to Lake's FPC Gas Rate Schedule No. 7) for its sales of natural gas to Cities Service Gas Co. from the Northeast Waynoka Field, Woods County, Okla., other area was suspended for 5-month's duration from January 1, 1970.

Lake, by motion filed on February 20, 1970, requests that the Commission review its action taken under the aforementioned rate suspension order and change the rate suspension period to a duration of 1 day so that its increased rate proposal may become effective as of January 2, 1970, subject to refund upon its filing an agreement and undertaking in Docket No. RI70-418. In support of its request, Lake cites the Commission's action in Carl E. Gungoll et al., Docket No. RI70-926, under lead docketed proceeding in Ashland Oil & Refining Co. et al., Docket Nos. RI70-922 et al., order issued December 30, 1969, wherein a similar rate increase for a sale in the same field to the same purchaser under a contract dated after September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, was suspended for 1 day from January 1, 1970. Lake requests similar treatment since its contract was likewise dated after September 28, 1960, and does not exceed the applicable area initial rate ceiling of 15.0 cents per Mcf.

It is the Commission's policy in the circumstances presented here to suspend rate increases for only 1 day. Through inadvertence, Lake's proposed increase was suspended for 5 months. Accordingly, we believe it appropriate to rectify our error and shall modify the suspension order to provide for a suspension period of 1 day for Lake's proposed rate.

The Commission orders:

(A) The November 7, 1969, order is amended to provide that Supplement No. 2 to Lake's FPC Gas Rate Schedule No. 7 is suspended in Docket No. RI70-418 until January 2, 1970, and thereafter until made effective as prescribed by the Natural Gas Act.

(B) The increased rate set forth in the above supplement shall become effective subject to refund on January 2, 1970, if within 20 days from the date of issuance of this amendatory order Lake shall execute and file in Docket No. RI70-418 with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon Cities Service under the rate schedule involved. Unless Lake is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-3092; Filed, Mar. 13, 1970;
8:46 a.m.]

[Docket No. RI70-1323]

TEXAS AMERICAN OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates

MARCH 6, 1970.

The respondent named herein has filed proposed increased rates and charges of currently effective rate schedules¹ for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

¹ Producers operating under small producer certificates are permitted to file above-ceiling rate increases in the Permian Basin Area without submitting rate schedules as a result of Order No. 394 issued Jan. 6, 1970. Where the words "supplements" or "rate schedules" appear in this order, they refer to the notices of change in rate filed by the producer herein.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until

date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 27, 1970.

By the Commission.

[SEAL]

GORDON M. GRANT,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI70-1323...	Texas American Oil Corp. ²	(7)	(7)	Natural Gas Pipeline Co. of America (ROC Devonian and Ellenburger Montoya Field, Ward County, Tex.) (RR. District No. 8) (Permian Basin Area).	\$12,851	2-9-70	* 3-12-70	8-12-70	16.5	** 17.5656	
.....do ¹		(7)	(7)	El Paso Natural Gas Co. (Sonora Field, Sutton County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	85	2-9-70	* 3-12-70	8-12-70	16.5	** 17.8019	
.....do ¹		(7)	(7)	do	366	2-9-70	* 3-12-70	8-12-70	16.5	** 17.8019	
.....do ¹		(7)	(7)	El Paso Natural Gas Co. (Howard Draw Northeast Field, Crockett County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	323	2-9-70	* 3-12-70	8-12-70	16.5	** 17.5656	

² Respondent issued a small producer certificate in Docket No. CS67-36.

¹ No rate schedule on file—pertains to contract dated Mar. 1, 1969.

² The stated effective date is the first day after expiration of the statutory notice.

³ Increase from ceiling rate to contractually due rate, including tax reimbursement.

⁴ Pressure base is 14.65 p.s.i.a.

⁵ No rate schedule on file—pertains to contract dated Jan. 29, 1965.

⁶ No rate schedule on file—pertains to contract dated Apr. 22, 1964.

⁷ No rate schedule on file—pertains to contract dated Nov. 9, 1966.

Texas American Oil Corp. (Texas American) requests waiver of the statutory notice to permit a February 9, 1970, effective date. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Texas American's rate filings and such request is denied.

The proposed rate increases filed by Texas American, a holder of a small producer certificate, are for sales in the Permian Basin Area. The proposed increases exceed the rate ceilings set forth in § 157.40(b) of the Commission's regulations for sales made under small producer certificates and should be suspended for 5 months from March 12, 1970, the expiration date of the statutory notice.

[F.R. Doc. 70-3093; Filed, Mar. 13, 1970; 8:46 a.m.]

[Docket No. RI70-1324 etc.]

TEXACO, INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund¹

MARCH 6, 1970.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Com-

mission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement

and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.²

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 22, 1970.

By the Commission.

[SEAL]

GORDON M. GRANT,
Secretary.

² If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI70-1824..	Texaco Inc.....	321	5	Kansas-Nebraska Natural Gas Co., Inc. (Alkali Butte Field, Fremont County, Wyo.).	\$459	2-10-70	* 2-10-70	* 2-11-70	17.0	** 17.255	RI70-18.
RI70-1325..	Calvert Drilling & Producing Co. et al.	1	2	Mountain Fuel Supply Co. (Baggs Area, Carbon County, Wyo.).	4,500	2-13-70	* 2-13-70	* 2-14-70	15.0	** 15.15	
RI70-1129..	Pubco Petroleum Corp.....	15	* 1 to 3	Colorado Interstate Gas Co. (Desert Springs Field, Sweetwater County, Wyo.).	430	2-9-70	2-9-70	* Accepted	15.6163	** 15.7325	RI70-1129.
RI70-1326..	Shell Oil Co., 50 West 50th Street, New York, N.Y. 10020.	200	10 8	Transcontinental Gas Pipe Line Corp. (Eugene Island Block 100 Field, Offshore, La.).	69,000	2-4-70	11 4-15-70	* 4-16-70	18.5	** 19.5	
RI70-1327..	Union Producing Co., 900 Southwest Tower, Houston, Tex. 77002.	196	10 7	United Gas Pipe Line Co. (Refugio Field, Refugio County, Tex.) (RR. District No. 2).	8,656	2-6-70	11 3-9-70	* Accepted	14.3437	** 14.0	
RI70-1328..	Fitzpatrick Drilling Co. (Operator) et al., 803 Wilson Tower, Corpus Christi, Tex. 78401.	196	8	United Gas Pipe Line Co. (Bethke Area, Goliad County, Tex.) (RR. District No. 2).	2,279	2-9-70	11 3-12-70	* 3-13-70	13.1664	** 14.0	
RI70-1329..	Houston Natural Gas Production Co. (Operator) et al., Houston Natural Gas Building, Houston, Tex. 77001.	20	3	Valley Gas Transmission, Inc. (Good Friday Field, Duval County, Tex.) (RR. District No. 4).	294	2-9-70	* 2-9-70	* 2-10-70	15.0	** 15.05625	
do.....	do.....	22	3	Valley Gas Transmission, Inc. (Orones Field, Duval County, Tex.) (RR. District No. 4).		2-9-70	* 2-9-70	* 2-10-70	15.0	** 15.05625	
do.....	do.....	24	6	United Gas Pipe Line Co. (North LaWard Field, Jackson County, Tex.) (RR. District No. 2).	57	2-11-70	* 2-11-70	2-12-70	15.0	** 15.03750	

* The stated effective date is the date of filing.

* The suspension period is limited to 1 day.

* Tax reimbursement increase.

* Pressure base is 14.65 p.s.i.a.

* Pressure base is 15.025 p.s.i.a.

* For taxes on past production back to Jan. 1, 1968.

* Accepted for filing to be effective on the date of filing, with waiver of notice granted, subject to the existing rate proceeding in Docket No. RI70-1129.

* Applicable only to the sale of gas well gas from acreage added by Supplement No. 3 (disputed zone).

* The stated effective date is the effective date requested by respondent.

* Periodic rate increase.

* Superseding contract dated Jan. 16, 1970, which, among other things, extends contract term to Feb. 1, 1980, provides for a 14.0 cents life-of-contract rate, provides for sellers' right to collect any higher applicable just and reasonable rate and $\frac{3}{4}$ tax reimbursement for future taxes.

* The stated effective date is the first day after expiration of the statutory notice.

* Union (name changed to Pennzoil Producing Co. on Jan. 1, 1970) and United Gas Pipe Line Co. are wholly owned subsidiaries of Pennzoil United, Inc.

* Renegotiated rate increase.

* "Fractured" rate. Contractually entitled to 14.2142 cents (14.0 cents plus 0.2142 cents tax reimbursement).

* Both seller and buyer are wholly owned subsidiaries of Houston Natural Gas Production Corp.

Shell Oil Co.'s (Shell) proposed rate increase from a permanently certificated rate of 18.5 cents to 19.5 cents per Mcf, is for second vintage gas well gas sold from the Eugene Island Block 100 Field, Offshore Louisiana (Disputed Zone). Shell's proposed rate of 19.5 cents is equal to the area rate established in Opinion No. 546 for second vintage gas well gas produced from within the State taxing jurisdiction but exceeds the 18-cent rate established for second vintage gas well gas produced from the Federal Domain. Accordingly, as of October 1, 1968, Shell under Opinion No. 546 has a refund obligation down to 18 cents if the gas is finally held to have been produced in the Federal Domain. The Commission has allowed the onshore area rate to apply to gas produced from the Disputed Zone pending the resolution of the jurisdictional question, but these amounts are subject to refund to the extent that certain of the production is finally held to have been from the Federal Domain. Consistent with prior Commission action on similar increases, we conclude that Shell's proposed increase should be suspended for 1 day from April 15, 1970, the contractually due and proposed effective date and thereafter Shell should be permitted to collect the increased rate subject to refund of those amounts attributable to the 1.5-cent difference in the offshore and onshore area rate paid for gas finally held to have been produced from the Federal Domain.

The proposed rate increases filed by Pubco Petroleum Corp. (Pubco), Texaco, Inc. (Texaco), and Calvert Drilling & Producing Co. (Calvert) reflect partial reimbursement of a severance tax recently enacted by the State of Wyoming. Pubco's proposed increase is applicable to tax on past production, back

to January 1, 1968. Pubco previously filed for partial reimbursement of the tax applicable to future production which is being collected subject to refund in Docket No. RI70-1129. Texaco and Calvert have filed for double the amount of contractually due tax reimbursement to both past production, back to January 1, 1968, and future production. We believe that Pubco's proposed rate increase should be accepted for filing, effective on the date of filing, subject to the existing rate proceeding in Docket No. RI70-1129, and that Texaco and Calvert's proposed rate increases should be suspended for 1 day from the date of filing.

After the amount of tax reimbursement applicable to past production has been recovered, Pubco, Texaco, and Calvert shall file an appropriate rate decrease under the respective rate schedule to reduce the rate proposed herein so as to provide for tax reimbursement for future production only. The producers will also be required to refund any reimbursement relating to the Wyoming tax collected in these proceedings in the event the tax is for any reason held invalid upon judicial review.

Houston Natural Gas Production Co.'s (Houston) rate increases reflect the 0.5-percent increase in the production tax from 7 percent to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective as of October 1, 1969. Houston's proposed rates exceed the applicable area ceiling rate for the area involved as set forth in the Commission's statement of general policy No. 61-1, as amended, and should be suspended for 1 day from the date of filing, pursuant to the Commission's Order No. 390 issued October 10, 1969.

Union Producing Co. (Union) and Fitzpatrick Drilling Co.'s (Fitzpatrick) proposed

rate increases, although not exceeding the applicable area increased rate ceilings, should be suspended for 1 day because of the affiliation between the seller and buyer relative to the proposed rate increase filed by Union, and Fitzpatrick's failure to submit a waiver to file for the remaining increment of its contractually due rate relative to the increase filed by Fitzpatrick.

Concurrently with the filing of its rate increase, Union submitted a superseding contract dated January 16, 1970, designated as Supplement No. 7 to Union's FPC Gas Rate Schedule No. 196, which provides the basis for its proposed rate increase. We believe that it would be in the public interest to accept for filing Union's superseding contract to become effective as of March 9, 1970, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as ordered herein.

With the exception of the increases filed by Union and Fitzpatrick, all of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

Fitzpatrick requests waiver of the statutory notice to permit an effective date of February 9, 1970, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Fitzpatrick's rate filing and such request is denied.

[F.R. Doc. 70-3094; Filed, Mar. 13, 1970; 8:46 a.m.]

[Project No. 2338]

**CONSOLIDATED EDISON COMPANY
OF NEW YORK, INC.****Notice Fixing Oral Argument**

MARCH 9, 1970.

The Commission has before it several requests for oral argument in the proceedings on the application by Consolidated Edison Co. of New York, Inc., for a license for a proposed pumped storage hydroelectric project along the Hudson River in the vicinity of the Village of Cornwall, Orange County, N.Y.

Take notice that an oral argument is scheduled to be heard in the above-entitled matter by the Commission en banc commencing at 9 a.m., e.s.t., on April 24, 1970, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426.

All participants in this proceeding who desire to participate in such oral argument shall notify the Secretary of the Commission in writing on or before March 25, 1970, of the amount of time desired for presentation of their respective oral arguments.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-3095; Filed, Mar. 13, 1970;
8:46 a.m.]

**INTERSTATE COMMERCE
COMMISSION**

[Notice 41]

**MOTOR CARRIER TEMPORARY
AUTHORITY APPLICATIONS**

MARCH 10, 1970.

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 10343 (Sub-No. 21 TA), filed March 4, 1970. Applicant: CHURCHILL TRUCK LINES, INC., U.S. Highway 36 West, Chillicothe, Mo. 64601. Applicant's representative: George Churchill (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, from Kansas City, Mo., over Interstate Highway 70 to St. Louis, Mo., and return over the same route as an alternate route for operating convenience only, for 180 days. Note: Applicant states that Churchill will interline with other carriers at Kansas City and St. Louis. Supporting shipper: No shipper supporting this application. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 85621 (Sub-No. 5 TA), filed February 27, 1970. Applicant: VANN EXPRESS, INC., 620 Line Street, Attalla, Ala. 35954. Applicant's representative: R. Kent Henslee, Carter Building, 823 Forrest Avenue, Gadsden, Ala. 35902. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Motion and sound picture films, equipment and supplies; newspapers and newsprint stock; cut flowers and florist supplies; cosmetics and toilet preparations, toilet articles and premiums and equipment and supplies used in connection therewith; phonographs and phonograph records; magazines and periodicals; clothing patterns; and drugs*; (1) between Birmingham, Ala., and Eastaboga, Ala., over U.S. Highway 78 and Interstate Highway 20; (2) between Eastaboga, Ala., and Anniston, Ala., over Alabama Highway 202; (3) between Anniston, Ala., and Attalla, Ala., over U.S. Highway 431; (4) between Attalla, Ala., and Talladega, Ala., over Alabama Highway 77; (5) between Talladega, Ala., and Piedmont, Ala., over Alabama Highway 21; (6) between Piedmont, Ala., and Attalla, Ala., over U.S. Highway 278; (7) between Jacksonville, Ala., and Duke, Ala., over Alabama Highway 204; (8) between Piedmont, Ala., and Centre, Ala., over Alabama Highway 9; (9) between Eastaboga, Ala., and Oxford, Ala., over U.S. Highway 78 and Interstate Highway 20. Serving all intermediate points and the off-route points of Altoona, Grant, Dutton, Pisgah, and Henegar, Ala., in connection with the routes described in (1) through (9) above, for 180 days. Note: Applicant intends to tack with its existing authority. Supporting shippers: Avon Products, Inc., 2200 Cotillion Drive, Chamblee, Ga. 30302; Simplicity Pattern Co., Inc., 901 Wayne Street, Niles, Mich. 49120. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 107295 (Sub-No. 311 TA), filed March 4, 1970. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plywood, prefinished wall paneling, and accessories used in the installation thereof*, from the plantsite and warehouse facilities of Ply-Gem Corp. at Jamaica, N.Y., to points in North Carolina, for 180 days. Supporting shipper: Ply-Gem Corp., 182-20 Liberty Avenue, Jamaica, N.Y. Send protests to: Harold C. Joliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 114106 (Sub-No. 77 TA), filed March 4, 1970. Applicant: MAYBELLE TRANSPORT CO., Box 849, Lexington, N.C. 27292. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ground limestone slurry, liquid, in bulk*, from Tate, Ga., to Canton, N.C., for 150 days. Supporting shipper: The Georgia Marble Co., 11 Pryor Street SW., Atlanta, Ga. 30303. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 115917 (Sub-No. 21 TA), filed March 4, 1970. Applicant: UNDERWOOD & WELD CO., INC., Post Office Box 247, Crossnore, N.C. 28616. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Salt*, in packages, from plantsite of Watkins Salt Co., Watkins Glen, N.Y., to points in West Virginia, for 120 days. Supporting shipper: Watkins Salt Co., Watkins Glen, N.Y. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 117940 (Sub-No. 17 TA), filed March 3, 1970. Applicant: NATION-WIDE CARRIERS, INC., Post Office Box 104, Maple Plain, Minn. 55359. Applicant's representative: M. James Levitus (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Animal feed*, from Minneapolis, Minn., to points in Kansas, Arkansas, Oklahoma, and Texas, for 180 days. Note: Applicant states that it presently has no intention of tacking with other authorities. Supporting shipper: National Vitamin Products Co., 3401 Hiawatha Avenue, Minneapolis, Minn. 55406. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 119880 (Sub-No. 37 TA), filed March 4, 1970. Applicant: DRUM TRANSPORT INC., Box 2056, East Peoria, Ill. 61611. Applicant's representative: B. N. Drum (same address as

above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from New Orleans, La., and Houston, Tex., to Union City, Calif., and Pekin, Ill., and from Pekin, Ill., to Houston, Tex., for 180 days. Supporting shipper: The American Distilling Co. Inc., South Front Street and Distillery Road, Pekin, Ill. 61554. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1086 U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 121318 (Sub-No. 8 TA), filed March 4, 1970. Applicant: YOURGA TRUCKING, INC., 104 Church Street, Wheatland, Pa. 16161. Applicant's representative: Harold G. Hernly, 711 14th Street, Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel products*, between Sharon and Wheatland, Pa., on the one hand, and points in New York and New Jersey, on the other hand, for 150 days. Supporting shippers: Wheatland Tube Co., Wheatland, Pa. 16161; Sharon Steel Corp., Sharon, Pa. 16146; Swahill Tubular Division, Cyclops, Box 11, Sharon, Pa. 16146. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 124078 (Sub-No. 426 TA), filed March 4, 1970. Applicant: SCHWERMANN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Wilder, Ky., to points in Illinois, Indiana, Michigan, and Ohio, for 150 days. Supporting shipper: Vistron Corp., Midland Building, Cleveland, Ohio 44115 (L. W. Petersen, Motor Carrier Supervisor). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 133761 (Sub-No. 4 TA), filed March 2, 1970. Applicant: GEORGE A. LABAGH, 713 North Street, Middletown, N.Y. 10940. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Trailers*, other than those designed to be drawn by passenger automobiles, containers, truck chassis, trailer chassis, and trailer parts, between Middletown, N.Y., and Susquehanna, Pa., and from Susquehanna, Pa., to points in the New York, N.Y., commercial zone, under a continuing contract with Strick Corp., Fairless Hills, Pa., for 150 days. Supporting shipper: Strick Corp., Fairless Hills, Pa. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Opera-

tions, 518 Federal Building, Albany, N.Y. 12207.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-3122; Filed, Mar. 13, 1970;
8:48 a.m.]

[Notice 507A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 11, 1970.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-72030. By application filed March 10, 1970, TRANSPORT DALLAIRE LTD., Montmagny, Province of Quebec, Canada, seeks temporary authority to lease the operating rights of FERNAND POULIN, St. Martin, Province of Quebec, Canada, under section 210a(b). The transfer to TRANSPORT DALLAIRE LTD., of the operating rights of FERNAND POULIN, is presently pending.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-3123; Filed, Mar. 13, 1970;
8:48 a.m.]

ALEXANDER W. WUERKER

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (26 F.R. 8958, 27 F.R. 3829, 27 F.R. 9469, 28 F.R. 4269, 28 F.R. 10468, 29 F.R. 5579, 29 F.R. 12992, 30 F.R. 5888, 30 F.R. 12310, 31 F.R. 4857, 31 F.R. 13268, 32 F.R. 4295, 32 F.R. 13361, 33 F.R. 4864, 33 F.R. 14339, 34 F.R. 5357, and 34 F.R. 15329) during the 6 months' period ended March 14, 1970.

No change.

[SEAL] A. W. WUERKER,
MARCH 14, 1970.

[F.R. Doc. 70-3124; Filed, Mar. 13, 1970;
8:49 a.m.]

[Ex Parte No. 262]

INCREASED FREIGHT RATES, 1969

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 6th day of March 1970.

It appearing, that by order dated November 25, 1969, the Commission set

forth the procedures under which the investigation instituted in this proceeding on November 17, 1969, was to be conducted which inter alia, provided (1) for the filing by protestants in this proceeding of verified statements and accompanying arguments, if any, on or before January 5, 1970, and for the filing by respondents of their verified statements and argument, if any, on or before February 4, 1970; (2) for the parties desiring to cross-examine affiants regarding facts contained in their verified statements to notify in writing each such affiant, and his counsel on or before February 16, 1970, with copy to this Commission; and (3) for hearings for the purpose of such cross-examination and rebuttal, where there is a genuine dispute as to a material fact, to be held at times and places thereafter fixed;

And it further appearing, that the Commission having received timely filed requests of protestants for cross-examination of certain named witnesses of respondents and a request of Sunkist Growers, Inc., for a hearing in this proceeding; and for good cause shown:

It is ordered, That Sunkist Growers, Inc., be, and it is hereby, permitted to cross-examine respondents' witness W. A. Miner in the hearing hereinbelow ordered.

It is further ordered, That hearings in the above-entitled proceeding be held as follows:

(a) On bituminous coal the hearing for cross-examination of respondents' witnesses James M. Souby, Jr., G. J. Robinson, R. M. Van Hook, Robert M. Kappel, Bates B. Bowers, and C. S. Baxter by counsel for Property Owners Committee and Consumers Power Co. will commence on April 1, 1970, at 9:30 a.m., U.S. standard time at the offices of the Interstate Commerce Commission, Washington, D.C.

(b) On grain, grain products, feed, feed ingredients, hay, and straw to points in New York and other Northeastern States the hearing for cross-examination of respondents' witness William J. Bolch by counsel for the New York Public Service Commission will commence on April 8, 1970, at 9:30 a.m., U.S. standard time at the offices of the Interstate Commerce Commission, Washington, D.C.

(c) On fresh fruits and vegetables from the West, the hearing for cross-examination of respondents' witness W. A. Miner by counsel for California Grape & Tree Fruit League and Sunkist Growers, Inc., will commence on April 13, 1970, at 9:30 a.m., U.S. standard time at the offices of the Interstate Commerce Commission, Washington, D.C.

(d) On lumber and other forest products from the West, the hearing for cross-examination of respondents' witnesses O. W. Cobb, Oscar W. South, Jr., and Herman C. Kroll by counsel for Western Wood Products Association, California Redwood Association, and Western Plywood Manufacturer's Conference will commence on April 16, 1970, at 9:30 a.m., U.S. standard time at the Offices of the Interstate Commerce Commission, Washington, D.C.

(e) On traffic to, from, and between points served by the Long Island Rail Road Company, the hearing for cross-examination of James L. Barngrove, Jr., Burton N. Behling, Raymond H. Holter, George N. Sabin, R. W. Talbot, L. M. Schukel, Walter L. Lloyd, and Charles S. Baxter by counsel for the Long Island Rail Road Co. will commence on April 20, 1970, at 9:30 a.m., U.S. standard time at the Offices of the Interstate Commerce Commission, Washington, D.C.

(f) On lignite coal the hearing for cross-examination of respondents' witnesses Richard S. Sandgren by counsel for Baukol-Noonan, Inc., Consolidation Coal Co., and Knife River Coal Mining Co. will commence on April 20, 1970, at 9:30 a.m., U.S. standard time in Room 359, Federal Building and U.S. Post Office, 657 Second Avenue North, Fargo, N. Dak.

It is further ordered, That only cross-examination by the parties and of the witnesses set forth in paragraphs (a) through (f) above will be permitted at the designated hearings.

It is further ordered, That the hearings assigned in the above paragraphs (a), (b), (c), (d), and (e) be, and they are hereby, referred to Hearing Examiner Walter D. Matson for hearing at the times and places above designated.

It is further ordered, That the hearing assigned in paragraph (f) as set forth above be, and it is hereby, referred to Hearing Examiner James E. Hopkins for hearing at the time and place designated herein.

It is further ordered, That the hearing examiners hereinabove designated may receive evidence with respect to the cross-examination of the witnesses so requested, rebuttal evidence, if any, to be presented and any additional evidence which the examiner deems necessary to complete the record.

And it is further ordered, That a copy of this order be served upon all persons listed in Appendix A attached hereto; that further notice of these hearings be given by depositing a copy of this order in the Office of the Secretary of this Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER.

By the Commission, Division 2.

[SEAL] H. NEIL GARSON,
Secretary.

APPENDIX A

William B. Adams, Law Offices, Adams and Simpson, Pacific Building, Portland, Ore. 97204.

James L. Barngrove, Jr., Vice President—Marketing, Central Railroad Company of New Jersey, 1100 Raymond Boulevard, Newark, N.J. 07102.

C. S. Baxter, Chairman, Traffic Executive Association—Eastern Railroads, 2 Pennsylvania Plaza, New York, N.Y. 10001.

Dr. Burton N. Behling, Vice President, American Railroad Building, 1920 L Street NW., Washington, D.C. 20036.

William J. Bolch, Traffic Executive Association—Eastern Railroads, 2 Pennsylvania Plaza, New York, N.Y. 10001.

Bates B. Bowers, Chairman, Southern Freight Association, Transportation Building, 151 Ellis Street NE., Atlanta, Ga. 30303.

O. W. Cobb, Assistant Vice President, Rates and Divisions, 928 Northern Pacific Building, St. Paul, Minn. 55101.

John Guandolo, Law Offices, Macdonald & McInerney, 1000 16th Street NW., Washington, D.C. 20036.

E. J. Hanson, Director of Transportation, Grand Forks Chamber of Commerce, Post Office Box 1177, Grand Forks, N. Dak. 58201.

Louis A. Harris, Commerce Counsel, Northern Pacific Railway Co., St. Paul, Minn. 55101.

Raymond H. Holter, Freight Traffic Manager—Rates, Baltimore & Ohio Railroad Co., 1 Charles Center, Baltimore, Md. 21201.

Edward A. Kaier, Attorney at Law, 527 American Railroads Building, 1920 L Street NW., Washington, D.C. 20036.

Robert M. Kappel, Marketing Manager, Illinois Central Railroad, 135 East 11th Place, Chicago, Ill. 60605.

Herman C. Kroll, Director of the Costs and Economic Division, Western Railroad Association, 316 Union Station Building, Chicago, Ill. 60606.

Walter L. Lloyd, Director, Coal & Ore Services, Penn Central Transportation Co., 1540 Six Penn Center, Philadelphia, Pa. 19103.

Dickson R. Loos, Pope, Ballard & Loos, Brawner Building, 888 17th Street NW., Washington, D.C. 20006.

William M. Maddox, Attorney at Law, 600 Coal Building, 1130 17th Street NW., Washington, D.C. 20036.

Robert W. Meredith, Athearn, Chandler & Hoffman, 593 Market Street, San Francisco, Calif. 94105.

E. Alan Mills, Executive Vice President, California Grape & Tree Fruit League, 717 Market Street, Suite 619, San Francisco, Calif. 94103.

W. A. Miner, Standing Rate Committee, Transcontinental Freight Bureau, Western Railroad Traffic Association, 516 West Jackson Boulevard, Chicago, Ill. 60606.

Walter J. Myskowski, 712 Ring Building, 1200 16th Street NW., Washington, D.C.

G. J. Robinson, Assistant Chairman, Coal, Coke and Iron Ore Committee—Eastern Railroads, 2 Pennsylvania Plaza, New York, N.Y. 10001.

George N. Sabin, Assistant Vice President—Rates, Lehigh Valley Railroad Co., 143 Liberty Street, New York, N.Y. 10006.

Richard S. Sandgren, Manager of Pricing, Coal and Coke, Northern Pacific Railway Co., 920 Northern Pacific Building, St. Paul, Minn. 55101.

L. M. Schukel, Assistant Vice President—Rates, Erie Lackawanna Railway Co., 140 Cedar Street, New York, N.Y. 10006.

James M. Souby, Jr., Chairman and Counsel, Executive Committee—Western Railroad Traffic Association, Union Station, 516 West Jackson Boulevard, Chicago, Ill. 60606.

Oscar W. South, Jr., Vice Chairman, Southern Freight Association, Room 327, Transportation Building, 151 Ellis Street NE., Atlanta, Ga. 30303.

Sunkist Growers, Inc., 707 West Fifth Street, Post Office Box 2706, Terminal Annex, Los Angeles, Calif. 90054.

R. W. Talbot, Assistant Vice President—Traffic, Penn Central Transportation Co., Six Penn Center, Philadelphia, Pa. 19104.

R. M. Van Hook, Director of Commerce, Southern Railway System, Post Office Box 1808, Washington, D.C. 20013.

Walter E. Zullig, Jr., Assistant Counsel, State of New York, Public Service Commission, 44 Holland Avenue, Albany, N.Y. 12208.

[F.R. Doc. 70-3125; Filed, Mar. 13, 1970; 8:49 a.m.]

[Nos. 35190, 35191]

GEORGIA INTRASTATE FREIGHT RATES, 1969

Sand, Gravel, Crushed Stone, and Related Articles

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 6th day of March 1970.

Upon consideration of a petition filed February 24, 1970, by the Georgia Public Service Commission seeking clarification of the Commission's order dated December 9, 1969, together with motions to separate the proceedings and to cancel the special procedure order dated February 3, 1970, and the reply thereto filed by the respondent rail carriers; and

It appearing, that the order of December 9, 1969, should be amended to clarify the issues in the above-entitled proceedings; that the order of special procedure dated February 3, 1970, should be canceled for reissuance at a later date; that the motion to separate the proceedings for hearing should be denied for the reason that sufficient grounds have not been shown to warrant granting the action sought; and for good cause:

It is ordered, That the Commission's order dated December 9, 1969, be, and it is hereby, amended to clarify the issues as follows:

Docket No. 35190 relates only to the intrastate scale or scales of rates on sand, gravel, crushed stone, and related commodities resulting from past hold-downs of increases imposed by the Georgia Public Service Commission, wherein the rail carriers allege that if the full Ex Parte 259, Increased Freight Rates, 1968, 332 I.C.C. 590 and 714, increases had been applied, such rates would be lower than the corresponding interstate scales thus casting a burden on interstate commerce;

In Docket No. 35191 the issues relate to increases in intrastate rates and charges denied the rail carriers corresponding to the increases permitted on interstate rates and charges in Ex Parte 259, as follows:

(1) Line-haul rates on sand, gravel, crushed stone and related articles, lightweight aggregates and agricultural limestone limited to 5 percent increase as published in Table No. 5 of Tariff X-259-B;

(2) Line-haul rates on carload shipments of sand from Junction City and Rollo Sand Pit No. 1 to the Atlanta group;

(3) Line-haul rates on carload shipments of shale from Bone to Milledgeville limited to 5 percent increases as published in Table No. 5 of Tariff X-259-B;

(4) Line-haul rates on carload shipments of cement to 5 percent increase subject to a minimum increase of 1 percent per 100 pounds; and

(5) Line-haul rates on sugar from Port Wentworth to Atlanta and Columbus, subject to carload minimum weight of 180,000 pounds, limited to a rate of 19 cents per 100 pounds.

It is further ordered, That the order of February 3, 1970, directing special procedure and assigning a hearing to commence on May 18, 1970, in Atlanta, Ga., be, and it is hereby, vacated and set aside.

It is further ordered, That the motion to separate the above-entitled proceedings be, and it is hereby, denied.

It is further ordered, That all persons who desire actively to participate in these proceedings, and to file and to receive copies of pleadings, shall make known that fact by notifying the Commission, in writing, on or before April 3, 1970. To conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentation to the greatest extent possible. Individual participation is not precluded, however, mere casual interest does not justify participation. The Commission desires participation only of those who intend to take an active part in these proceedings.

It is further ordered, That as soon as practicable after the date for indicating a desire to participate in the proceedings has past, the Secretary will serve a list of the names and addresses of all persons upon whom service of all pleadings must be made.

It is further ordered, That a copy of this order be served upon the respondents; that the State of Georgia be notified of the proceedings by sending a copy of this order by certified mail to the Governor of Georgia, Atlanta, Ga., and a copy to the Georgia Public Service Commission, Atlanta, Ga.; and that further notice of these proceedings be given to the public by depositing a copy of this order in the office of the Secretary of this Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER.

And it is further ordered, That these proceedings be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 2.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-3126; Filed, Mar. 13, 1970;
8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 11, 1970.

Protests to the granting of an application must be prepared in accordance with

Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41917—Coke and related articles from points in Illinois, Missouri, and Texas. Filed by Southwestern Freight Bureau, agent (No. B-137), for interested rail carriers. Rates on coke and related articles, in carloads, as described in the application, from East St. Louis, Federal, Granite City, Roxana, Wood River, Ill., and St. Louis, Mo., on the one hand, to points in Arkansas, Louisiana, Oklahoma, and Texas, on the other, also from Daingerfield and Lone Star, Tex., on the one hand, to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, and Nebraska, on the other.

Grounds for relief—Revised minimum weights.

Tariffs—Supplements 45 and 18 to Southwestern Freight Bureau, agent, tariffs ICC 4764 and 4839, respectively.

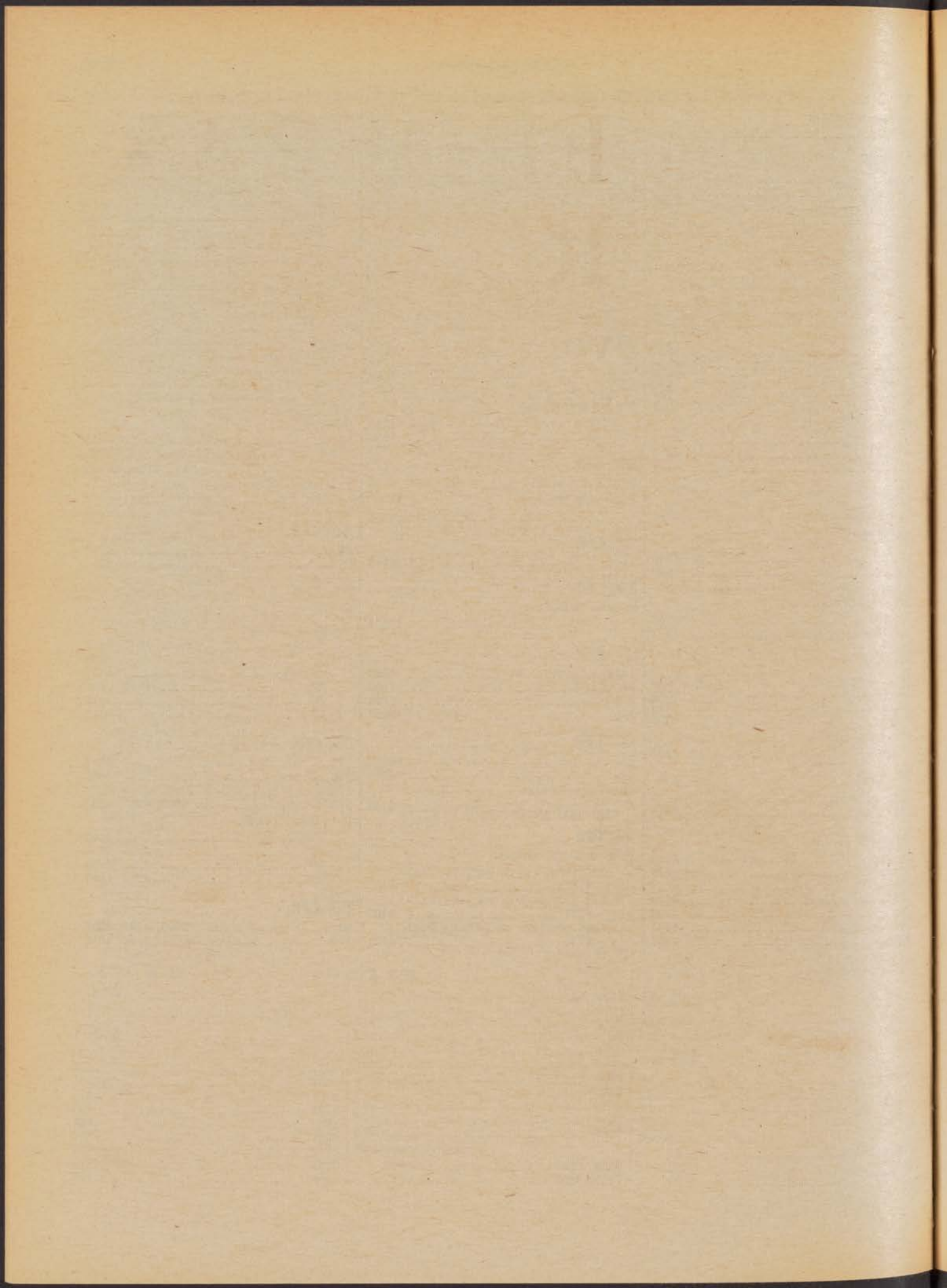
By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-3127; Filed, Mar. 13, 1970;
8:49 a.m.]

23 CFR	Page	32 CFR—Continued	Page	43 CFR—Continued	Page
PROPOSED RULES:				PUBLIC LAND ORDERS—Continued	
255.....	4080	601.....	4131	1110 (revoked in part by PLO 4773).....	4402
24 CFR		807a.....	4210	1609 (revoked in part by PLO 4766).....	4400
1909.....	4201	852.....	4515	4437 (corrected by PLO 4768).....	4401
1910.....	4202	888a.....	4550	4522 (see PLO 4776).....	4516
1911.....	4204	907.....	4211	4764.....	4400
1912.....	4206	1474.....	4329	4765.....	4400
1914.....	4207, 4331	1475.....	4329	4766.....	4400
1915.....	4208, 4332	1499.....	4329	4767.....	4401
25 CFR		32A CFR		4768.....	4401
PROPOSED RULES:		PROPOSED RULES:		4769.....	4401
221.....	4215	Ch. X.....	4335	4770.....	4401
26 CFR		BDSA (Ch. VI):		4771.....	4401
1.....	4293	Reg. 2, Dir. 12.....	4211	4772.....	4402
13.....	3995, 4330	Reg. 2, Dir. 13.....	4211	4773.....	4402
143.....	4293	33 CFR		4774.....	4402
240.....	4502	25.....	4045	4775.....	4403
301.....	4293	74.....	4045	4776.....	4516
PROPOSED RULES:		207.....	4551	4777.....	4516
1.....	4054	PROPOSED RULES:		45 CFR	
211.....	4404	110.....	4136, 4518	35.....	4517
213.....	4404	117.....	4412	233.....	4329
28 CFR		36 CFR		701.....	4552
0.....	3994, 4210	231.....	4399	PROPOSED RULES:	
29 CFR		PROPOSED RULES:		Ch. IX.....	4180, 4554
613.....	4548	7.....	4215, 4554	46 CFR	
616.....	4549	37 CFR		66.....	4517
688.....	4549	1.....	4259	272.....	4048
PROPOSED RULES:		39 CFR		47 CFR	
204.....	3996	PROPOSED RULES:		89.....	4332
1425.....	4007	155.....	4054	PROPOSED RULES:	
30 CFR		41 CFR		1.....	4307, 4557
55.....	4515	1-1.....	4260	2.....	4333
56.....	4515	5A-2.....	4400	25.....	4334
57.....	4515	5A-7.....	4293	73.....	4138, 4334
74.....	4326	9-1.....	3994	89.....	4079
PROPOSED RULES:		42 CFR		97.....	4138
501.....	4238, 4307	73.....	4293	49 CFR	
31 CFR		81.....	4260	371.....	4213
203.....	4399	PROPOSED RULES:		386.....	4552
500.....	4045	81.....	4305	1033.....	4261
32 CFR		43 CFR		1307.....	4052, 4261, 4553
591.....	4123	PUBLIC LAND ORDERS:		PROPOSED RULES:	
592.....	4126	746 (revoked in part by PLO 4771).....	4401	173.....	4267
593.....	4127	872 (revoked in part by PLO 4771).....	4401	192.....	4413
594.....	4130	1066 (revoked in part by PLO 4771).....	4401	236.....	4333
596.....	4130			371.....	4136, 4266, 4557
599.....	4131			50 CFR	
600.....	4131			33.....	3995, 4294, 4330
				258.....	4052



FEDERAL REGISTER

VOLUME 35 • NUMBER 51

Saturday, March 14, 1970 • Washington, D.C.

PART II

SMALL BUSINESS ADMINISTRATION

•

SMALL BUSINESS INVESTMENT COMPANIES

Records and Reports



Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 5, Revision 4]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Records and Reports

On February 14, 1970, the Small Business Administration published in the FEDERAL REGISTER (35 F.R. 3032) proposed amendments to the Regulations Governing Small Business Investment Companies (13 CFR Part 107) which would amend Appendixes 1, 2, and 3 and make certain conforming amendments.

Interested persons were invited to submit written comments and suggestions for consideration within 15 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. No comments were received. After consideration of the relevant factors involved, it has been decided to adopt the proposed amendments in the form set forth below. The text of the finalized amendments set out below is identical with that of the proposed amendments published February 14, 1970.

The interpretation contained in § 107.1403 has been expanded to provide an additional method whereby a licensee may increase paid-in surplus by capitalizing retained earnings through formal corporate action. Since this involves an interpretation of existing regulatory provisions, it is exempt from the advance notice requirements of public rule making under the Administrative Procedure Act.

Accordingly, pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as revised in 33 F.R. 326, and amended in 33 F.R. 11147, 33 F.R. 20035, 34 F.R. 1234, and 34 F.R. 5796 is hereby amended as set forth below:

Effective date. In view of the determination made that it is in the public interest that these amendments be applied promptly to the Small Business Investment Company program, they shall become effective on the date of their publication in the FEDERAL REGISTER.

Dated: March 10, 1970.

HILLARY SANDOVAL, Jr.,
Administrator.

1. By amending § 107.2 and footnote 1 thereto to read as follows:

§ 107.2 Information, forms, and instructions.

All SBA forms and instructions for their preparation mentioned throughout the regulations in this Part 107 refer to the current issue of such forms. The forms have been filed with the Office of Federal Register along with the original

document and appropriate amendments the subject matter of which relates to SBA forms and instructions. Copies may be obtained from SBA, 1441 L Street NW., Washington, D.C. 20416. All applications, reports, or other forms filed with SBA must be completed on the current issue of such document, and in accordance with applicable instructions.¹

2. By amending § 107.202(b) to read as follows:

§ 107.202 SBA funds available under section 303(b)(2) of the Act based on venture capital financing.

(b) The term, "total funds available for investment," shall mean total short-term assets and total loans and investments of a Licensee required (in accordance with the Instructions for Preparation of the Financial Report, SBA Form 468) to be set forth as Items 8 and 15, respectively, on page 1 of the Financial Report, SBA Form 468, submitted by such Licensee. Venture capital investments, as defined in § 107.3, shall be valued on the same basis as Licensee's assets comprising its "total funds available for investment."

3. By amending § 107.901(e) to read as follows:

§ 107.901 Control of small business concern.

(e) The Licensee shall furnish to SBA with its annual Financial Report, SBA Form 468, a statement (in triplicate) setting forth current prospects for the implementation of the divestiture plan, and additional factors, if any, affecting the status or feasibility of relinquishing control.

4. By amending § 107.1002(c) to read as follows:

§ 107.1002 Capital impairment.

(c) For capital impairment purposes, gains may be recognized by SBA only to the extent permitted in Addendum II (Realization and Use of Income and Gains) to SBA's Audit and Examination Guide for Small Business Investment Companies printed in Appendix 1 as part of the regulations of this part.

5. By amending § 107.1102 (e) and (f) to read as follows:

§ 107.1102 Records and reports.

(e) Forms for financial reports: The financial reports required by this section to be filed with SBA by Licensees shall be on the prescribed form constituting the Financial Report, SBA Form 468, which shall be filed in triplicate with the Office of Investment, SBA, Washington,

D.C. 20416, on or before the last day of the month immediately following the close of the period covered by the report (in the case of an unaudited report), and on or before the last day of the third month following the close of the period covered by the report (in the case of an audited report).

(1) Licensees which are 1940 Act companies, as defined in § 107.3, should refer to the rules promulgated by the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, for the requirements as to financial reports to be filed with SEC and the time allowed for filing.

(2) The Financial Report filed by each Licensee shall present fairly the financial position of the Licensee as of the close of the period covered by the report and the results of the Licensee's operations for such period, and shall be prepared in accordance with the Instructions for Preparation of the Financial Report, SBA Form 468, which are printed in Appendix 2 as part of the regulations in this part. Copies of SBA Form 468 and of the Instructions may be obtained from SBA.

(f) Program evaluation reports:

(1) The Program Evaluation Report, SBA Form 684, shall be prepared by each Licensee as of March 31 of every calendar year and filed in triplicate with SBA not later than June 30 of such year, to reflect all transactions involving Licensee's debt or equity financing of small business concerns which were outstanding at any time during the preceding 12-month period ending March 31. The report shall be prepared in accordance with Instructions for Preparation of the Program Evaluation Report, SBA Form 684, which are printed in Appendix 3 as part of the regulations of this part. Copies of SBA Form 684 and of the Instructions may be obtained from SBA.

(2) Each Licensee shall, as a condition of all financing agreements consummated or renegotiated with small business concerns after March 25, 1966, require such concerns to furnish to the Licensee all information needed by such Licensee for the preparation and filing of SBA Form 684.

(3) The provisions of Part 102 of this chapter prohibiting the disclosure of information contained in SBA's files, documents and records, apply to Program Evaluation Reports filed with SBA. Information submitted on SBA Form 684 is for SBA's official use in the performance of its statutory responsibilities, and not for public disclosure. It will not be published or released, as a matter of public information, except in the form of statistical totals or summaries which will not divulge the identity of the Licensee or its portfolio small business concerns.

6. By amending § 107.1104 (a) and (c) to read as follows:

§ 107.1104 Fidelity insurance.

(a) Each Licensee shall maintain a fidelity bond in the form and amount set forth in Addendum I (Fidelity Bond)

¹ Instructions for Preparation of the Financial Report, SBA Form 468, and Instructions for Preparation of the Program Evaluation Report, SBA Form 684, are printed in Appendixes 2 and 3 to Part 107.

to SBA's Audit and Examination Guide for Small Business Investment Companies which must be executed by a surety holding a certificate of authority from the Secretary of the Treasury pursuant to sections 6-13 of title 6 of the United States Code as an acceptable surety on Federal bonds. Each officer and employee who has control over or access to cash, securities, or other property of the Licensee shall be covered by such fidelity bond.

(c) The Audit and Examination Guide for Small Business Investment Companies is printed in Appendix 1 as part of the regulations of this part.

7. By amending § 107.1403 to read as follows:

§ 107.1403 Qualification of retained earnings as capital for SBA loans under section 303(b) of the Act (interpreting §§ 107.201 and 107.202).

(a) *Stock dividends or other corporate action.* A licensee may increase its paid-in capital and paid-in surplus by capitalizing accumulated unappropriated retained earnings (i.e., up to but not exceeding retained earnings from operations and retained earnings from realized gains on investments) through (1) the issuance of a stock dividend: *Provided, however,* That any such stock dividend is issued in accordance with the following generally accepted principle, namely, the per share value of the stock dividend issued to capitalize accumulated unappropriated retained earnings shall be at a per share value representing the higher of fair value or the average paid-in capital per share existing at the time that the dividend is declared (par or stated value of capital stock issued plus paid-in surplus divided by the number of shares of capital stock issued); or (2) increase paid-in surplus through formal corporate action taken without any change in the number of shares outstanding.

(b) *Use as capital.* The amount by which paid-in capital and paid-in surplus is increased may be included in the licensee's total paid-in capital and paid-in surplus. Such total paid-in capital and paid-in surplus may be used for the purpose of determining the amount of debentures which SBA may purchase from such licensee under §§ 107.201 and 107.202, pursuant to section 303(b) of the Act.

8. By amending Appendix 1 titled "Audit and Examination Guide For Small Business Investment Companies" under the heading "Report of Audit (Financial Examination)", and the subheading "General" so that the first paragraph would read as follows:

General

The financial statements referred to in this guide are those constituting the Financial Report, SBA Form 468, and should be prepared on such form. The accountant's examination should be directed toward the expression of an opinion as to whether the statements of (a) financial condition, (b) surplus reconciliations, (c) income and expense, and (d) realized gains and losses on investments, present fairly the financial

position of the SBIC as of the audit date and the results of its operations for the period then ended in conformity with generally accepted accounting principles. The schedules of SBA Form 468 should be subjected to the audit procedures applied in the accountant's examination of the basic financial statements to enable him to express an opinion as to whether these schedules are fairly stated in all material respects in relation to the basic financial statements.

9. By amending paragraph 2 of Addendum I, "Fidelity Bond" of Appendix 1—"Audit and Examination Guide For Small Business Investment Companies" to read as follows:

ADDENDUM I—FIDELITY BOND

2. TYPE OF BOND

Each Licensee shall be covered by a Brokers Blanket Bond, Standard Form No. 14, or such other form of equivalent coverage as SBA may specifically approve. A Licensee may be covered by Bankers Blanket Bond, Standard Form No. 24, if it meets the provisions of paragraph 3 following. Riders to such standard form bonds are unacceptable if a rider decreases the benefits of the policy or adversely affects the interest of SBA. The following riders are unacceptable with respect to Brokers Blanket Bond, Standard Form No. 14:

- SR 5307, Valuation Clause Rider;
- SR 5301, Delete Misplacement Rider.

10. By amending Appendixes 2 and 3 to read as follows:

APPENDIX 2—INSTRUCTIONS FOR PREPARATION OF THE FINANCIAL REPORT, SBA FORM 468

GENERAL

There are set forth herein the instructions for preparation of the Financial Report, SBA Form 468, which report is required by Small Business Administration regulations to be filed with SBA by each licensed small business investment company at the end of the first 6-month period of each fiscal year and at the end of each fiscal year, such fiscal year being, for SBA purposes, the period beginning April 1 and ending March 31, and at such other times as SBA may request. The Financial Report filed by each Licensee shall present fairly the financial position of the Licensee as of the close of the period covered by the report and the results of the Licensee's operations for such period, and shall be prepared in accordance with these instructions. The accounts referred to by account number in these instructions are those prescribed by SBA in the System of Account Classifications for Small Business Investment Companies as set forth in Part 111 of this chapter.

The Financial Report, SBA Form 468, shall be filed in triplicate with the Investment Division, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, on or before the last day of the month immediately following the close of the period covered by the report (in the case of an unaudited report), and on or before the last day of the third month following the close of the period covered by the report (in the case of an audited report).

Licensees which are registered investment companies should refer to the rules promulgated by the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, for the official requirements as to financial reports to be filed with SEC and the time allowed for filing.

The Financial Report, SBA Form 468, requires a statement of financial condition, statement of surplus reconciliations, state-

ment of income and expense, statement of realized gain or loss on investments, and supporting schedules. If any statement or schedule is not applicable, it is still required to be filed but should be marked "N/A" or "Not Applicable."

When the Licensee has a wholly owned subsidiary organized solely for the purpose of rendering management consulting services, financial reports submitted to SBA by the parent Licensee shall reflect consolidated figures covering the activities of both the parent Licensee and its subsidiary corporation.

When the Licensee has one or more branch offices, the data contained in the basic financial statements and all supporting schedules shall comprise a combination of the figures for the principal office and all branches. All money amounts required to be shown in the financial statements and schedules shall be expressed in whole dollars. Appropriate adjustments of individual amounts shall be made for the fractional part of a dollar so that the items will add to the totals shown.

HEADING

Set forth in the appropriate spaces the information called for representing the identification and the principal-office address of the Licensee. As the employer identification number, enter the number assigned to the Licensee by the U.S. Treasury Department. If such number has not yet been assigned, an Application for Employer Identification Number, Form SS-4, shall be submitted to the U.S. Director of Internal Revenue for the area in which the Licensee's principal office is located.

STATEMENT OF FINANCIAL CONDITION

Assets

Items:

1. *Cash.* State the total of the balances contained in accounts Nos. 100 through 120.
2. *U.S. Government obligations, insured savings, and time certificates of deposit.* State the total of the balances contained in accounts Nos. 130 through 137.
3. *Notes receivable.* State the balance contained in account No. 140.
4. *Accounts receivable.* State the balance contained in account No. 150.
(a) *Less: Allowance for uncollectibles* (applicable to items 3 and 4). State the balance contained in account No. 151.
5. *Accrued interest receivable.* State the balance contained in account No. 160.
(a) *Less: Allowance for uncollectibles.* State the balance contained in account No. 161.
6. *Due from directors, officers, and employees.* State the balance contained in account No. 255.
7. *Funds in escrow and other current assets.* State the balance contained in account No. 179 and the current portion of account No. 220.
8. *Total Short-Term Assets.* Enter the total of the appropriate amounts opposite Items 1, 2, 4(a), 5(a), 6, and 7.
9. *Loans (section 305).* State the balance contained in account No. 170.
(a) *Less: Amount sold with recourse.* State the balance contained in account No. 310.
(b) *Less: Allowance for uncollectibles.* State the balance contained in account No. 171.
(c) *Less: Unearned discount, fees, etc.* State the balance contained in account No. 173.
10. *Debt securities of SBIC's (section 304).* State the total of the balances contained in accounts Nos. 180 and 184.
(a) *Less: Amount sold with recourse.* State the total of the balances contained in accounts Nos. 312 and 314.

(b) *Less: Allowance for losses.* State the balance contained in account No. 185.

(c) *Unearned discount, fees, etc.* State the balance contained in account No. 187.

11. *Capital stock of SBCs (section 304).* State the total of the balances contained in accounts Nos. 190 and 192.

(a) *Less: Allowance for losses.* State the balance contained in account No. 193.

12. *Warrants, options, and other stock rights, acquired from SBCs (section 304).* State the balance contained in account No. 196.

(a) *Less: Allowance for losses.* State the balance contained in account No. 197.

13. *Assets acquired in liquidation of loans and debt securities.* State the balance contained in account No. 200.

(a) *Less: Accumulated depreciation.* State the balance contained in account No. 203.

(b) *Less: Mortgages payable.* State the balance contained in account No. 318.

(c) *Less: Allowance for losses.* State the balance contained in account No. 201.

14. *Amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.* State the balance contained in account No. 210.

(a) *Less: Allowance for uncollectibles.* State the balance contained in account No. 211.

15. *Total Loans and Investments.* Enter the total of the appropriate amounts opposite Items 9(c), 10(c), 11(a), 12(a), 13(c), and 14(a).

16. *Corporate premises owned and furniture and equipment.* State the total of the balances contained in accounts Nos. 230, 240, and 242.

(a) *Less: Accumulated depreciation.* State the total of the balances contained in accounts Nos. 231 and 241.

17. *Organization costs.* State the balance contained in account No. 256.

18. *Other.* State the total of the balances contained in accounts Nos. 140, 220 (non-current portions), and 257.

19. *Total Other Assets.* Enter the total of the appropriate amounts opposite Items 16(a), 17, and 18.

20. *Total.* Enter the total of Items 8, 15, and 19.

Liabilities, Capital Stock, and Surplus

21. *Accounts payable.* State the balance contained in account No. 340.

22. *Accrued interest payable.* State the balance contained in account No. 350.

23. *Accrued taxes on income.* State the total of the balances contained in accounts Nos. 354.1, 354.2, etc.

24. *Other accrued expenses.* State the balance contained in account No. 358.

25. *Dividends payable.* State the total of the balances contained in accounts Nos. 360 through 364.

26. *Employee taxes withheld.* State the balance contained in account No. 370.

27. *Unapplied receipts and trust receipts.* State the total of the balances contained in accounts Nos. 374 and 378.

28. *Other.* State the total of the balances contained in accounts Nos. 320, 381, and 383 (portions applicable).

29. *Total Short-Term Liabilities.* Enter the total of items 21 through 28.

30. *Notes payable to SBA.* State the balance contained in account No. 300.

31. *Notes payable to other than SBA, guaranteed by SBA.* State the balance contained in account No. 315.

32. *Notes payable to other than SBA, not guaranteed by SBA.* State the balance contained in account No. 316.

33. *Mortgages payable for funds borrowed.* State the balance contained in account No. 317.

34. *Other.* State the total of the balances contained in accounts Nos. 320, 381, and 383 (portions applicable).

35. *Debentures payable issued to SBA.* State the balance contained in account No. 301.

36. *Total Liabilities.* Enter the total of the appropriate amounts opposite items 29, 30, 33, 34, and 35.

37. *Capital stock.* State the total of the balances contained in accounts Nos. 400 through 404 minus the balances contained in accounts Nos. 405 through 409.

38. *Paid-in surplus.* State the balance contained in account No. 420.

39. *Less: ----- shares of treasury stock at cost.* State the total of the balances contained in accounts Nos. 415 through 419.

40. *Total.* Enter the total of items 37 and 38 minus item 39.

41. *Capital stock subscribed.* State the total of the balances contained in accounts Nos. 410 and 411.

(a) *Less: Subscriptions receivable.* State the total of the balances contained in account Nos. 413 and 414.

42. *Total Stockholders' Paid-In Capital and Paid-In Surplus.* Enter the total of the appropriate amounts opposite items 40 and 41(a).

43. *Retained earnings.* State the balance contained in the account No. 425.

44. *Appropriated retained earnings.* State the balance contained in account No. 427.

45. *Total Capital Stock and Surplus.* Enter the total of the appropriate amounts opposite Items 42 and 44.

46. *Total.* Enter the total of items 36 and 45.

Memorandum footnote. Show in the space provided the market or fair value of loans and investments (shown at cost less allowance for losses in item 15 of the Statement of Financial Condition). In determining the market or fair value of portfolio securities (including securities which may be readily acquired through exercise of rights), securities for which market quotations are readily available shall be valued at the market bid price, provided the securities are registered, or readily registrable, and salable, and further provided that, in the opinion of the board of directors, the bid price could be realized on immediate liquidation of the investment.

Securities other than those referred to above shall be at cost less allowance for probable losses unless, because of steady progress in the affairs of the portfolio company, an increase above cost to the small business investment company is clearly indicated in the SBIC's equity in the book value of the portfolio company's securities as shown on the portfolio company's books. In the latter case the securities may be valued at fair value as determined in good faith by the board of directors.

The value of loans and investments determined in accordance with the foregoing shall be reduced for purposes of this report by the amount of what would be an appropriate provision for taxes in respect of the unrealized appreciation included in the determined value.

In column (10) of Schedules 1 through 4, and column (8) of Schedule 7, identify with an asterisk each security which was valued above cost in arriving at the amount shown at market or fair value of loans and investments.

Footnote on contingent liabilities. Complete the footnote on page 2, at the end of the Statement of Financial Condition, which indicates the total amount of all contingent liabilities of the company. This amount shall be the same as the grand total of Schedule 12 of the report.

STATEMENT OF SURPLUS RECONCILIATIONS

Set forth in this statement all activities in accounts for paid-in surplus, retained earnings, and appropriated retained earnings during the fiscal year to date, showing opening balances, additions and deductions, and balances at close of the period. State separately the various additions and deductions, describing clearly the nature of the transactions out of which the items arose. Net income or loss from page 3 should be labeled "from net income, or (loss)" and realized gain or loss on investments from page 4 should be labeled "from net realized gain or (loss) on investments."

STATEMENT OF INCOME AND EXPENSE FOR THE FISCAL YEAR TO DATE

Income

Item:

1. *Commitment income.* State the balance contained in account No. 500.

2. *Interest on loans.* State the balance contained in account No. 512.

3. *Interest on debt securities.* State the balance contained in account No. 516.

4. *Interest on invested idle funds.* State the balance contained in account No. 510.

5. *Interest income—other.* State the balance contained in account No. 520.

6. *Management consulting service fees.* State the balance contained in account No. 532.

7. *Investigation and service fees charged other lenders.* State the balance contained in account No. 534.

8. *Application and appraisal fees.* State the balance contained in account No. 536.

9. *Dividends on capital stock of SBCs.* State the balance contained in account No. 540.

10. *Sharings in income or revenue of SBCs.* State the balance contained in account No. 541.

11. *Income less expense of \$----- from assets acquired in liquidation of loans and debt securities.* State the balance in account No. 582 minus the balance in account No. 710. Show the balance contained in account No. 710 as a separate item in the space provided for the expense.

12. *Other income.* State the balance contained in account No. 584.

13. *Total income.* Enter the total of the appropriate amounts opposite Items 1, 5, 8, 10, and 12.

Expenses

14. *Commitment expense.* State the balance contained in account No. 600.

15. *Interest on obligations payable to SBA.* State the balance contained in account No. 610.

16. *Interest on obligations payable to other than SBA.* State the balance contained in account No. 622.

17. *Stock record and other financial expenses.* State the balance contained in account No. 642.

18. *Total Financial Expenses.* Enter the total of Items 14 through 17.

19. *Advertising and promotional costs.* State the balance contained in account No. 650.

20. *Appraisal and investigation costs.* State the balance contained in account No. 651.

21. *Auditing and examination costs.* State the balance contained in account No. 652.

22. *Communications.* State the balance contained in account No. 653.

23. *Cost of space occupied.* State the balance contained in account No. 654.

24. *Depreciation of corporate premises owned, furniture, and equipment.* State the balance contained in account No. 655.

25. *Directors' and stockholders' meetings costs.* State the balance contained in account No. 657.
26. *Insurance.* State the balance contained in account No. 658.
27. *Investment adviser costs.* State the balance contained in account No. 660.
28. *Legal services.* State the balance contained in account No. 661.
29. *Salaries of officers.* State the balance contained in account No. 663.1.
30. *Salaries of employees.* State the balance contained in account No. 663.2.
31. *Taxes, excluding income taxes.* State the balance contained in account No. 664.
32. *Travel.* State the balance contained in account No. 665.
33. *Employee benefits expense.* State the balance contained in account No. 670.
34. *Organization expense.* State the balance contained in account No. 672.
35. *Miscellaneous operating expenses.* State the balance contained in account No. 679.
36. *through 39. (For unclassified items.)*
40. *Total Operating Expenses.* Enter the total of Items 19 through 39.
41. *Other expenses.* State the balance contained in account No. 715.
42. *Total Expenses.* Enter the total of Items 18, 40, and 41.
43. *Net Operating Income before provision for probable losses and income taxes.* Enter the balance resulting from the deduction of Item 42 from Item 13.
44. *Provision for probable losses on receivables.* State the balance contained in account No. 680.
45. *Provision for probable losses on portfolio securities.* State the balance contained in account No. 682.
46. *Provision for probable losses on assets acquired in liquidation of loans and debt securities.* State the balance contained in account No. 684.
47. *Provision for probable losses on amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.* State the balance contained in account No. 686.
48. *Net Operating Income before provision for income taxes.* Enter the balance resulting from the deduction of the appropriate amount opposite Item 47 from Item 43.
49. *Provision for Federal income taxes—net income.* State the balance contained in account No. 720.1.
50. *Provision for State and other income taxes.* State the balance contained in account No. 720.2.
51. *Net Income (Loss) From Operations.* Enter the balance resulting from the deduction of the appropriate amount opposite Item 50 from Item 48.

STATEMENT OF REALIZED GAIN OR LOSS ON INVESTMENTS

1. *U.S. Government securities.* Show the aggregate cost, aggregate net proceeds, and net gain or net loss on the sale or other disposition of U.S. Government obligations, direct and fully guaranteed.
2. *Debt securities of SBCs.* Show the aggregate cost less allowance for losses, aggregate net proceeds, and net gain or loss on the sale or other disposition of debt securities of small business concerns.
3. *Capital stock of SBCs.* Show the aggregate cost less allowance for losses, aggregate net proceeds, and net gain or loss on the sale or other disposition of capital stock of small business concerns.
4. *Warrants, options, and other stock rights acquired from SBCs.* Show the aggregate cost less allowance for losses, aggregate net proceeds, and net gain or loss on the sale or other disposition of warrants, options, and other stock rights acquired by the company from small business concerns.

5. *Assets acquired in liquidation of loans and debt securities.* Show the aggregate cost less allowance for losses and mortgages payable, aggregate net proceeds, and net gain or loss on the sale or other disposition of assets acquired in liquidation of loans and debt securities of small business concerns. The aggregate cost shown for this item shall be the same as that recorded in the books of account on the basis determined by the board of directors from among (1) bid-in price of the property, (2) agreed consideration for the property, and (3) fair appraised value of the property, but not to exceed the total amount of the related loan or debt security involved.

6. *Other.* Show the aggregate cost less allowance for losses, aggregate net proceeds, and net gain or loss on the sale or other disposition of any investments not included in Items 1 through 5.

7. *Net Gain and/or Loss on Investments.* Enter the net total of Items 1 through 6.

8. *Combined Net Gain (Loss) on Investments.* Enter the balance resulting from the deduction of Item 7, column (5) from Item 7, column (4).

9. *Add realized gain for current year from prior sales of investments (Deferred Credits).* State the amount of deferred gain of prior years transferred to gain accounts in the current year.

10. *Less portion of gain not realized in cash, demand certificates of deposit issued by FDIC-member banks, and/or negotiable direct obligations of the U.S. Government.* State the amount of the above gain represented by proceeds other than cash, demand certificates of deposit issued by FDIC-member banks, and/or negotiable direct obligations of the U.S. Government.

11. *Net Realized Gain (Loss) on Investments before provision for income taxes.* Enter the balance resulting from the addition of Item 9 and deduction of Item 10 from Item 8.

12. *Federal income taxes—net realized gain on investments.* State the amount of estimated Federal income taxes applicable to net realized gain on investments for the fiscal year to date.

13. *State and other income taxes—net realized gain on investments.* Show the amount of estimated State and other non-federal income taxes applicable to net realized gain on investments for the fiscal year to date.

14. *Total provision for income taxes.* Enter the total of Items 12 and 13.

15. *Net Realized Gain (Loss) on Investments.* Enter the balance resulting from the deduction of Item 14 from Item 11.

NOTE: Describe the transactions in this Statement in accordance with the instructions set forth in the note at bottom of the form.

SCHEDULE 1—LOANS (SECTION 305)

The items to be listed in this schedule shall include all loans held, made, or otherwise obtained, or disposed of by the company during the fiscal year to date setting forth the pertinent data indicated by the column headings. The reporting company's portion of participation in loans shall be included.

List each loan by employer identification number; owner group code number designating the group classification of the principal ownership of the small business concern as follows: (0) Negroes; (1) Puerto Ricans; (2) American Indians; (3) Spanish Americans; (4) Asians (Japanese, Chinese, Koreans, Filipinos); (5) Eskimos and Aleuts; (6) Undetermined and (7) Others—including whites; financing number; interest rate; Standard Industrial Classification code; name of financed small business concern, together with street address, city, state, zip

code, and county in which located; date and maturity date; principal balance at beginning of period; cash additions during period; noncash additions during period (include refinancing); cash deductions during period; noncash deductions during period; and principal balance at close of period. The total in column (9) shall agree with item 9 of the Statement of Financial Condition.

Show in column (10) the market value, or fair value as determined by the board of directors, of each loan which is determined to be worth less than the cost amount shown for it in column (9) minus any allowance for losses established for it. Any loan for which an allowance for losses has been established shall not be listed in column (10) at any value higher than cost less such allowance.

An explanatory notation or footnote shall be entered in the schedule with respect to any loan (or any interest therein) obtained from another licensee.

Treat multiple disbursements under the same financing agreement as a single financing. Show the total of all loan financing on the last sheet of this schedule.

In column (1) enter the employer identification number of each listed small business concern; if a concern does not have such number, it should obtain one by filing Form SS-4 with the U.S. Director of Internal Revenue for the area in which the concern is located. Insert the appropriate owner group code number, in parentheses, following the employer identification number of each small business concern.

Enter for each listed small business concern the four-digit Standard Industrial Classification Code of the principal industry in which the concern is engaged; refer to the SIC Manual issued by the Bureau of the Budget.

If the licensee has had more than one financing in the same category outstanding to the same small business concern (cumulative beginning with Mar. 31, 1966, outstanding balances), each such similar financing should be assigned a financing number (1-2-3, etc.) for identification purposes, and this number should be shown in the applicable column on this report and on future reports in relation to the same financing. A number once assigned to a specific financing of a small business concern should never be reassigned to another financing in the same category to the same concern.

In column (9) identify each item "pledged" or "earmarked" by letter (P) or letter (E), as appropriate. Also, identify by the letter (V) each item qualifying under the regulations as venture capital and by the letters (SP) each item qualifying under the regulations as special discretionary portfolio. Show the total of all venture capital amounts on the last sheet of this schedule immediately under the "Totals" line at the foot of column (9). Show the total of all special discretionary portfolio amounts on the last sheet of this schedule immediately under the "Total venture capital".

SCHEDULE 2—DEBT SECURITIES (SECTION 304)

(§ 107.302(b)(2) OF REGULATIONS)

The items to be listed shall include all debt securities held, acquired, converted, or disposed of during the fiscal year to date, setting forth the pertinent data indicated by the column headings. The reporting company's portion of participation in debt securities shall be included.

List each debt security by employer identification number; owner group code number designating the group classification of the principal ownership of the small business concern as follows: (0) Negroes; (1) Puerto Ricans; (2) American Indians; (3) Spanish Americans; (4) Asians (Japanese, Chinese, Koreans, Filipinos); (5) Eskimos

and Aleuts; (6) Undetermined- and (7) Others—including whites; financing number; interest rate; Standard Industrial Classification code; name of financed small business concern, together with street address, city, state, zip code, and county in which located; date and maturity date; principal balance at beginning of period; cash additions during period; noncash other additions during period; cash deductions during period; noncash deductions during period; and principal balance at close of period. The total in column (9) shall agree with item 10 of the Statement of Financial Condition.

Show in column (10) the market value, or fair value as determined by the board of directors, of each debt security which is determined to be worth more than the cost amount shown for it in column (9) and each debt security which is determined to be worth less than the cost amount shown for it in column (9), minus any allowance for losses established for it. Any debt security for which an allowance for losses has been established shall not be listed in column (10) at any value higher than cost less such allowance.

Show in column (11) opposite each debt security financing the percentage of the financed small business concern's voting securities which has been and/or can be obtained by the Licensee through exercise of conversion privileges and/or stock purchase warrants or options received in connection with the specific financing. This percentage shall be computed without giving consideration to the possibility of simultaneous exercise of stock rights by other investment interests. Whenever a Licensee considers it important to disclose that its percentage of actual and potential ownership is affected by the probable action of others in exercising their stock rights, a footnote should be appended to the percentage figure arrived at by consideration of only the Licensee's action. In such footnote the percentage of actual and potential ownership giving consideration to the probable action of others should be set forth, together with an explanation including the names of the other investors who are likely to exercise their rights, the percentages of actual and potential ownership they hold, and the general terms of their stock rights.

An explanatory notation or footnote shall be entered in the schedule with respect to any debt security (or any interest therein) obtained from another Licensee.

Treat multiple disbursements under the same financing agreement as a single financing. Show the total of all debt security financing on the last sheet of this schedule.

In column (1) enter the employer identification number of each listed small business concern; if a concern does not have such number, it should obtain one by filing Form SS-4 with the U.S. Director of Internal Revenue for the area in which the concern is located.

Insert the appropriate owner group code number, in parentheses, following the employer identification number of each small business concern.

Enter for each listed small business concern the four-digit Standard Industrial Classification Code of the principal industry in which the concern is engaged; refer to the SIC Manual issued by the Bureau of the Budget.

If the Licensee has had more than one financing in the same category outstanding to the same small business concern (cumulative beginning with March 31, 1966, outstanding balances), each such similar financing should be assigned a financing number (1-2-3, etc.) for identification purposes, and this number should be shown in the applicable column on this report and on future reports in relation to the same financing.

A number once assigned to a specific financing of a small business concern should never be reassigned to another financing in the same category to the same concern.

In column (9) identify each item "pledged" or "earmarked" by letter (P) or letter (E), as appropriate. Also, identify by the letter (V) each item qualifying under the regulations as venture capital and by the letters (SP) each item qualifying under the regulations as special discretionary portfolio. Show the total of all venture capital amounts on the last sheet of this schedule immediately under the "Totals" line at the foot of column (9). Show the total of all special discretionary portfolio amounts on the last sheet of this schedule immediately under the "Total venture capital".

SCHEDULE 3—CAPITAL STOCK OF SBCs

Furnish in this schedule a summary of all capital stock of small business concerns setting forth the pertinent data indicated by the column headings. The items to be listed shall include all capital stock of small business concerns held, acquired, converted or disposed of during the fiscal year to date setting forth the pertinent data indicated by the column headings. The reporting company's portion of participation in investments shall be included.

List each investment by employer identification number; Owner Group Code number; financing number; Standard Industrial Classification code; name of financed small business concern, together with street address, city, state, ZIP code, and county in which located; date acquired, type and class, number of shares, etc.; balance at cost at beginning of period; cash additions during period; noncash additions during period at cost; cash deductions during period; noncash deductions during period at cost; and balance at cost at close of period.

The total in column (9) for capital stock of SBCs shall agree with Item 11 of the Statement of Financial Condition.

Show in column (10) the market value, or fair value as determined by the board of directors, of each investment which is determined to be worth more than the cost amount shown for it in column (9) and each investment which is determined to be worth less than the cost amount shown for it in column (9), minus any allowance for losses established for it. Any investment for which an allowance for losses has been established shall not be listed in column (10) at any value higher than cost less such allowance. Show in column (11) the percentage of ownership in the small business concern.

An explanatory notation or footnote shall be entered in the schedule with respect to any investment (or any interest therein) obtained from another Licensee.

Treat multiple disbursements under the same financing agreement as a single financing. Show the total of all capital stock on the last sheet of this schedule.

In column (1) enter the employer identification number of each listed small business concern; if a concern does not have such number, it should obtain one by filing Form SS-4 with the U.S. Director of Internal Revenue for the area in which the concern is located.

Enter the appropriate Owner Group Code number in parentheses.

Enter for each listed small business concern the four-digit Standard Industrial Classification Code of the principal industry in which the concern is engaged; refer to the SIC Manual issued by the Bureau of the Budget.

If the Licensee has had more than one financing in the same category outstanding to the same small business concern (cumulative beginning with March 31, 1966, outstanding balances), each such similar financing should be assigned a financing number (1-2-3, etc.) for identification purposes, and this number should be shown in the applicable column on this report and on future reports in relation to the same financing.

A number once assigned to a specific financing of a small business concern should never be reassigned to another financing in the same category to the same concern.

In column (9) identify each item "pledged" or "earmarked" by letter (P) or letter (E), as appropriate. Also, identify by the letter (V) each item qualifying under the regulations as venture capital and by the letters (SP) each item qualifying under the regulations as special discretionary portfolio. Show the total of all venture capital amounts immediately under the "Totals" line at the foot of column (9) on the last sheet of this schedule. Show the total of all special discretionary portfolio amounts on the last sheet of this schedule immediately under the "Total venture capital".

SCHEDULE 4—WARRANTS, OPTIONS AND OTHER STOCK RIGHTS ACQUIRED FROM SBCs

The items to be listed shall include all warrants, options and other stock rights acquired from SBCs (for which a cost has been determined separate from that of the financing instruments which they accompanied and/or for which there exists a market value, or a fair value as determined by the board of directors) which were held, obtained, surrendered, expired or sold during such period setting forth the pertinent data indicated by the column headings. If no separate cost, market value, or fair value has been determined the warrants, options and other stock rights shall be listed with no value assigned. The reporting company's portion of participation in investments shall be included.

List each investment by employer identification number; Owner Group Code number; financing number; Standard Industrial Classification code; name of financed small business concern, together with street address, city, state, zip code, and county in which located; date acquired, type and class, etc.; balance at cost at beginning of period; cash additions during period; noncash additions during period at cost; cash deductions during period; noncash deductions during period at cost; and balance at cost at close of period.

The total in column (9) shall agree with item 12 of the Statement of Financial Condition. Show in column (10) the market value, or fair value as determined by the board of directors, of each investment which is determined to be worth more than the cost amount shown for it in column (9) and each investment which is determined to be worth less than the cost amount shown for it in column (9), minus any allowance for losses established for it. Any investment for which an allowance for losses has been established shall not be listed in column (10) at any value higher than cost less such allowance.

Show in column (11) opposite each financing item the percentage of the financed small business concern's voting securities which has been and/or can be obtained by the Licensee through exercise of conversion privileges and/or stock purchase warrants or options received in connection with the specific financing, or which is represented by the financing item itself. This percentage shall be computed without giving consideration to the possibility of simultaneous exercise of stock rights by other investment interests. Whenever a Licensee considers it important to disclose that its percentage of actual and potential ownership is affected by the probable action of others in exercising their stock rights, a footnote should be appended to the percentage figure arrived at by

consideration of only the Licensee's action. In such footnote the percentage of actual and potential ownership giving consideration to the probable action of others should be set forth, together with an explanation including the names of the other investors who are likely to exercise their rights, the percentages of actual and potential ownership they hold, and the general terms of their stock rights.

An explanatory notation or footnote shall be entered in the schedule with respect to any investment (or any interest therein) obtained from another Licensee.

Treat multiple disbursements under the same financing agreement as a single financing. Show the total of all, warrants, options and other stock rights financing on the last sheet of this schedule.

In column (1) enter the employer identification number of each listed small business concern; if a concern does not have such number, it should obtain one by filing Form SS-4 with the U.S. Director of Internal Revenue for the area in which the concern is located.

Insert the appropriate owner group code number, in parentheses, following the employer identification number of each small business concern. In column enter for each listed small business concern the four-digit Standard Industrial Classification Code of the principal industry in which the concern is engaged; refer to the SIC Manual issued by the Bureau of the Budget.

If the Licensee has had more than one financing in the same category outstanding to the same small business concern (cumulative beginning with March 31, 1966, outstanding balances), each such similar financing should be assigned a financing number (1-2-3, etc.) for identification purposes, and this number should be shown in the applicable column on this report and on future reports in relation to the same financing. A number once assigned to a specific financing of a small business concern should never be reassigned to another financing in the same category to the same concern.

(d) In column (12) identify each item "pledged" or "earmarked" by letter (P) or letter (E), as appropriate. Also, identify by the letter (V) each item qualifying under the regulations as venture capital and by the letters (SP) each item qualifying under the regulations special discretionary portfolio. Show the total of all venture capital amounts immediately under the "Totals" line at the foot of column (9). Show the total of all special discretionary portfolio amounts on the last sheet of this schedule immediately under the "Total venture capital."

SCHEDULE 5—DETAILS OF CERTAIN LOANS (SECTION 305) AND INVESTMENTS (SECTION 304) LISTED IN SCHEDULES 1 THROUGH 4

Enter in this schedule all loans and debt securities shown in Schedules 1 and 2 and all investments shown in Schedules 3 and 4 concerning which any one or more of the following conditions exist:

1. New or additional financing has been furnished during the fiscal year to date, as shown in columns (5) and (6) of Schedules 1 through 4.
2. The terms of existing financing have been amended and/or the related collateral has been changed during the fiscal year to date.
3. Any rescheduling, refinancing, or refunding of principal and/or the interest has occurred, or conversion of a delinquent item has taken place, during the fiscal year to date. (Full details on such events are to be furnished in column (6) or on an attached sheet.)

4. Installment payments of principal and/or interest on loans or debt securities past due more than 1 month.

List the items by employer identification number in column (1) and identify them by name of small business concern, type of financing, and financing number in columns (2), (3), and (4). In column (5) show the original principal amount or other cost. Details of the amortization plan and other significant provisions of the financing instruments, including a precise description of capital stock of SBC's, shall be set forth in column (6). The value and description of collateral are to be set forth in columns (7) and (8), respectively. Information as to the portion of such collateral assigned as security for the financing granted by the Licensee is required to be presented in column (8).

If any loans or debt securities earmarked or pledged to SBA are in default as to payment of principal or interest, or with respect to any other covenants of the financing agreements, the repayment delinquencies will, of course, be included in Schedule 6. Any other defaults are to be described in column (6) of Schedule 5. Such earmarked or pledged loans and debt securities shall be identified in the schedule by the letter (E) or (P), as appropriate. If no earmarked loans or debt securities are in default as to principal or interest payments, or as to any other covenants in the financing agreements, a statement to that effect shall be placed on Schedule 5.

SCHEDULE 6—ALLOWANCE FOR LOSSES ON PORTFOLIO SECURITIES—DELINQUENT LOANS AND DEBT SECURITIES

List in this schedule all loans and investments for which an allowance for losses has been established or allocated on a specific item basis and/or which (if loans or debt securities) are delinquent to the extent of having installment payments past due more than 1 month. Identify each item in column (1) by the employer identification number and name of the financed small business concern; indicate by appropriate letter in column (2) the type of financing (loan, debt security, stock, warrants and options); and record the financing number in column (3) if there has been more than one financing of the same type with respect to the same small business concern.

In columns (4) through (8), show the opening balance of the allowance for losses on each security, the additions and deductions pertaining to such allowance, and the closing balance, all relating to the fiscal year to date. If there exists an overall allowance for losses, established on a percentage or other basis and not allocated to individual securities, the beginning and ending balances thereof, together with changes during the period, shall be shown appropriately on the "General Allowance" line at the bottom of the schedule. The grand total of column (8) shall equal the sum of items 9(b), 10(b), 11(a), and 12(a) in the Statement of Financial Condition.

Show in column (9) the principal balance or other cost, as of the close of the period, of each security listed on the schedule. In columns (10) and (11) show all installments of principal and/or interest past due more than 1 month on loans and debt securities. Such portfolio items shall be identified and classified in columns (1), (2), and (3), and any allowances for losses related thereto shall be included appropriately in the columns provided therefor. Any loans or debt securities earmarked or pledged to SBA shall be identified in the schedule by the letter (E) or (P), as appropriate. Show the totals of columns (10) and (11).

SCHEDULE 7—ASSETS ACQUIRED IN LIQUIDATION OF LOANS AND DEBT SECURITIES—ALLOWANCE FOR LOSSES

List and describe in this schedule, by former debtors (small business concerns), all assets carried during the fiscal year to date in the account for assets acquired in liquidation of loans (section 305) and debt securities (section 304 and § 107.302(b) (2) of the Regulations). This will correctly represent only the reporting company's portion of such assets. The balance at the beginning of the reporting period, additions and deductions during the period, and balance at the close of the period shall be shown in columns (3), (4), (5), and (6). The allowance for losses established for the reporting company's portion of the assets held with reference to each small business concern shall be recorded in column (7). Current market value, or fair value as determined by the board of directors at the close of the period shall be shown in column (8). The totals of columns (6) and (7) shall agree with items 13 and 13(c), respectively, of the Statement of Financial Condition.

In column (6) identify by the letter (V) each asset acquired in liquidation of a portfolio security which original security qualified under the regulations as venture capital. Show the total of all such secondary venture capital amounts in the space provided at the foot of column (6).

SCHEDULE 8—AMOUNTS DUE FROM DEBTORS ON SALE OF ASSETS ACQUIRED IN LIQUIDATION OF LOANS AND DEBT SECURITIES—ALLOWANCE FOR UNCOLLECTIBLES

Show in this schedule, by debtors, all accounts receivable, notes receivable, sales contracts, purchase money mortgages, etc., carried during the period in the account for amounts due from debtors on sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304). The interest rate and other terms shall be given. The balances at the beginning and close of the period shall be shown, together with additions and deductions during such reporting period. Allowances for uncollectibles based upon an evaluation of the reporting company's portion of individual amounts due shall be recorded in column (9) opposite the name of the debtor. If a general allowance is utilized instead of individual allowances, it shall appear only at the bottom of column (9). The totals of columns (8) and (9) shall agree with items 14 and 14(a), respectively, of the Statement of Financial Condition. Under column (2) identify the asset or assets originally acquired in liquidation to which the amount due relates.

SCHEDULE 9—PARTICIPATIONS AND JOINT FINANCING

Show in this schedule all financings in which the reporting company participated and all financings made jointly by the reporting company and one or more other lenders or investors during the fiscal year to date, or which were outstanding at any time during such period. Identify each item in column (1) by the employer identification number and name of the financed small business concern; indicate by appropriate letter in column (2) the type of financing (loan, debt security, stock, warrants, and options); and enter the financing number in column (3) if there has been more than one financing of the same type by the reporting company to the same small business concern.

In column (4) show the original total amount contributed by all parties in the participation or joint financing. The names of such participating or joint financing individuals and/or entities (including the

name of the reporting company) shall be shown in column (5) with appropriate indication as to which is the initiating (sponsoring) entity.

Show in column (6), (7), or (8), as appropriate, the reporting company's outstanding principal balance, or other cost, of participation purchased, participation sold, or joint financing, as of the close of the period covered in the report. Enter in column (9) a description of collateral pertaining to each financing, together with information as to the percentage applicable to each party and as to any preferences agreed upon.

SCHEDULE 10—CASH, U.S. GOVERNMENT OBLIGATIONS, INSURED SAVINGS, AND TIME CERTIFICATES OF DEPOSIT

Show in Schedule 10a all cash on hand and in general funds demand deposits; funds in imprest bank accounts. Demand deposits are balances subject to withdrawal without notice and shall be in commercial banks which are members of the Federal Deposit Insurance Corporation. Cash items in process of collection represent those cash items which have been placed with banks for collection. Petty cash shall represent the full amount of the petty cash imprest fund.

List in Schedule 10b(1) all securities owned which have been issued or guaranteed by the U.S. Government, showing the name of the issuer and the title of each issue. Other required data, such as interest rate, call date, maturity date, and principal amount at par of bonds and notes, may be obtained by inspection of the securities or from records of securities pledged. The cost of the securities shall be shown in column (6) and the current market value thereof in column (7).

Show in Schedule 10b(2) all funds invested in insured savings accounts and all funds on time deposit evidenced by time certificates of deposit. Savings accounts shall be in institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation. Time deposits shall include all time certificates of deposit held by the company in commercial banks which are members of the Federal Deposit Insurance Corporation.

SCHEDULE 11—DUE FROM DIRECTORS, OFFICERS, AND EMPLOYEES

Show in this schedule amounts due from directors, officers, and employees for advances made to them (listing name and title of debtor in column (1)). The unpaid balance of each amount due at the beginning of the fiscal year shall be shown in column (2); additions, writeoffs, and collections during the fiscal year to date shall be set out in columns (3), (4), and (5); and the balance at the close of the period shall be shown in column (6). The total of column (6) shall agree with item 6 in the Statement of Financial Condition. An explanation shall be furnished for any amount written off or for any collection other than in cash.

SCHEDULE 12—COMMITMENTS, GUARANTEES, AND OTHER CONTINGENT LIABILITIES

Furnish in Schedule 12a, (1) commitments to small business concerns for equity financing under section 304 of the Act, as amended, (2) commitments to small business concerns for loans under section 305 of the Act, as amended, and (3) commitments to banks or other lenders for deferred participations in loans or commitments to small business concerns. Show the total amount of all commitments outstanding. Show the total of all venture capital commitments outstanding immediately under "Total commitments outstanding". Enter license number in the space allotted and enter owner group code number in parentheses alongside name of small business concern.

Furnish in Schedule 12b all obligations of portfolio concerns guaranteed by the com-

pany, showing (1) date of guarantee, (2) name of debtor small business concern, (3) name of lender, owner group code number, and (4) outstanding amount of guarantee. Show the total outstanding amount of all guarantees.

Set forth separately in schedule 12c with total, all other contingent liabilities.

Show at the bottom of the schedule the grand total of all commitments, guarantees, and other contingent liabilities. This amount shall be the same as that given in the footnote on page 2 at the end of the Statement of Financial Condition.

SCHEDULE 13—OBLIGATIONS PAYABLE

Show in this schedule, by creditors, all obligations payable representing (1) debentures payable to SBA, (2) SBA direct loans, (3) guaranteed loans purchased by SBA, (4) loans guaranteed by SBA, (5) loans not guaranteed by SBA, (6) mortgages payable for funds borrowed, and (7) mortgages payable on assets acquired in liquidation of loans and debt securities. Such liabilities shall be grouped by the foregoing categories, and described in column (2), but subtotals are not required. Guaranteed loans purchased by SBA represent loans, originally financed by banks, which have been transferred to SBA through reassignment, transfer and delivery of the notes to SBA.

The interest rate and other terms of each obligation shall be recorded in columns (3) and (4); the unpaid balance at the beginning of the fiscal year and additions and deductions during the fiscal year to date shall be shown in columns (5), (6), and (7); and the balance payable at the close of the period, segregated between (a) amounts owed to SBA for funds borrowed and (b) amounts owed to others for funds borrowed and/or amounts representing mortgages payable on assets acquired in liquidation of loans and debt securities, shall be reflected in columns (8) and (9).

The total of column (8) shall agree with the total of Items 30 and 35 of the Statement of Financial Condition, and the total of column (9), shall agree with the total of Items 13(b), 31, and 32, and the appropriate amount opposite Item 33 of such statement.

SCHEDULE 14—CAPITAL STOCK OF LICENSEE

Furnish in this schedule a complete description of the company's capital stock authorized, capital stock issued and outstanding, and data relating to special transactions involving capital stock.

In column (1) shall be described the type and class of each issue, such as common—\$5 par, preferred (7 percent Series of 1969), etc. The par value or, for no-par stock, the stated value shall also be reported in column (1).

The number of shares authorized, whether issued or not, shall be reported in column (2).

The number of shares and amount, at par or stated value, of stock issued and not retired or canceled shall be reported in columns (3) and (4). The total of column (4) shall agree with Item 37 of the Statement of Financial Condition. The number of shares held as treasury stock shall be shown in column (5). Column (6) will represent the difference between column (3) and column (5).

Column (7) shall be the amount at par or stated value representing the number of shares outstanding as shown in column (6). The total of column (8) shall represent the amount of capital stock subscribed at the subscription price and shall agree with Item 41 of the Statement of Financial Condition.

In column (9) shall be reported the amount of subscriptions receivable, which shall agree in total with Item 41(a) of the Statement of Financial Condition.

Column (10) shall show the number of shares (other than those under option) reserved for purchase by officers and employees, and column (11) shall show the number of shares reserved to cover options and other rights.

SCHEDULE 15—OPTIONS ON LICENSEE'S CAPITAL STOCK

Furnish in this schedule full information concerning outstanding capital stock options which have been granted by the company.

The holder of each option shall be identified in column (1). The number of shares optioned shall be shown in column (2). In column (3) shall be described the type and class of stock called for by the option, such as common—\$5 par, preferred (7 percent Series of 1969), etc.

Column (4) shall show the grant and expiration dates of each option and column (5) shall set forth the price or prices at which each option is exercisable, together with the period during which each price applies.

Column (6) shall show the fair market value, per share, of stock called for by each option, at the date the option was granted. The price at which the option is exercisable as a percentage of fair market value, per share, of the optioned stock at date of granting shall be shown in column (7). Column (8) shall set forth the provisions made with respect to each option in the event of the optionee's death or retirement, or other circumstances.

The fair market value, per share, of stock called for at date the option was granted, if not ascertainable on the basis of actual market, shall be as determined by the board of directors.

SCHEDULE 16—SHAREHOLDERS, OFFICERS, AND DIRECTORS OF THE LICENSEE

Furnish in this schedule the information as required by the form regarding equity securities issued by the Licensee and regarding the Licensee's officers, directors, and manager.

In column (1) list:

(a) Each person or company directly or indirectly owning, controlling, or holding with power to vote, 5 percent or more of the outstanding voting securities of the company.

(b) Each person or company owning of record or being known to own beneficially more than 10 percent of any other class of equity securities of the company.

(c) Each officer, director, or manager of the SBIC. (List and identify all officers and directors, and manager regardless of whether or not they own any equity securities of the company.)

Show in column (2) whether each natural person listed in column (1) is an officer, director, manager of the Licensee or specific combination of any of the three and the total remuneration for the period received by each from the Licensee. Indicate in column (3) the type of business in which each listed person or company is engaged. Column (4) shall show the title of each class of stock owned by any person or company and column (5) shall indicate whether the securities of the specific class are owned both of record and beneficially, of record only, or beneficially only.

In columns (6), (7), and (8), respectively, show the number of shares of each class owned by each listed person or company, the total par or stated value of such shares, and the percentage of the total number of shares of this class outstanding which is represented by the shares owned by the particular person or company.

Summarize the foregoing information by class of equity security at the bottom of the schedule.

SCHEDULE 17—SUNDY ASSETS

Show and explain in this schedule, by appropriate classification, the amounts of all sundry assets. Such assets will include: (1) Notes receivable; (2) accounts receivable, including dividends receivable; (3) accrued interest receivable; (4) funds in escrow pending closing of financing, and prepayments or deferred charges; and (5) unamortized organization costs.

Identify each item and describe the transaction out of which it arose, giving names of debtors and terms of debt instruments.

SCHEDULE 18—LOANS AND INVESTMENTS AND ACTUAL LOSS EXPERIENCE THEREON

Furnish in this schedule the total principal amounts classified between venture capital and nonventure capital as defined under § 107.3 of this regulation of all loans and investments originating during the fiscal year and any actual principal lost on any loans and investments during the fiscal year entered in the following categories: (1) Notes and Accounts Receivable (includes accrued interest receivable and amounts due from debtors on sale of assets acquired in liquidation), (2) Loans (section 305), (3) Debt Securities (section 304), and (4) Capital Stock. Also furnish in this schedule the average months elapsed between the date of the loan or investment and its final disposition for all categories except notes and accounts receivable. See more detailed instructions printed on the schedule.

VERIFICATION OF THE FINANCIAL REPORT, SBA FORM 468

The verification of the Financial Report, SBA Form 468, shall bear the signature of the chief financial officer of the Licensee, or other officer authorized by the board of directors to sign in the event the chief financial officer is unavailable. A secretarial officer of the Licensee shall attest by signature to the fact that the minutes of a meeting of the board of directors show that the Financial Report, SBA Form 468, has been reviewed and approved by the board of directors. The date on which each signature is affixed shall be shown. All signatures on all copies of the Financial Report, SBA Form 468, submitted to SBA shall be original signatures in ink.

VERIFICATION OF LICENSEE'S STATEMENT ON IMPLEMENTATION OF PLAN FOR DIVESTITURE OF CONTROL OF SMALL BUSINESS CONCERNS

The verification of the Licensee's statement concerning prospects for divestiture of control, which is required by § 107.901(e) of the regulations to be furnished to SBA in triplicate with the annual financial report (SBA Form 468), shall bear the signature of a secretarial officer of the Licensee attesting to the fact that the minutes of a meeting of the board of directors show that such statement has been reviewed and approved by the board of directors. The date on which such signature is affixed shall be shown. The secretarial officer's signature on all copies of the Licensee's statement concerning prospects for divestiture of control submitted to SBA shall be an original signature in ink.

APPENDIX 3—INSTRUCTIONS FOR PREPARATION OF THE PROGRAM EVALUATION REPORT, SBA FORM 684 (3-70)

Section 107.1102(f) of the regulations governing small business investment companies includes a provision requiring each Licensee to submit a Program Evaluation Report, SBA Form 684, as of March 31 of each year. The report is required to be filed with the Small Business Administration on or before June 30 of the same calendar year. Three executed copies of the report shall be furnished to SBA.

Each such report as of March 31 shall reflect all Licensee financing of small business concerns which were outstanding at any time during the preceding 12-month period. In the instance of financing terminated during the year, it is necessary that the financing be reported with the proper status code.

If the Licensee has engaged in more than one financing of a single small business concern (for example: two loans made at different times evidenced by separate financing instruments, or one loan, one debt security with warrants, and one purchase of capital stock of the SBC), the most recent financing shall be entered in the left-most column of the form. Make the appropriate entry opposite each numbered line for the last such financing, and make entries only on lines 9 through 14 on the right side of the form for previous and other financings of the same small business concern which were outstanding at any time during the preceding 12-month period.

Multiple disbursements under a single financing agreement to a small business concern are to be treated as one financing, and only one entry shall be made on line 12 to include all such disbursements to the small business concern. If as of the date of this report the total amount of the financing provided for in a multiple-disbursement agreement has not yet been fully disbursed, the total financing provided for in the agreement shall be entered on line 12, rather than the amount actually disbursed.

Except as noted above with respect to more than one financing of a single small business concern, entries shall be made in the report on each line (1 through 35) for each financing outstanding at any time during the 12-month period ended March 31.

In entering financings in which participation by others is a factor, an "initiating" Licensee shall show on line 12 only its own share of total funds disbursed (net of participations sold), and a Licensee which has purchased a participation shall enter on line 12 the amount represented by its participation in total funds disbursed. Both the "initiating" company and the "participating" company shall complete all lines (1 through 35) of the report for such financings. A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

The spaces for license number and name of Licensee, and lines 1 through 14 and 24 through 34 must be filled out in each year's report. Lines 15 through 23 are required to be filled out only if the specific information called for has not been furnished in a prior report. Line 35, if applicable, should be filled out only once for any one small business concern.

If the "current information," represented by entries on lines 24 through 34 is either impossible to obtain or misleading with respect to small business concerns which (a) have been merged into other companies since the financing, (b) are presently inactive, or (c) are insolvent, the Licensee may write the word "merged," "inactive," or "insolvent," as appropriate, on lines 24 through 34 rather than make detailed entries for these items.

Entries of all dollar amounts shall be rounded to the nearest dollar.

Instructions covering each line of the report are as follows:

A. Entries to be made on each page of the report:

Page number, and total number of pages in the report. (Examples: Page 1 of 4 pages, or page 3 of 6 pages.)

Name of Licensee.

SBC license number.

B. Entries to be made for each financing outstanding during the 12-month period covered by the report, or for each small business concern financed.

Line Numbers

1. Name of small business concern financed.

2. Employer identification number of the small business concern (SBC) financed. The small business concern will have an employer identification number or must obtain one by filing Form SS-4 with the U.S. Director of Internal Revenue for the area in which it is located.

3. City. Enter the city in which the small business concern's principal office is located.

4. County. Enter the county in which the small business concern's principal office is located.

5. State. Enter the state in which the small business concern's principal office is located.

6. SIC. Enter the four-digit Standard Industrial Classification Code of the principal industry in which the small business concern is engaged. Determine the proper code by reference to the Standard Industrial Classification Manual, issued by the Executive Office of the President, Bureau of the Budget.

7. Date business established. Enter the month and year that the small business concern commenced business in its present form.

8. Form of business. Show whether the financed concern is a corporation, partnership, proprietorship, etc.

9. Type of investment. Types of investment include loans, debt securities, capital stock, and stock rights (including warrants or options).

10. Financing number. If the Licensee has had more than one financing of the same type outstanding with the same small business concern, each such financing shall be entered in the form in the manner described in the third paragraph of this appendix. Each similar financing shall be assigned a financing number for purposes of identification, and this financing number shall be shown on future reports setting forth the same financing. Each type of investment should be numbered sequentially. As an example, loans would be numbered 1, 2, 3; debt security 1, etc.

11. Initial disbursement date. Enter the date of the first disbursement applicable to the specific financing made to the small business concern.

12. Total funds disbursed. Show the total amount of funds disbursed, including the amount of any discount, fees, and other charges, to the small business concern applicable to each specific financing. Refer to the fourth paragraph of this appendix for instruction regarding the treatment of multiple disbursements under a single financing agreement to a small business concern.

13. Use of proceeds (code). Enter the code number indicating which of the following was the primary purpose of the small business concern in obtaining the financing. If it had multiple purposes, select the single most important purpose. Enter only one code number for each financing:

- Operating capital (Code No. 1).
- Plant modernization (Code No. 2).
- Acquisition of all or part of an existing business (Code No. 3).
- Consolidation of obligations, debt refunding, etc. (Code No. 4).
- New building or plant construction (Code No. 5).
- Acquisition of machinery and equipment (Code No. 6).
- Land acquisition (Code No. 7).
- Marketing activities (Code No. 8).

Research and development (Code No. 9). Other (Code No. 10).

14. *Status of financing (code)*. Enter the appropriate code number to indicate the current status of the financing:

Repayment or other investment recovery of the full amount of principal and interest or cost of other investment appears to be reasonably assured (Code No. 1).

Repayment or other investment recovery of the full amount of principal and interest or cost of other investment is possible, but not assured pending improvement in the performance of the small business concern financed (Code No. 2).

Repayment or other investment recovery is in jeopardy and some loss is probable (Code No. 3).

The financing has been paid off in full by the financed small business concern or has been disposed of otherwise at cost or at a profit to the licensee (Code No. 4).

The financing has been liquidated through sale, partial repayment and writeoff, or foreclosure, and licensee has either absorbed a loss on the financing or may absorb a loss in the future when collateral is liquidated (Code No. 5).

The financing instrument was exchanged for another financing instrument of the same small business concern prior to the reporting date (Code No. 6). *NOTE*: The new financing instrument should be reflected in entries elsewhere in the report.

The financing instrument was exchanged through merger, etc., for a financing instrument of a different business concern prior to the reporting date (Code No. 7). *NOTE*: The new financing instrument, if considered to evidence financing of an eligible small business concern, should be reflected in entries elsewhere in the report.

15 and 24. *Fiscal year ended immediately prior to financing (date) and latest fiscal year ended (date)*. Enter the date of the close of the financed small business concern's latest fiscal year which ended prior to the initial date of disbursement of funds related to the financing (line 15) and the date of the close of the financed concern's most recently completed fiscal year for which amounts are entered in the current information section of the report (line 24). If current fiscal year information is not available from the small business concern, enter the date of the close of the financed concern's latest fiscal year for which information is available, and enter such information on the appropriate lines of the current information section of the report.

The respective fiscal years ended on the dates shown on lines 15 and 24 are the ones referred to in the following instructions for lines 16 and 25, 17 and 26, 18 and 27, 19 and 29, 20 and 30, 21 and 31, 22 and 32, and 23 and 33. The fiscal year ended on the date shown on line 24 is the one referred to in the following instructions for line 28.

16 and 25. *Number of employees: Total*. Enter the financed small business concern's total number of employees at the close of the respective fiscal years.

16 and 25. *Number of employees: Managerial*. Enter the financed small business concern's number of managerial employees at

the close of the respective fiscal years. Managerial employees are administrative personnel who set broad policies, exercise overall responsibility for execution of these policies, and direct individual departments or special phases of a firm's operations. They include executives, middle management, plant managers, department managers and superintendents, salaried foremen who are members of management, purchasing agents and buyers, and kindred workers.

16 and 25. *Number of employees: Skilled*. Enter the financed small business concern's number of skilled employees at the close of the respective fiscal years. Skilled employees include professional workers, technicians, sales representatives, office and clerical workers, and craftsmen (manual workers of relatively high skill level who exercise considerable independent judgment and usually receive an extensive period of training).

16 and 25. *Number of employees: Unskilled and semiskilled*. Enter the financed small business concern's number of unskilled and semiskilled employees at the close of the respective fiscal years. Unskilled employees are laborers in manual occupations which generally require no special training and embrace elementary duties that may be learned in a few days and require the application of little or no independent judgment. Semiskilled employees are workers who operate machines or processing equipment or perform other duties of intermediate skill level which can be mastered in a few weeks and require only limited training.

17 and 26. *Gross revenue for the year*. Enter the amount of total sales or other gross revenues of the financed small business concern for the respective fiscal years.

18 and 27. *Profit or (loss) for the year*. Enter the amount of net profit or (loss), before taxes, of the financed small business concern for the respective fiscal years. In determining profit or loss for the year, disregard any loss carryovers from previous years.

28. *Corporate dividends for the year*. Enter the total amount of dividends declared by the financed small business concern to its stockholders during the fiscal year. If the small business concern is not a corporation, enter "N/A" (not applicable).

19 and 29. *Taxes for the year: Federal*. Enter the amount of Federal income and other taxes applicable to the financed small business concern for the respective fiscal years, but not including taxes withheld or collected from others or the employer's portion of social security and unemployment taxes.

19 and 29. *Taxes for the year: State*. Enter the amount of State income and other taxes applicable to the financed small business concern for the respective fiscal years, but not including taxes withheld or collected from others or the employer's portion of unemployment taxes.

19 and 29. *Taxes for the year: Local*. Enter the amount of local income and other taxes (including property taxes) applicable to the financed small business concern for the respective fiscal years, but not including taxes withheld or collected from others.

20 and 30. *Total assets*. Enter the total amount of all assets, but net of valuation reserves, held by the financed small business

concern as of the close of the respective fiscal years.

21 and 31. *Net worth (deficit)*. Enter the amount of the net worth or (deficit net worth) of the financed small business concern as of the close of the respective fiscal years.

22 and 32. *Retained earnings (deficit)*. Enter the amount of the retained earnings or (retained earnings deficit) of the financed small business concern as of the close of the respective fiscal years.

23 and 33. *Borrowing: Short-term*. Enter that portion of the financed small business concern's outstanding borrowing which was due within 1 year from the close of the respective fiscal years. This entry shall cover fund borrowing of all types, such as bank loans, mortgages, amounts borrowed from SBICs, etc.

23 and 33. *Borrowing: Long-term*. Enter that portion of the financed small business concern's outstanding borrowing which was due after 1 year from the close of the respective fiscal years. This entry shall cover borrowing of all types, such as bank loans, mortgages, amounts borrowed from SBICs, etc.

34. *Stock registered (Yes or No)*. Indicate by "yes" or "no" whether or not any of the presently issued and outstanding stock of the financed small business concern has been registered with the Securities and Exchange Commission under the Securities Act of 1933. (For this purpose a filing under Regulation A of SEC shall be considered a registration.) If the small business concern is not a corporation, enter "N/A" (not applicable).

35. *SBC discontinuances (code)*. If the financed small business concern has discontinued business during the period covered by the report, enter the code number designating the reason for its discontinuance. If the concern has not discontinued business, enter "N/A" (not applicable). Enter only one code or "N/A" for each financed small business concern.

Discontinuance codes are:

Insolvency and/or bankruptcy (Code No. 1).

Merger with, or sale to, another business concern, the resulting firm being eligible for further SBIC financing (Code No. 2).

Merger with, or sale to, another business concern, the resulting firm not being eligible for further SBIC financing (Code No. 3).

Voluntary liquidation, for reasons such as retirement of concern's principal (Code No. 4).

Involuntary liquidation, for reasons other than insolvency such as fire, death of a principal, or condemnation of business location (Code No. 5).

Other causes (Code No. 6).

C. Verification.

The chief financial officer of the licensee shall sign in ink the verification section on the last page of each copy of the report submitted to SBA. The date on which the report is signed and the title of the signer shall be entered in the spaces provided.

[F.R. Doc. 70-3100; Filed, Mar. 13, 1970; 8:47 a.m.]

