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PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Order Amending the Order, as Amended, Regulating the Handling of Valencia Oranges Grown in Arizona and Designated Part of California

§ 908.0 Findings and determinations.

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Los Angeles, Calif., on May 13, 1970, upon proposed amendments to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of Valencia oranges grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of Valencia oranges; and

(5) All handling of Valencia oranges grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) The agreement amending the marketing agreement, as amended, regulating the handling of Valencia oranges grown in the designated production area, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the oranges covered by this order) who, during the period February 1, 1969, through January 31, 1970, handled not less than 80 percent of the oranges covered by said order, as amended, and as hereby further amended;

(2) The issuance of this order, amending the aforesaid order, is favored or approved by at least three-fourths of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (Feb. 1, 1969, through Jan. 31, 1970) were engaged within the area in the production for market of the oranges covered by the said order, as amended, and as hereby further amended; and

(3) The issuance of this order, amending the aforesaid order, is favored or approved by said producers who, during the aforesaid representative period, produced for market at least two-thirds of the volume of Valencia oranges produced for market within the designated production area.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of Valencia oranges grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

§ 908.31 [Amended]

1. Section 908.31 *Expenses and compensation* is amended by deleting "$15" in the first sentence and substituting in lieu thereof "$25".

2. Section 908.53 *Prorate bases* is amended by deleting paragraph (c) and substituting in lieu thereof a new paragraph (c) to read as follows:

§ 908.53 Prorate bases.

* * * * *

(c) Such application shall include a certification by the handler that he has control, for all purposes relating to this marketing order, of the oranges described in the application.

* * * * *

3. Section 908.57 *Allotment loans* is amended by deleting the first sentence, including the proviso, in paragraph (a) and the second sentence in paragraph (b), and substituting in lieu thereof new sentences to read as follows:

§ 908.57 Allotment loans.

(a) A person to whom allotments have been issued under general maturity or the short life provision of this subpart may, in accordance with the provisions of this section, lend such allotments to other persons, within any prorate district, to whom allotments also have been issued. * * *

(b) * * * A person desiring to loan allotment to persons outside his own district shall request the committee to arrange the loan on his behalf with the committee first offering the loan to persons within the district who file requests for such loans and, failing to do so, may then arrange to offer the loan outside of the district in an equitable manner: *Provided,* That offers to loan short life allotment to persons within any district to whom allotments have been issued under general maturity shall be arranged through the committee. * * *

* * * * *

4. Section 908.60 *Early maturity allotments* is amended by revising the fourth sentence to read as follows:

§ 908.60 Early maturity allotments.

* * * Total early maturity allotments approved by the committee for each prorate district shall be allocated in an equitable manner among the requesting handlers who qualify therefor. * * *

§ 908.61 [Amended]

5. Section 908.61 *Short life allotments* is amended by deleting the sentence reading, "Short life allotments may be used only in the handling of short life oranges".

7. The text in § 908.40 *Expenses* is revised to read as follows:

§ 908.40 Expenses.

The Valencia Orange Administrative Committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred to carry out the functions of the committee under this subpart during each fiscal year.

8. The first sentence of paragraph (a) in § 908.41 *Assessments* is revised to read as follows:

§ 908.41 Assessments.

(a) Each person who first handles oranges shall, with respect to the oranges handled by him, pay to the committee upon demand, such person's pro

rata share of the expenses which the Secretary finds are reasonable and likely to be incurred each fiscal year. * * *

* * * * *

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

Dated, October 22, 1970, to become effective December 31, 1970.

J. PHIL CAMPBELL,
Under Secretary.

[F.R. Doc. 70-14409; Filed, Oct. 26, 1970; 8:49 a.m.]

PART 911—LIMES GROWN IN FLORIDA

Order Amending the Order, as Amended, Regulating the Handling of Limes Grown in Florida

§ 911.0 Findings and determinations.

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Homestead, Fla., on March 18, 1970, upon proposed amendments to the amended marketing agreement and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby amended, regulates the handling of limes grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The said order, as amended and as hereby amended, is limited in application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of limes grown in the production area covered by the said order, as amended and as hereby amended, that make necessary different terms and provisions applicable to different parts of such area;

(5) All handling of limes grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) The agreement amending the marketing agreement, as amended, regulating the handling of limes grown in Florida, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the limes covered by this order) who, during the period beginning April 1, 1969, through March 31, 1970, handled more than 50 percent of the volume of limes covered by the said order, as hereby amended;

(2) The issuance of this order, amending the aforesaid order, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (April 1, 1969, through March 31, 1970), were engaged in the production of limes for market; such producers having also produced for market at least two-thirds of the volume of limes represented in such referendum.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of limes grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended and as hereby amended, as follows:

1. Section 911.27 is amended by adding a final sentence to read as follows:

§ 911.27 Alternate members.

* * * In the event both a member and his alternate are unable to attend a committee meeting, the chairman may designate any alternate who is present and who is not serving for any member to serve in such absent member's place and stead: *Provided,* That only grower alternate members may be so designated to serve for grower members and only handler alternate members may be so designated to serve for handler members.

2. The first sentence of § 911.40 is amended to read as follows:

§ 911.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred to enable the committee to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal year. * * *

3. Section 911.41 is amended as follows:

The first sentence is revised, a final sentence to paragraph (a) is added, and paragraph (b) is revised to read as follows:

§ 911.41 Assessments.

(a) Each person who first handles limes shall, with respect to limes so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee during each fiscal year. * * * If a handler does not pay his assessment within the time prescribed by the committee, the unpaid assessment may be subject to an interest charge at rates prescribed by the committee with the approval of the Secretary.

(b) The Secretary shall fix the rate of assessment not in excess of 20 cents per 55 pounds of fruit to be paid by each such person: *Provided,* That in no case, shall the rate of assessment exceed the maximums as prescribed herein (i) for administrative purposes, a limitation of 10 cents per 55 pounds of fruit, and (ii) for marketing research and development purposes, a limitation of 10 cents per 55 pounds of fruit. At any time during or after a fiscal year, the Secretary may, subject to the limitations in this paragraph, increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expense which may be incurred. Such increase shall be applied to all fruit handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessment in advance.

4. Section 911.42 is amended by revising paragraph (a)(2) thereof to read as follows:

§ 911.42 Accounting.

(a) * * *

(2) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that the funds remaining at the end of a fiscal year which are in excess of the expenses necessary for committee operations during such year may be carried over into following years as a reserve. Such reserve may be established at an amount not to exceed approximately 3 fiscal years' operational expenses: *Provided,* That, if at the end of a fiscal year the reserve is equal to or more than 2 fiscal years' operational expenses such reserve shall be used to defray expenses of the committee during the following fiscal year. Funds in the reserve may also be used to cover the necessary expenses of liquidation, in the event of termination of this part, and to cover the expenses incurred for the maintenance and functioning of the committee during any fiscal year when there is a crop failure, or during any period of suspension of any or all the provisions of this part. Such reserve may also be used by the committee to finance its operations, during any fiscal year, prior to the time that assessment income is sufficient to cover such expenses; but any of the reserve funds so used shall be returned to the reserve as soon as assessment income is available for this purpose. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent

practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

* * * * *

5. Section 911.45 is amended to read as follows:

§ 911.45 Marketing research and development.

(a) The committee may, with the approval of the Secretary, establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of limes. Such projects may include any form of marketing promotion, including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to the applicable provisions of this part.

(b) In recommending projects pursuant to this section, the committee shall give consideration to the following factors:

(1) The expected supply of fruit covered by this part in relation to market requirements;

(2) The supply situation among competing areas and commodities; and

(3) The need for marketing research with respect to any marketing development activity.

(c) If the committee should conclude that marketing research and development projects should be undertaken or continued pursuant to this section in any fiscal year, it shall submit the following, as applicable, for the approval of the Secretary:

(1) Its recommendation as to funds to be obtained pursuant to the applicable provisions of this part and the rate of assessment required to obtain such funds;

(2) Its recommendation as to any marketing research projects; and

(3) Its recommendation as to promotion activity and paid advertising.

(d) The committee shall prepare, and submit to the Secretary, annual reports summarizing the operations and accomplishments of such marketing research and development projects. A copy of each such report shall be made available to growers and handlers upon request therefor.

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

Dated October 22, 1970, to become effective 30 days after publication in the FEDERAL REGISTER.

J. PHIL CAMPBELL,
Under Secretary.

[F.R. Doc. 70-14407; Filed, Oct. 26, 1970; 8:49 a.m.]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Order Amending the Order, as Amended, Regulating the Handling of Avocados Grown in South Florida

§ 915.0 Findings and determinations.

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Homestead, Fla., on March 18, 1970, upon proposed amendments to the amended marketing agreement and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby amended, regulates the handling of avocados grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The said order, as amended and as hereby amended, is limited in application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act;

(4) The said order, as amended and as hereby amended, prescribes, so far as practicable, such different terms applicable to different parts of the production area covered thereby as are necessary to give due recognition to the differences in production and marketing of avocados covered thereby; and

(5) All handling of avocados grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) The agreement amending the marketing agreement, as amended, regulating the handling of avocados grown in South Florida, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the avocados covered by this order) who, during the period beginning April 1, 1969, through March 31, 1970, handled more than 50 percent of the volume of avocados covered by the said order, as hereby amended;

(2) The issuance of this order, amending the aforesaid order, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (April 1, 1969, through March 31, 1970), were engaged in the production of avocados for market; such producers having also produced for market at least two-thirds of the volume of avocados represented in such referendum.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of avocados grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended and as hereby amended, as follows:

1. Section 915.27 is amended by adding a final sentence to read as follows:

§ 915.27 Alternate members.

* * * In the event both a member and his alternate are unable to attend a committee meeting, the chairman may designate any alternate who is present and who is not serving for any member to serve in such absent member's place and stead: *Provided,* That only grower alternate members may be so designated to serve for grower members and only handler alternate members may be so designated to serve only for handler members.

2. The first sentence of § 915.40 is amended to read as follows:

§ 915.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred to enable the committee to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal year. * * *

3. Section 915.41 is amended as follows:

The first sentence is revised, a final sentence to paragraph (a) is added, and paragraph (b) is revised to read as follows:

§ 915.41 Assessments.

(a) Each person who first handles avocados shall, with respect to the avocados so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee during each fiscal year. * * * If a handler does not pay his assessment within the time prescribed by the committee, the unpaid assessment may be subject to an interest charge at rates prescribed by the committee with the approval of the Secretary.

(b) The Secretary shall fix the rate of assessment not in excess of 20 cents per 55 pounds of fruit to be paid by each such person: *Provided,* That in no case, shall the rate of assessment exceed the maximums as prescribed herein (i) for administrative purposes, a limitation of 10 cents per 55 pounds of fruit, and (ii) for marketing research and development purposes, a limitation of 10 cents per 55 pounds of fruit. At any time during or after a fiscal year, the Secretary may, subject to the limitation in this paragraph, increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary

relative to the expense which may be incurred. Such increase shall be applied to all fruit handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessment in advance.

4. Section 915.42 is amended by revising paragraph (a)(2) thereof to read as follows:

§ 915.42 Accounting.

(a) * * *

(2) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that the funds remaining at the end of a fiscal year which are in excess of the expenses necessary for committee operations during such year may be carried over into following years as a reserve. Such reserve may be established at an amount not to exceed approximately 3 fiscal years' expenses: *Provided*, That, if at the end of a fiscal year the reserve is equal to or more than 2 fiscal years' operational expenses such reserve shall be used to defray expenses of the committee during the following fiscal year. Funds in the reserve may also be used to cover the necessary expenses of liquidation, in the event of termination of this part, and to cover the expenses incurred for the maintenance and functioning of the committee during any fiscal year when there is a crop failure, or during any period of suspension of any or all the provisions of this part. Such reserve may also be used by the committee to finance its operations, during any fiscal year, prior to the time that assessment income is sufficient to cover such expenses; but any of the reserve funds so used shall be returned to the reserve as soon as assessment income is available for this purpose. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

* * * * *

5. Section 915.45 is amended to read as follows:

§ 915.45 Marketing research and development.

(a) The committee may, with the approval of the Secretary, establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of avocados. Such projects may include any form of marketing promotion, including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to the applicable provisions of this part.

(b) In recommending projects pursuant to this section, the committee shall give consideration to the following factors:

(1) The expected supply of fruit covered by this part in relation to market requirements;

(2) The supply situation among competing areas and commodities; and

(3) The need for marketing research with respect to any marketing development activity.

(c) If the committee should conclude that marketing research and development projects should be undertaken or continued pursuant to this section in any fiscal year, it shall submit the following, as applicable, for the approval of the Secretary:

(1) Its recommendation as to funds to be obtained pursuant to the applicable provisions of this part and the rate of assessments required to obtain such funds;

(2) Its recommendation as to any marketing research projects; and

(3) Its recommendation as to promotion activity and paid advertising.

(d) The committee shall prepare, and submit to the Secretary, annual reports summarizing the operations and accomplishments of such marketing research and development projects. A copy of each such report shall be made available to growers and handlers upon request therefor.

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

Dated, October 22, 1970, to become effective 30 days after publication in the FEDERAL REGISTER.

J. PHIL CAMPBELL,
Under Secretary.

[F.R. Doc. 70-14408; Filed, Oct. 26, 1970; 8:49 a.m.]

[966.308]

PART 966—TOMATOES GROWN IN FLORIDA

Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulation, to be effective under 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, was published in the October 10, 1969, FEDERAL REGISTER (35 F.R. 15999). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Interested persons were allowed 10 days for filing data, views, and arguments pertaining thereto. None were filed.

Statement of consideration. The notice was based on recommendations and information submitted by the Florida Tomato Committee, established pursuant to the said marketing agreement and order, and other available information. The committee's recommendations reflect its appraisal of the composition of the 1970–71 crop of Florida tomatoes and of the marketing prospects for this season. The proposed standardization of weights, containers and size classifications is needed in the interest of orderly marketing so as to improve net returns to producers. The proposals with respect to special pack and special purpose shipments are designed to meet the different requirements for such shipments.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice and other available information, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1970 fall crop tomatoes grown in the production area will begin on or about the effective date specified herein; (2) to maximize benefits to producers, this regulation should apply to all such shipments; (3) compliance with this regulation will not require any special preparation by handlers which cannot be completed by the effective date; (4) reasonable time is permitted under the circumstances for such preparation; and (5) notice of the proposed regulation, including a November 1, 1970, effective date, has been given to producers and handlers in the production area and by publication in the FEDERAL REGISTER of October 10, 1970.

§ 966.308 Limitation of shipments.

During the period from November 1, 1970, through June 30, 1971, the following regulations shall be effective with respect to all varieties of tomatoes handled, except elongated types, commonly referred to as pear shaped or paste tomatoes and including, but not limited to, San Marzano, Red Top, and Roma varieties; cerasi-form type tomatoes, commonly referred to as cherry tomatoes; hydroponic tomatoes; and greenhouse tomatoes.

(a) *Size classifications.* (1) No person shall handle any lot of tomatoes unless they are sized in one or more of the following ranges of diameters (expressed in terms of minimum and maximum). Measurement of minimum and maximum diameter shall be in accordance with the methods prescribed in the U.S. Standards for Grades of Fresh Tomatoes (§§ 51.1855 to 51.1877 of this title).

Size Classification:	*Diameter (inches)*
7 x 8	$1\frac{29}{32}$ to $2\frac{1}{32}$, inclusive.
7 x 7	Over $2\frac{1}{32}$ to $2\frac{9}{32}$, inclusive.
6 x 7	Over $2\frac{9}{32}$ to $2\frac{17}{32}$, inclusive.
6 x 6	Over $2\frac{17}{32}$ to $2\frac{25}{32}$, inclusive.
5 x 6 and larger	Over $2\frac{25}{32}$.

(2) Tomatoes of designated sizes may not be commingled unless they are over $2\frac{17}{32}$ inches in diameter and each container shall be marked to indicate the designated size.

(3) To allow for variations incident to proper sizing, not more than a total of ten (10) percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter or larger than the maximum diameter.

(b) *Containers.* (1) No person shall handle any lot of tomatoes unless they are packed within one of the following net weight ranges:

Container net weight	Minimum net weight	Maximum net weight
	Pounds	
20	20	21⅛
30	30	31⅛
40	40	41⅛
60	60	61⅛

(2) To allow for variations incident to proper packing, not more than a total of 10 percent, by count, of the containers in any lot may vary from the net weight specified.

(c) *Inspection.* No person shall handle any lot of tomatoes unless such tomatoes are inspected and certified pursuant to the provisions of § 966.60. Each handler who applies for inspection shall be registered with the committee pursuant to § 966.7. Annual certificates of registration will be issued to known handlers and to new handlers upon application to the committee and each will be assigned a registration number. Registered handlers are the first handlers of tomatoes and shall pay assessments as provided in § 966.42.

(d) *Truck shipments.* For purposes of these regulations, the rule, § 966.140, relating to truck shipments of tomatoes grown in the Florida production area, shall continue in effect.

(e) *Minimum quantity.* For purposes of these regulations, each person subject thereto may handle, pursuant to § 966.53, up to, but not to exceed, 60 pounds of tomatoes per day without regard to the requirements of this part, but this exception shall not apply to any shipment or any portion thereof of over 60 pounds of tomatoes.

(f) *Special pack requirements.* The tomato size classifications of paragraph (a) of this section and the container weight requirements of paragraph (b) of this section shall not be applicable to tomatoes packed in cupped trays, or when in containers customarily packed for the retail trade, if such tomatoes are handled in accordance with the reporting requirements of paragraph (g) of this section.

(g) *Reporting requirements.* Each handler making shipments of tomatoes pursuant to this section shall report to the committee on forms furnished by the committee such information on the shipments as may be required by the committee pursuant to § 966.80. Such reports shall be made within 10 days after shipment.

(h) *Special purpose shipments.* (1) The requirements of paragraphs (a), (b), and (c) of this section shall not be applicable to shipments of tomatoes for canning, relief or charity if the handler thereof complies with the safeguard requirements of paragraph (i) of this section. Shipments for canning are exempt from the assessment requirements of this part.

(2) The requirements of paragraphs (a) and (b) of this section shall not be applicable to shipments of tomatoes which are 2$\frac{4}{32}$ inches in diameter or smaller for processing into pickles if the handler thereof complies with the safeguard requirements of paragraph (i) of this section.

(3) The requirements of paragraphs (a) and (b) of this section shall not be applicable to shipments of tomatoes for export if the handler thereof complies with the safeguard requirements of paragraph (i) of this section.

(i) *Safeguards.* Each handler making shipments of tomatoes for processing into pickles, for canning, for relief or charity or for export in accordance with paragraph (h) of this section shall:

(1) First apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Prepare, on forms furnished by the committee, a report in quadruplicate on each individual shipment to such outlets authorized in paragraph (h) of this section;

(3) Bill or consign each shipment directly to the designated applicable receiver; and

(4) Forward one copy of such report to the committee office, and two copies to the receiver for signing and returning one copy to the committee office. Failure of the handler or receiver to report such shipments by signing and returning the applicable report to the committee office within 10 days after shipment shall be cause for cancelation of such handler's certificate and/or the receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancelation of any such certificate the handler may appeal to the committee for reconsideration.

(j) *Definitions.* "Hydroponic Tomatoes" means tomatoes grown in solution without soil. "Greenhouse Tomatoes" means tomatoes grown indoors. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 125, as amended, and this part.

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

Dated October 22, 1970, to become effective November 1, 1970.

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

[F.R. Doc. 70-14431; Filed, Oct. 26, 1970; 8:51 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 70-285]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, in paragraph (e)(13) relating to the State of Texas, a new subdivision (xx) relating to Comanche County is added to read:

(e) * * *

(13) *Texas.* * * *

(xx) That portion of Comanche County bounded by a line beginning at the junction of the Comanche-Eastland County line and Farm-to-Market Road 587; thence, following Farm-to-Market Road 587 in an easterly direction to Farm-to-Market Road 2247; thence, following Farm-to-Market Road 2247 in a southerly direction to Farm-to-Market Road 588; thence, following Farm-to-Market Road 588 in a westerly and then southwesterly direction to State Highway 36; thence, following State Highway 36 in a southeasterly direction to Farm-to-Market Road 589; thence, following Farm-to-Market Road 589 in a westerly and then southerly direction to Farm-to-Market Road 1689; thence, following Farm-to-Market Road 1689 in a generally northwesterly direction to the Comanche-Brown County line; thence, following the Comanche-Brown County line in a northwesterly direction to the Comanche-Eastland County line; thence, following the Comanche-Eastland County line in a northeasterly direction to its junction with Farm-to-Market Road 587.

* * * * *

2. In § 76.2, in paragraph (e)(9) relating to the State of North Carolina, new subdivisions (viii) and (ix) relating to Greene County and Halifax County, respectively, are added to read as follows:

(e) * * *

(9) *North Carolina.* * * *

(viii) That portion of Greene County bounded by a line beginning at the junction of Contentnea Creek and U.S. Highway 258 (also U.S. Highway 13); thence, following U.S. Highway 258 in a northeasterly direction to State Highway 123; thence, following State Highway 123 in a southeasterly direction to Secondary Road 1335; thence, following Secondary Road 1335 in an easterly and then southerly direction to Secondary Road 1336; thence, following Secondary Road 1336 in a southeasterly direction to State Highway 102; thence, following State Highway 102 in a southeasterly direction to Secondary Road 1406; thence, following Secondary Road 1406 in a southwesterly direction to Secondary Road 1405; thence, following Secondary Road 1405 in a northeasterly direction to Secondary Road 1410; thence, following Secondary Road 1410 in a southwesterly direction to Contentnea Creek; thence, following the north bank of Contentnea Creek in a generally northwesterly direction to its junction with

U.S. Highway 258 (also U.S. Highway 13).

(ix) That portion of Halifax County bounded by a line beginning at the junction of Fishing Creek and U.S. Highway 301; thence, following U.S. Highway 301 in a northeasterly direction to State Highway 481; thence, following State Highway 481 in a northeasterly direction to Secondary Road 1112; thence, following Secondary Road 1112 in a southeasterly direction to Secondary Road 1003; thence, following Secondary Road 1003 in a southwesterly direction to Secondary Road 1108; thence, following Secondary Road 1108 in a southeasterly direction to Secondary Road 1100; thence, following Secondary Road 1100 in a southeasterly direction to Secondary Road 1107; thence, following Secondary Road 1107 in a southwesterly direction to Fishing Creek; thence, following the north bank of Fishing Creek in a generally northwesterly direction to its junction with U.S. Highway 301.

* * * * *

3. In § 76.2, in paragraph (e)(10) relating to the State of Ohio, subdivision (v) relating to Mercer County is amended to read:

(e) * * *

(10) *Ohio.* * * *

(v) That portion of Mercer County bounded by a line beginning at the junction of State Highway 49 and St. Anthony Road; thence, following St. Anthony Road in an easterly direction to Road T-47; thence, following Road T-47 in a southerly direction to St. Joseph Road; thence, following St. Joseph Road in a westerly direction to State Highway 49; thence, following State Highway 49 in a northerly direction to its junction with St. Anthony Road.

* * * * *

(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 a portion of Comanche County, Tex.; portions of Greene and Halifax Counties in North Carolina; and a portion of Mercer County, Ohio, because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portions of such counties.

The amendments 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 21st day of October 1970.

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

[F.R. Doc. 70-14399; Filed, Oct. 26, 1970; 8:48 p.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 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

1-Chloro-2-Nitropropane

A petition (PP 0F0917) was filed with the Food and Drug Administration by the FMC Corp., Niagara Chemical Division, Middleport, N.Y. 14105, proposing the establishment of a tolerance for negligible residues of the fungicide 1-chloro-2-nitropropane in or on the raw agricultural commodity cottonseed at 0.05 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerance is being established.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that:

1. Residues of the fungicide are not reasonably expected to transfer to meat, milk, eggs, or poultry from the proposed use.

2. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 120 is amended by adding to Subpart C the following new section:

§ 120.286 1-Chloro-2-nitropropane; tolerance for residues.

A tolerance of 0.05 part per million is established for negligible residues of the fungicide 1-chloro-2-nitropropane and its metabolite 2-nitropropanol (calculated as 1-chloro-2-nitropropane) in or on the raw agricultural commodity cottonseed.

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

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

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

Dated: October 14, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-14373; Filed, Oct. 26, 1970; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

TYLOSIN PHOSPHATE

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (12-491V) filed by Elanco Products Co., Division of Eli Lilly & Co., Indianapolis, Ind. 46206, proposing revised labeling claims regarding the use of tylosin phosphate in the feed of swine. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), in accordance with § 3.517, and under authority delegated to the Commissioner (21 CFR 2.120), § 121.217 is amended in Table 3 of paragraph (d) by revising item 1, as follows:

§ 121.217 Tylosin.

* * * * *

(d) * * *

TABLE 3—TYLOSIN IN ANIMAL FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Tylosin	10-100			For swine; as tylosin phosphate; continuous use as follows: *Grams per ton* 10-20 Finisher; 20-40 Grower; 20-100 Prestarter or starter.	For increased rate of weight gain and improved feed efficiency.
* * *	* * *	* * *	* * *	* * *	* * *

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

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

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

Dated: October 14, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-14375; Filed, Oct. 26, 1970; 8:45 a.m.]

PART 121—FOOD ADDITIVES

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

RESINOUS AND POLYMERIC COATINGS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 0B2541) filed by Hercules, Inc., 910 Market Street, Wilmington, Del. 19899, and other relevant material, concludes that § 121.2514 of the food additive regulations should be amended as set forth below to provide for the safe use of maleic anhydride adduct of polypropylene as a component of resinous and polymeric coatings for food-contact use.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2514(b)(3)(xix) is revised to read as follows:

§ 121.2514 Resinous and polymeric coatings.

* * * * *

(b) * * *

(3) * * *

(xix) Polypropylene as the basic polymer:

Polypropylene.	
Maleic anhydride adduct of polypropylene. The polypropylene used in the manufacture of the adduct complies with § 121.2501(c), item 1.1; and the adduct has a maximum combined maleic anhydride content of 0.8 percent and a minimum intrinsic viscosity of 0.9, determined at 135° C. on a 0.1 percent solution of the modified polypropylene in decahydronaphthalene as determined by a method available on request from the Commissioner of Food and Drugs.	Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

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

Dated: October 14, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-14374; Filed, Oct. 26, 1970; 8:46 a.m.]

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Contents of Notice of Hearing

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052–53, as amended, 1055; 21 U.S.C. 355, 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 130.14 *Contents of notice of hearing* is amended in paragraph (b) by deleting the final period and adding "in the case of denial of approval, and as soon as practicable in the case of withdrawal of approval."

Notice and opportunity for hearing and delayed effective date are not prerequisites to promulgation of this order which amends a procedural regulation to provide more time for processing requests for hearings in the case of proposals to withdraw approval of new-drug applications.

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

(Secs. 505, 701(a), 52 Stat. 1052–53, as amended, 1055; 21 U.S.C. 355, 371(a))

Dated: October 14, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-14376; Filed, Oct. 26, 1970; 8:45 a.m.]

Title 42—PUBLIC HEALTH

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

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 73—BIOLOGICAL PRODUCTS

Subpart E—Additional Standards for Bacterial Products

ANTHRAX VACCINE, ADSORBED

On December 14, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 18586–18587) proposing to amend Part 73 of the Public Health Service Regulations by prescribing specific standards of safety, purity and potency for Anthrax Vaccine, Adsorbed.

Views and arguments respecting the proposed standards were invited to be submitted within 30 days after publication of the notice in the FEDERAL REGISTER, and notice was given of intention to make any amendments that were adopted effective 60 days after the date of their publication in the FEDERAL REGISTER.

No comments having been received, the following amendment to Part 73 of the Public Health Service Regulations is hereby adopted to become effective 60 days after the date of publication in the FEDERAL REGISTER. Section designations have been changed to conform to the recodification of Part 73 published in the FEDERAL REGISTER on September 2, 1970 (35 F.R. 13922–13961).

1. Part 73 is hereby amended by adding to the table of contents immediately after "73.4025 Equivalent Methods", the following:

ANTHRAX VACCINE, ADSORBED

2. Subpart E of Part 73 is hereby amended by adding immediately after § 73.4025, the following:

ANTHRAX VACCINE, ADSORBED

§ 73.4040 Proper name and definition.

The proper name of this product shall be Anthrax Vaccine, Adsorbed, which shall consist of an aqueous preparation of a fraction of *Bacillus anthracis* which contains the protective antigen adsorbed on aluminum hydroxide.

§ 73.4041 U.S. Reference preparation.

The U.S. Reference Anthrax Vaccine distributed by the Division of Biologics Standards shall be used for determining the potency of anthrax vaccine.

§ 73.4042 Production.

(a) *Strain of bacteria.* A nonencapsulated, nonproteolytic, avirulent strain of *Bacillus anthracis* shall be used in the manufacture of anthrax vaccine.

(b) *Medium.* A chemically defined medium shall be used for the propagation of *Bacillus anthracis* which has protective-antigen promoting properties that are no less effective than the protective-antigen promoting properties of the Puziss and Wright 1095 medium as set forth in U.S. Patent No. 3,208,909, issued September 28, 1965, which patent is hereby incorporated by reference and deemed published herein. U.S. Patent No. 3,208,909 has been assigned to the Federal Government and copies will be provided to persons affected by the provisions of this part upon request to the Director, Division of Biologics Standards, or to the appropriate Information Center Officer listed in 45 CFR, Part 5. Copies also may be obtained upon request from the U.S. Patent Office, Washington, D.C. The medium shall not contain ingredients known to be capable of producing allergenic effects in human subjects.

(c) *Propagation of bacteria.* The medium shall be inoculated with a 24-hour old vegetative culture seeded from a stock suspension of spores. The propagation culture, flushed with nitrogen, shall be incubated at 37° C.±1.0° C., agitated for approximately 27 hours, cooled to about 20° C., the pH adjusted to 8.0±0.1 and then filtered through a sterilizing filter(s) using nitrogen gas under pressure.

(d) *Adsorption of the protective antigen.* The sterile filtrate shall be adsorbed on sterile aluminum hydroxide gel and the recovered precipitate shall be resuspended and diluted in sterile 0.85 percent sodium chloride solution.

§ 73.4043 Potency test.

The potency of each lot of vaccine shall be estimated from the results of simultaneous tests of the vaccine under test and the U.S. Reference Anthrax Vaccine. The test shall be performed as follows:

(a) *Guinea pigs.* Healthy guinea pigs shall be used, all from a single strain and of the same sex, or an equal number of each sex in each group, with individual weights between 325 and 350 grams. The diet of the guinea pigs shall be supplemented with vitamin C throughout the test period. At least three groups of no less than eight guinea pigs shall be used for each vaccine and at least one group of four guinea pigs shall be used for the challenge control.

(b) *Vaccination.* Serial dilutions, not greater than three-fold, of each vaccine shall be made in 0.85 percent sodium chloride solution. The mid-dilution of the vaccine under test shall contain that amount of vaccine which will afford protection to approximately 50 percent of the guinea pigs in the group vaccinated with that dilution. Each guinea pig in the test and reference vaccine groups shall be injected subcutaneously with 0.5 ml. of the appropriate dilution on the left side of the abdomen and about 2 cm. from the midline. The interval between vaccination and challenge shall be 14 days.

(c) *The challenge.* Each vaccinated and control guinea pig shall be injected intracutaneously on the right side of the abdomen with 0.1 ml. of a spore suspension of the virulent Vollum strain of *Bacillus anthracis* diluted in sterile distilled water to contain 10,000 spores per milliliter.

(d) *Recording the results.* The guinea pigs shall be observed daily for 10 days and the deaths recorded. The number of survivors shall be recorded at the end of the observation period.

(e) *Validity of the test.* The test shall be valid provided (1) the protective response to each vaccine is graded in relation to the amount of vaccine in the respective dilutions and (2) all control animals die within 10 days.

(f) *Potency requirement.* The potency of the product is satisfactory if the vaccine is no less potent than the reference. The potency of the product is considered to be equal to the reference when (1) the average time of death of the product-vaccinated guinea pigs is no less than the average time of death of the reference-vaccinated guinea pigs and the number of survivors of the product-vaccinated guinea pigs is no less than the number of survivors of the reference-vaccinated guinea pigs, or (2) the use of another statistical procedure, shown to be adequate for evaluating the potency of anthrax vaccine, demonstrates that the product is no less potent than the reference.

§ 73.4044 General requirements.

(a) *Dose.* These standards are based on a single human dose of 0.5 ml. and a total primary immunizing doses of three single doses, each given at appropriate intervals.

(b) *Product characteristics.* Recommendation shall be made through appropriate labeling that the product after issue should not be frozen.

(c) *Samples; protocols; official release.* For each lot of vaccine, the following material shall be submitted to the Director, Division of Biologics Standards, National Institutes of Health, Bethesda, Md. 20014:

(1) A protocol which consists of a summary of the manufacture of each lot including all results of all tests for which test results are requested by the Director, Division of Biologics Standards.

(2) A sample of no less than 40 ml. of the final product distributed in approximately equal amounts into four final containers.

The product shall not be issued by the manufacturer until notification of official release of the lot is received from the Director, Division of Biologics Standards.

(d) *Equivalent methods.* Modification of any particular manufacturing method or process or the conditions under which it is conducted as set forth in the additional standards relatng to anthrax vaccine, shall be permitted whenever the manufacturer presents evidence that demonstrates the modification will provide assurances of the safety, purity and potency of the vaccine that are equal to or greater than the assurances provided by such standards, and the Director, National Institutes of Health, so finds and makes such findings a matter of official record.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216; sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262)

Dated: September 30, 1970.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

Approved: October 20, 1970.

ELLIOT L. RICHARDSON,
Secretary.

NOTE: Incorporation by reference provision in § 73.4042(b) approved by Director of the Federal Register on October 26, 1970.

[F.R. Doc. 70-14392; Filed, Oct. 26, 1970; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 5A of Title 41 is amended as follows:

PART 5A–1—GENERAL

Part 5A–1 is amended to delete Subpart 5A–1.54.

PART 5A–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5A–2.2—Solicitation of Bids

Section 5A–2.202–1(a) is amended to change the standard bidding time for standard commercial articles or services from 20 to 30 days, as follows:

§ 5A–2.202–1 Bidding time.

(a) A standard bidding time of 30 days for standard commercial articles or services and 40 days for other than standard commercial articles or services shall be used by contracting officers. Factors justifying deviation from the standard bidding times shall not automatically justify use of the minimum or maximum as the case may be. The ranges between the standard and the minimum and the standard and the maximum shall be utilized in selecting bidding times most appropriate for particular invitations where the standard cannot be adhered to. Examples of procurement where exceptions to the standard would be appropriate are as follows:

* * * * *

PART 5A–16—PROCUREMENT FORMS

The table of contents for Part 5A–16 is amended to delete the following entry:

5A–16.950–6511 GSA Form 6511, Application for presenting ADP Software Package.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1.101(c))

Effective dates. The amendments to Parts 5A–1 and 5A–16 are effective immediately; the amendment to Subpart 5A–2.2 is effective 30 days after the date shown below.

Dated: October 16, 1970.

H. A. ABERSFELLER,
Commissioner,
Federal Supply Service.

[F.R. Doc. 70–14419; Filed, Oct. 26, 1970; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4927]

[New Mexico 10948]

NEW MEXICO

Withdrawal for National Forest Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following-described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

NEW MEXICO PRINCIPAL MERIDIAN

CARSON NATIONAL FOREST

Echo Amphitheater Campground

T. 25 N., R. 4 E.,
Sec. 32, E½E½, E½NW¼NE¼, SW¼NE¼ and N½NW¼SE¼;
Sec. 33, W½W½.

El Rito Campground

T. 25 N., R. 6 E.,
Sec. 11, E½SE¼ and NE¼NW¼SE¼;
Sec. 12, W½W½SW¼ and SE¼SW¼SW¼;
Sec. 13, SW¼NE¼NW¼, NW¼NW¼, N½SW¼NW¼, SE¼SW¼NW¼, W½SE¼NW¼, SE¼SE¼NW¼, N½NE¼SW¼, SE¼NE¼SW¼, NE¼NW¼SW¼, NE¼SE¼SW¼, S½NE¼SE¼, W½NW¼SE¼, N½SW¼SE¼, SE¼SW¼SE¼, and SE¼SE¼;
Sec. 14, E½NE¼NE¼;
Sec. 24, N½NE¼NE¼.
T. 25 N., R. 7 E.,
Sec. 18, W½ lot 4, SE¼ lot 4 and SW¼SE¼SW¼;
Sec. 19, lot 1, E½ lot 2, W½NE¼NW¼, SE¼NE¼NW¼ and SE¼NW¼.

The areas described aggregate 1,027.12 acres in Rio Arriba County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 20, 1970.

[F.R. Doc. 70–14406; Filed, Oct. 26, 1970; 8:49 a.m.]

[Public Land Order 4928]

[Colorado 1308]

COLORADO

Withdrawal for National Forest Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

PIKE NATIONAL FOREST

SIXTH PRINCIPAL MERIDIAN

Molly Gulch Campground

Suspended T. 10 S., R. 71 W., when surveyed should be—
Sec. 9, E½E½SW¼NW¼, W½SE¼NW¼, E½E½NW¼SW¼, W½NE¼SW¼.

Buffalo Springs Campground

T. 12 S., R. 77 W.,
Sec. 3, S½SE¼SE¼, NW¼SE¼SE¼, SW¼NE¼SE¼, NE¼SW¼SE¼, NW¼SE¼, E½E½NE¼SW¼.

Hangin' Tree Campground

T. 9 S., R. 78 W.,
Sec. 11, lot 3, N½SE¼, SE¼SW¼NE¼;
Sec. 12, lots 6 and 10.

GUNNISON NATIONAL FOREST

NEW MEXICO PRINCIPAL MERIDIAN

Ute Campground

T. 49 N., R. 5 W.,
Sec. 10, N½NW¼SW¼, SW¼NW¼SW¼.

Rainbow Lake Campground

T. 50 N., R. 3 W.,
Sec. 3, the east 10 chains of the north 10 chains of lot 3.
T. 51 N., R. 3 W.,
Unsurveyed (Protracted) sec. 34, S½NE¼SW¼, SE¼NW¼SW¼, NE¼SW¼SW¼, SE¼SW¼, W½SW¼SE¼.

SIXTH PRINCIPAL MERIDIAN

Crested Butte Winter Sports Area—Addition

T. 13 S., R. 85 W.,
Sec. 19, lots 1, 2, 3, W½E½NW¼, SE¼SE¼NW¼, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 20, SW¼SW¼;
Sec. 29, NW¼NW¼, NW¼SW¼NW¼;
Sec. 30, NE¼.
T. 13 S., R. 86 W.,
Sec. 24, E½NE¼NE¼, SW¼NE¼NE¼, E½SW¼NE¼, SW¼SW¼NE¼, SE¼NE¼, NE¼SW¼, N½SE¼.

Beaver Pond Picnic Ground

T. 14 S., R. 87 W.,
Sec. 26, W½NE¼NW¼, NW¼NW¼, NE¼SW¼NW¼, NW¼SE¼NW¼;
Sec. 27, NE¼NE¼.

Castleview Campground

T. 15 S., R. 87 W.,
Unsurveyed sec. 8, SW¼NE¼NW¼, S½NW¼NW¼, N½SW¼NW¼, NW¼SE¼NW¼.

Lost Lake Recreation Area

T. 13 S., R. 88 W.,
Sec. 34, E½SW¼.
T. 14 S., R. 88 W.,
Sec. 2, S½SW¼SW¼;
Sec. 3, NE¼, E½NW¼, E½E½SW¼, NW¼NE¼SW¼, W½SE¼, N½NE¼SE¼, S½SE¼SE¼;
Sec. 10, E½NE¼NE¼;
Sec. 11, W½NW¼NW¼, NE¼NW¼NW¼.

Costo Lake Back Area Camp

T. 15 S., R. 88 W.,
Unsurveyed sec. 12, E½SW¼SE¼, SW¼SE¼SE¼.

The areas described aggregate 2,057 acres in Park, Douglas, and Gunnison Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 20, 1970.

[F.R. Doc. 70–14382; Filed, Oct. 26, 1970; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 102—STATE VOCATIONAL EDUCATION PROGRAMS

Miscellaneous Amendments

The following amendments to 45 CFR, part 102, which is applicable to programs of vocational education administered by State boards for vocational education under the Vocational Education Act of 1963, as amended by title I of the Vocational Education Amendments of 1968 (Public Law 90–576) and by title VII of the Elementary and Secondary Education Amendments of 1969 (Public Law 91–230), are made for the purposes of (1) implementing certain amendments contained in Public Law 91–230 and (2) conforming the regulations to existing Departmental policy.

1. In § 102.21, paragraph (b) is revised to read as follows:

§ 102.21 Establishment and certification.

* * * * *

(b) *Appointment by State board.* In order for the appointment power to be vested in the State board pursuant to paragraph (a) of this section, a majority of its members must be individuals elected directly by the eligible voters of the State or of the districts which the individuals represent or by the State legislature.

* * * * *

(Sec. 703, Public Law 91-230)

2. The opening sentence of § 102.22 is revised to read as follows:

§ 102.22 Membership.

The membership of the State advisory council shall exclude members of the State board, the State director of vocational education, and State board staff, and shall include:

* * * * *

(Sec. 104(b)(1)(A), Public Law 90-576, as amended)

3. In § 102.23, paragraph (e) is revised to read as follows:

§ 102.23 Functions and responsibilities.

* * * * *

(e) Prepare and submit to the Commissioner within 60 days after his acceptance of certification submitted pursuant to § 102.21(c) an annual budget covering the proposed expenditures of the State advisory council and its staff for the following fiscal year.

(Sec. 104(b)(1) (B), (C), and (D), Public Law 90-576)

4. In § 102.93, paragraph (e) is revised to read as follows:

§ 102.93 Requirements.

* * * * *

(e) The program will include consumer education as an integral part thereof, including promotion of nutritional knowledge and food use and the understanding of the economic aspects of food use and purchase.

(Sec. 705 of Title VII, Public Law 91-230)

5. Section 102.123 is revised by adding a new paragraph (c) as follows:

§ 102.123 Allotment availability.

* * * * *

(c) Notwithstanding paragraphs (a) and (b) of this section, any funds allotted to the States to carry out the programs under the Act for any fiscal year, ending prior to July 1, 1973, which are not used prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for use by State boards, local educational agencies, and State advisory councils during such succeeding fiscal year, provided during such succeeding fiscal year.

(Sec. 402(a)(8), Public Law 91-230)

6. Section 102.153 is revised to read as follows:

§ 102.153 Payment to State advisory council.

Upon his approval of the budget submitted by the State advisory council pursuant to § 102.23(e), the Commissioner will pay the amount requested by the State advisory council in its approved budget; *Provided*, That such amount does not exceed the maximum entitlement of the State advisory council determined pursuant to section 104(c) of the Act and applicable appropriation acts.

(Sec. 104(c), Public Law 90-576)

7. In § 102.156, paragraph (a) is revised to read as follows:

§ 102.156 Transfer of allotments.

(a) Any portion of the amount allotted to any State for any fiscal year from funds appropriated under section 102(a) of the Act for the purposes of part B or part C of the Act which the Commissioner determines will not be required for such purposes in the period during which such allotment is available may, upon the approval of the Commissioner pursuant to paragraph (c) of this section, be transferred to or combined with one or more of the other allotments to the State for the same fiscal year under the Act. The amount so transferred is subject to the same conditions and requirements as the allotment to which it is transferred, and is no longer subject to the conditions and requirements as the allotment from which it was transferred. Thus, any reference in this part to "funds allotted under the Act" refers also to transferred funds included as a part of an allotment under the Act.

* * * * *

(Sec. 402(a)(8), Public Law 90-247, as amended)

8. Section 102.158 is revised to read as follows:

§ 102.158 Disposition of unexpended Federal funds.

Whenever any portion of any allotment to any State under the Act has not been used in the State for the purpose provided for in the Act, regulations, and State plan with respect to that allotment, and has not been transferred to another allotment pursuant to § 102.156 or reallotted to other States pursuant to § 102.157 in the period during which such allotment is available, a sum equal to such portion will be deducted from the next payment of funds allotted to such State.

(Sec. 402(a)(8), Public Law 90-247, as amended)

9. These amendments shall take effect 30 days after they are published in the FEDERAL REGISTER. (Sec. 421(c), Public Law 90-247, as amended.)

(82 Stat. 1064-1091, 20 U.S.C. 1241 to 1391, as amended)

Dated: August 24, 1970.

T. H. BELL,
Acting U.S. Commissioner of Education.

Approved: October 20, 1970.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 70-14391; Filed, Oct. 26, 1970; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-54; Amdt. No. 173-37]

PART 173—SHIPPERS

Extended Use of Class 111AW3 Tank Cars

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to authorize the use of class 111AW3 tank cars when class 111AW1 tank cars are prescribed.

On July 17, 1970, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-54; Notice No. 70-14 (35 F.R. 11521) which proposed the amendment to authorize the use of class 111AW3 tank cars when tank cars, class 111AW1, are prescribed.

Interested persons were afforded an opportunity to participate in this rule making. No comments were received.

Accordingly, 49 CFR Part 173 is amended as follows:

In § 173.31 paragraph (a)(3) is amended to read as follows:

§ 173.31 Qualification, maintenance, and use of tank cars.

(a) * * *

(3) Unless otherwise specifically provided in Part 173, when class DOT-105AW, 105A-ALW, 106A, 109A-ALW, 110AW, 111A, 112AW, or 114AW tank car tanks are prescribed, the same class tanks having higher marked test pressures than those prescribed may also be used. When class DOT-111AW1 tank car tanks are prescribed, class 111AW3 tank car tanks may also be used.

* * * * *

This amendment is effective December 31, 1970. However, compliance with the regulations as amended herein is authorized immediately.

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

Issued in Washington, D.C., on October 21, 1970.

C. R. BENDER,
Admiral, U.S. Coast Guard, Commandant.

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

[F.R. Doc. 70-14386; Filed, Oct. 26, 1970; 8:47 a.m.]

[Docket No. HM-52; Amendment No. 173-36]

PART 173—SHIPPERS

Nitric Acid in Type 105A-ALW Tank Cars

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to

authorize the shipment of nitric acid in specification 105A100ALW tank cars.

On June 10, 1970, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-52; Notice No. 70-12 (35 F.R. 8946) which proposed the above amendment.

Interested persons were invited to give their views on this proposal. No comments were received. Accordingly, 49 CFR Part 173 is amended as follows:

In § 173.268 paragraph (d) (2) is added to read as follows:

§ 173.268 Nitric acid.

* * * * *

(d) * * *

(2) Specification 105A100ALW (§§ 179.200, 179.201). Tank cars. Tanks must be fabricated of aluminum alloy which is compatible with the lading, and must be equipped with safety relief valves made of material which is not adversely affected by the lading.

* * * * *

This amendment is effective December 31, 1970. However, compliance with the regulations as amended herein is authorized immediately.

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

Issued in Washington, D.C., on October 21, 1970.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

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

[F.R. Doc. 70-14385; Filed, Oct. 26, 1970; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Kenai National Moose Range, Alaska; Correction

In F.R. Volume 35, No. 190, dated Wednesday, September 30, 1970, on page 15223, the first paragraph of F.R. Doc. 70-13001 (§ 28.28) should read as follows:

The use of lightweight, motorized vehicles commonly identified by the general term "snow-traveler" is permitted on areas of the Kenai National Moose Range that are closed to travel by conventional vehicles, subject to the following special conditions:

Special condition 3 should read as follows:

3. The use of "Snow-travelers" as an aid in big game hunting or for transporting big game is prohibited; except that snow-travelers may be used on an experimental basis as an aid in big-game hunting or for transporting big game during a special anterless moose season, date to be announced by the Alaska Department of Fish and Game Commissioner, in Subunits 15A and 15B with the following exclusions:

Subunit 15-A West: That area comprising the canoe system and the Swanson River Oilfield participating area, bounded on the south by the Kenai National Moose Range boundary; on the west by the Swanson River Road and a line immediately outside the Swanson River Oilfield; bounded on the north by the continuing line outside the Oilfield, the south bank of the Swanson River to Wild Lake, thence a line to the north shore of Pepper Lake; bounded on the east by a line to Muskrat Lake and thence along the north bank of the Moose River to the point of origin.

Subunit 15-A South: Two portions of Subunit 15-A South will remain closed: That portion of Subunit 15-A South within the participating area of the Swanson River Oilfield to a distance of one-half mile south of the Swanson River Oilfield access road; and that portion of the Kenai National Moose Range located in Subunit 15-A South, located south of the Sterling Highway.

Subunit 15-B East: That portion of the Kenai National Moose Range west of Funny River, and a line from the headwaters of the west fork of the Funny River to the mouth of Shanpapalik Creek on Tustemena Lake.

LOREN W. CROXTON,
Acting Area Director, Bureau of Sport Fisheries and Wildlife, Anchorage, Alaska.

OCTOBER 19, 1970.

[F.R. Doc. 70-14384; Filed, Oct. 26, 1970; 8:47 a.m.]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ILLINOIS

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of rabbits and quail on the Mark Twain National Wildlife Refuge, Ill., is permitted only on the area of the Calhoun Division designated by signs as open to hunting. This open area, comprising 4,500 acres lying west of the Illinois River is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of rabbits and quails and subject to the following conditions:

(1) The open season for hunting rabbits on the refuge is from December 11, 1970, through January 31, 1971, inclusive.

(2) The open season for hunting quail on the refuge is from December 11, 1970, through December 31, 1970, inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1971.

JAMES F. GILLETT,
Refuge Manager, Mark Twain National Wildlife Refuge.

OCTOBER 20, 1970.

[F.R. Doc. 70-14417; Filed, Oct. 26, 1970; 8:50 a.m.]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ILLINOIS

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of raccoons on the Mark Twain National Wildlife Refuge, Ill., is permitted only on the area designated by signs as open to hunting. This open area, comprising 7,299 acres, is delineated on maps available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of raccoons subject to the following conditions:

(1) The open season for hunting raccoons on the Batchtown and Calhoun Divisions is from December 11, 1970, through January 31, 1971 (12 m.), inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1971.

JAMES F. GILLETT,
Refuge Manager, Mark Twain National Wildlife Refuge.

OCTOBER 20, 1970.

[F.R. Doc. 70-14418; Filed, Oct. 26, 1970; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70-CE-70]

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

Alteration of Transition Area

Correction

In F.R. Doc. 70-13956 appearing at page 16242 of the issue for Friday, October 16, 1970, the figure "183°" in the ninth line of the land description for Bedford, Ind., should be corrected to read "302°".

[Docket No. 9974; Amdt. No. 93-21]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

High Density Traffic Airports

On October 24, 1970, F.R. Doc. No. 70-14453 was published in the FEDERAL REGISTER. This document, in part, referred to § 93.123(b) in items numbered 2 and 4. These references are in error. Corrective action is taken herein.

Since these amendments are minor and editorial in nature, notice and public procedure thereon are unnecessary and good cause exists for making these amendments effective on less than 30 days notice.

In consideration of the foregoing, F.R. Doc. 70-14453 is amended, effective upon publication in the FEDERAL REGISTER, as herein after set forth.

In items numbered 2 and 4 "§ 93.123 (b)" is deleted and "§ 93.123" is substituted therefor.

(Secs. 103, 307 (a), (b), (c), 313(a), and 601 of the Federal Aviation Act of 1958, 49 U.S.C. 1303, 1348 (a), (b), (c), 1354(a), and 1421; sec. 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c); and sec. 1.4(b), Part 1 of the Regulations of the Office of the Secretary, 49 U.S.C. 1.4(b))

Issued in Washington, D.C., on October 23, 1970.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-14510; Filed, Oct. 26, 1970; 9:41 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 909]

GRAPEFRUIT GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Notice of Proposed Rule Making With Respect to Approval of Expenses and Fixing of Rate of Assessment for 1970–71 Fiscal Period and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Administrative Committee, established under marketing Order No. 909, as amended (7 CFR Part 909; 35 F.R. 13875), regulating the handling of grapefruit grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by the Administrative Committee during the period September 1, 1970, through August 31, 1971, will amount to $155,100.

(2) That the rate of assessment for such period, payable by each handler in accordance with § 909.41, be fixed at $0.03 per carton, or equivalent quantity of grapefruit; and

(3) That unexpended assessment funds, in excess of expenses incurred during such period, shall be carried over as a reserve in accordance with the applicable provisions of § 909.42.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 22, 1970.

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

[F.R. Doc. 70-14434; Filed, Oct. 26, 1970; 8:51 a.m.]

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Proposed Modification of Grade Requirements

Notice is hereby given of a proposal unanimously recommended by the Date Administrative Committee to modify the grade requirements in § 987.203 of Subpart—Grade and Size Regulations (7 CFR 987.202–987.204; 35 F.R. 15981) for free dates pursuant to § 987.40. As defined in § 987.13, "free dates" means those dates which are free to be handled pursuant to any free percentage established by the Secretary in accordance with § 987.44. The Subpart is operative pursuant to the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. The amended marketing agreement and order (hereinafter referred to collectively as the "order") are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Paragraph (a) of § 987.203 prescribes, pursuant to § 987.40 of the order, grade requirements in addition to the minimum standard provided pursuant to § 987.39 for dates handled as whole or pitted dates (free dates). Such regulation requires that dates, other than Deglet Noor dates, so handled grade not less than U.S. Grade C, or U.S. Grade C (Dry), as applicable, and that Deglet Noor dates meet grade requirements which are above U.S. Grade C but under U.S. Grade B. The Committee believes that better quality dates would result in increased consumer acceptability and sales, and thereby improve producer returns. To better the quality of whole or pitted dates, the Committee proposed a revision of said paragraph (a) to raise the grade requirements for all varieties of dates to U.S. Grade B subject, however, to an increased tolerance for semidry calyx ends in lots of dates packed for handling (free dates).

As provided in § 987.155(a)(1) of Subpart—Administrative Rules and Regulations (7 CFR 987.100—987.174; 35 F.R. 5396, 6700, 14764), the grade requirements for restricted dates exported to approved countries other than Mexico are those in effect pursuant to §§ 987.39 and 987.40 (as set forth in § 987.203(a)) for dates packed for handling. For Deglet Noor dates, § 987.155(a)(1) affords a 40 percent tolerance for dates damaged by broken skin. However, since no change is proposed in the grade requirements for restricted dates so exported, the applicable grade requirements for such dates should be set forth as a separate subparagraph in § 987.203(b). The grade requirements for other disposition of restricted dates presently set forth in paragraph (b) of § 987.203 are not proposed to be changed except for a minor clarifying revision and would be designated as the provisions of paragraph (b)(2).

In view of the proposed changes setting forth the grade requirements for certain restricted dates as a separate subparagraph in § 987.203, conforming changes in subparagraphs (1) and (2) of § 987.155(a), as hereinafter set forth, would be required.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 9th day after the publication of this notice in the FEDERAL REGISTER. All written submissions pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

1. Section 987.203 of Subpart—Grade and Size Regulations (7 CFR 987.202–987.204; 35 F.R. 15981) is revised to read as follows:

§ 987.203 Additional grade regulations.

This section contains additional grade regulations prescribed pursuant to § 987.40 and particular grade regulations pursuant to § 987.55.

(a) *Free dates—dates handled as whole or pitted dates.* Dates handled under this part as whole or pitted dates shall meet the requirements of U.S. Grade B or, if for further processing, U.S. Grade B (Dry) of the U.S. Standards for Grades of Dates (§§ 52.1001–52.1011 of this title), as from time to time amended or modified and in effect at the time of such handling, except that with respect to dates packed for handling, not more than 25 percent, by weight, of the dates may possess semidry or dry calyx ends provided that not more than 5 percent, by weight, of the dates may possess dry calyx ends.

(b) *Restricted dates—dates withheld to meet restricted obligation; and disposition of restricted dates*—(1) *Dates withheld to meet restricted obligation and to*

be disposed of by export to certain countries. Dates withheld from handling pursuant to § 987.45 for export pursuant to §§ 987.55 and 987.155(a) (1) and (2) to approved or particular countries shall meet the requirements of U.S. Grade C or, if for further processing, U.S. Grade C (Dry) of the U.S. Standards for Grades of Dates, as aforesaid: *Provided*, That with respect to Deglet Noor dates (i) not more than 40 percent, by weight, of the dates may be damaged by broken skin; and (ii) the dates shall score not less than 24 points for the factor of absence of defects other than broken skin, and not less than 31 points for the factor of character.

(2) *Restricted dates to be disposed of in other approved outlets.* Dates withheld from handling pursuant to § 987.45 to be disposed of pursuant to § 987.55 other than by export to approved countries other than Mexico shall meet, as the minimum grade requirements for restricted dates, the requirements of U.S. Grade C or, if for further processing, U.S. Grade C (Dry) of the U.S. Standards for Grades of Dates, as aforesaid: *Provided*, That Deglet Noor dates shall score (i) not less than 24 points for the factor of absence of defects, except that dates damaged by broken skin, by mashing, and by mechanical injury (not affecting eating quality) shall not be considered when determining the defect factor, and (ii) not less than 29 points for the factor of character.

2. Section 987.155 of Subpart—Administrative Rules and Regulations (7 CFR 987.100–987.174; 35 F.R. 5396, 6700, 14764), is amended by revising its title, and the provisions of paragraph (a)(1) through subdivision (i) thereof and of paragraph (a)(2) through subdivision (i) thereof, so that such title and provisions read as follows, respectively:

§ 987.155 Disposition of restricted and other marketable dates by export or diversion.

(a) *By export.* (1) Pursuant to § 987.55, all countries other than Canada are approved as countries to which restricted dates may be exported. However, restricted dates exported to approved countries other than Mexico shall, except as otherwise prescribed in subparagraph (2) of this paragraph, meet the following requirements:

(i) Be inspected and certified prior to export as meeting (*a*) the then current applicable grade requirements in § 987.203(b)(1) for dates other than dates for further processing, and (*b*) the then current size requirements in § 987.204 for dates handled as free dates.

(ii) [Reserved]

* * * * *

(2) Restricted and other marketable dates of a particular variety (i) certified as meeting (*a*) the then current applicable grade requirements in § 987.203 (b)(1) for dates for further processing and (*b*) the then current size requirements in § 987.204 for dates handled as free dates or,

* * * * *

Dated: October 22, 1970.

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

[F.R. Doc. 70-14432; Filed, Oct. 26, 1970; 8:51 a.m.]

[7 CFR Part 991]

HOPS OF DOMESTIC PRODUCTION

Notice of Proposed Terms and Conditions Applicable to the Disposition of Pooled Reserve Hops

Notice is hereby given of a proposal to provide a method of allocating pooled reserve hops by providing that eligible handlers may purchase their respective pro rata shares of the pooled reserve hops. The proposal would implement § 991.40 of Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the Hop Administrative Committee.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 7 days after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 991.141 Disposition of pooled reserve hops under § 991.40(b)(1).

As provided in § 991.40, all offers to sell reserve hops to handlers, extension of offer periods, and withdrawals of offers before an offer period has expired, shall be subject to the disapproval of the Secretary.

(a) *Eligible handlers.* Any handler who handled hops as the first handler thereof during the marketing year preceding the marketing year in which pooled reserve hops are being offered by the Committee for purchase by handlers shall be eligible to participate in such offer.

(b) *Prices.* The Committee shall offer the pooled reserve hops for purchase by eligible handlers at prices determined by the Committee and such prices shall be subject to the disapproval of the Secretary.

(c) *Handlers' shares.* Each eligible handler's share of each variety or category (e.g., Clusters, English, Fuggles, and residues from the preparation of hops for market) of the pooled reserve hops offered by the Committee shall be the same proportion of the quantity offered as the proportion of the quantity so handled by him in the preceding marketing year is to the total quantity of hops so handled by all eligible handlers in such marketing year: *Provided*, That the Committee may adjust the share of any handler by less than one bale to avoid splitting of individual bales.

(d) *Reoffer.* Any pooled reserve hops unpurchased at the end of the offer period shall be reoffered to handlers who accepted their full shares during the offer period. Each such handler's share of the hops reoffered shall be the same proportion as the quantity purchased by him during the offer period is to the total quantity of hops purchased by all such handlers during the offer period. Any hops remaining unpurchased at the end of the reoffer period shall be reoffered to all handlers without regard to shares and approval of handlers' applications to purchase shall be made in the same order in which the applications are received by the Committee.

Dated: October 21, 1970.

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

[F.R. Doc. 70-14433; Filed, Oct. 26, 1970; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

NEW DRUGS

Tolnaftate; Proposed Exemption From Prescription-Dispensing Requirements

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 503(b)(3), 505, 701(a), 52 Stat. 1052–53, as amended, 1055; 21 U.S.C. 353(b)(3), 355, 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that tolnaftate preparations meeting the conditions specified below be exempted from prescription-dispensing requirements by adding a new subparagraph to § 130.102(a), as follows:

§ 130.102 Exemption for certain drugs limited by new-drug applications to prescription sale.

(a) * * *

(29) Tolnaftate (*O*-2-naphthyl *m,N*-dimethylthiocarbanilate; $C_{19}H_{17}NOS$) preparations meeting all the following conditions:

(i) The tolnaftate is prepared, with or without other drugs, in a cream, solution, or powder dosage form suitable for use in self-medication by external application to the skin and containing no drug limited to prescription sale under the provisions of section 503(b)(1) of the act.

(ii) The tolnaftate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is approved for it.

(iv) The preparation contains not more than 1 percent of tolnaftate.

(v) (*a*) The preparation, if in cream or solution form, is labeled with adequate directions for use by external application to the skin for the relief of the burning and itching of athlete's foot and ringworm of the body;

(*b*) The preparation, if in powder dosage form, is labeled with adequate directions for use by external application to the skin to help prevent athlete's foot reinfection.

(vi) The label bears a conspicuous warning to keep the drug out of the reach of children, and the labeling bears in juxtaposition with the directions for use:

(*a*) If in a cream or solution dosage form, clear warnings that:

(*1*) If burning or itching do not improve within 10 days or if they become worse, use of the preparation should be discontinued and a physician consulted.

(*2*) The preparation is for external use only.

(*3*) The preparation should be kept out of the eyes.

(*4*) The preparation is not recommended for nail or scalp infections.

(*b*) If in a powder dosage form, clear warnings that:

(*1*) If irritation occurs, use of the preparation should be discontinued and a physician consulted.

(*2*) The preparation is for external use only.

(*3*) The preparation should not be used on scalp or hairy areas.

(*4*) The preparation should be kept out of the eyes.

If adopted, this proposed exemption will remove the subject drug from the prescription-dispensing requirements of section 503(b)(1)(C) of the Federal Food, Drug, and Cosmetic Act as amended. This drug was previously limited by its new-drug application to use under professional supervision.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: October 14, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-14377; Filed, Oct. 26, 1970; 8:46 a.m.]

Public Health Service

[42 CFR Part 81]

NORTHWEST NEVADA INTRASTATE AIR QUALITY CONTROL REGION

Notice of Proposed Designation and Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Northwest Nevada Intrastate Air Quality Control Region as set forth in the following new § 81.115 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Parklawn Building, Room 17-82, 5600 Fishers Lane, Rockville, Md. 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the State of Nevada and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at 10 a.m., November 6, 1970, in Room 213, New Legislation Building, Fourth and South Carson Streets, Carson City, Nev. 89701.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Parklawn Building, Room 17-82, 5600 Fishers Lane, Rockville, Md. 20852 of such intention at least 1 week prior to the consultation. A report prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.115 is proposed to be added to read as follows:

§ 81.115 Northwest Nevada Intrastate Air Quality Control Region.

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

In the State of Nevada:

Carson City.	Storey County.
Douglas County.	Washoe County.
Lyon County.	

This action is proposed under the authority of sections 107(a) and 301(2) of the Clean Air Act, section 2, Public Law 90-148, 81 Stat. 490, 504, 42 U.S.C. 1857c-2(a), 1857g(a).

Dated: October 21, 1970.

RAYMOND SMITH,
Acting Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 70-14400; Filed, Oct. 26, 1970; 8:48 a.m.]

Social Security Administration

[20 CFR Part 405]

[Regulation No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED

Reconsiderations and Appeals Under Hospital Insurance Program

Notice is hereby given that the regulations set forth below in tentative form are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations (§ 405.701 et seq.) set forth the principles and guidelines for determining and reviewing the amount of benefits to be paid on behalf of an individual under Part A of title XVIII of the Social Security Act and the procedures for reconsideration and appeals in matters arising under Part A of title XVIII of the Social Security Act insofar as such procedures differ from the procedures set forth in Subpart J of Part 404 (§ 404.901 et seq.) dealing with matters arising under title II of the Social Security Act.

Prior to final adoption of the proposed regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed regulations are to be issued under the authority contained in sections 1102, 1811-1817, 1869, 1871, 1872, 42 Stat. 647, as amended; 79 Stat. 291-301, 79 Stat. 330, 79 Stat. 331, 79 Stat. 332; 42 U.S.C. 1302, 1395 et seq.

Dated: September 30, 1970.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: October 20, 1970.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

Part 405 of Chapter III, Title 20, is amended by adding thereto Subpart G to read as follows:

Subpart G—Reconsiderations and Appeals Under the Hospital Insurance Program

§ 405.701 General.

This Subpart G establishes the procedures for reconsideration, hearing, and appeal which are applicable only in matters arising under Part A of title XVIII of the Act. Subpart J of Part 404 of this chapter (dealing with procedures, payment of benefits, finality of decisions, and representation of parties under title II of the Act) is, except to the extent that specific provisions are contained in this Subpart G, also applicable to matters arising under Part A of title XVIII of the Act.

§ 405.702 Notice of initial determination.

After a request for payment under Part A of title XVIII of the Act is filed with the intermediary by or on behalf of the individual who received inpatient hospital services, extended care services, or home health services (see §§ 405.1660–405.1674), and the intermediary has ascertained whether the items and services furnished are covered under Part A of title XVIII, and where appropriate, ascertained and made payment of amounts due or has ascertained that no payments were due (see § 405.401(c)), the individual will be notified in writing of the initial determination in his case. This notice shall be mailed by the Administration to the individual and to his representative at their last known addresses and shall state the basis for the determination. Such written notice shall also inform the individual of his right to a reconsideration of the determination if he is dissatisfied wth the determination.

§ 405.704 Actions which are initial determinations.

For purposes of this Subpart G, and initial determination includes any determination made with respect to a request for payment by or on behalf of an individual under Part A of title XVIII of the Act, including a determination with respect to:

(a) The coverage of items and services furnished;

(b) The amount of an applicable deductible;

(c) The application of the coinsurance feature;

(d) The number of days of inpatient hospital benefits utilized during a spell of illness or for purposes of the inpatient psychiatric hospital 190-day lifetime maximum;

(e) The number of days of the 60-day lifetime reserve utilized for inpatient hospital coverage;

(f) The number of days of posthospital extended care benefits utilized;

(g) The number of home health visits utilized;

(h) The physician certification requirement;

(i) The request for payment requirement;

(j) The beginning and ending of a spell of illness;

(k) The medical necessity of services; and

(l) Any other issues having a present or potential effect on the amount of benefits to be paid under Part A of title XVIII of the Act including a determination as to whether there has been an overpayment or underpayment of benefits paid under Part A, and if so, the amount thereof.

§ 405.705 Actions which are not initial determinations.

For the purposes of this Subpart G an initial determination under Part A of title XVIII does not include determinations relating to:

(a) The entitlement of an individual under section 226 of the Act (42 U.S.C. 426) or section 103 of Public Law 89–97 (79 Stat. 333) to coverage under the hospital insurance program (this is an initial determinaton under Subpart J of Part 404—see § 404.905 of this chapter);

(b) Enrollment under the supplementary medical insurance program (Part B of title XVIII of the Act) (this is an initial determination under Subpart J of Part 404—see § 404.905 of this chapter);

(c) The reasonable cost of items or services furnished under Part A of title XVIII of the Act; or

(d) Whether an institution or agency meets the conditions for participation in the program (see Subpart O of this Part 405).

§ 405.706 Decisions of utilization review committees.

A decision of a utilization review committee is a medical determination by a staff committee of the provider or a group similarly composed and does not constitute a determination by the Secretary within the meaning of section 1869 of the Act. The decision of a utilization review committee may be considered by the Administration along with other pertinent medical evidence in determining whether or not an individual has the right to have payment made under Part A of title XVIII. However, the decision of the committee and the opinions and actions of individual utilization review committee members are not subject to review.

§ 405.708 Effect of initial determination.

The initial determination shall be final and binding upon the individual on whose behalf payment under Part A has been requested or, if such individual is deceased, upon the representative of such individual's estate unless it is reconsidered in accordance with § 405.710–405.717 or revised in accordance with § 405.750.

§ 405.710 Right to reconsideration.

A party to an initial determination (see § 405.708) who is dissatisfied with the initial determination with respect to his rights under Part A of title XVIII may request a reconsideration of such determination in accordance with § 405.711, regardless of the amount in controversy.

§ 405.711 Time and place of filing request for reconsideration.

The request for reconsideration shall be made in writing and filed at an office of the Administration or, in the case of a qualified railroad retirement beneficiary (see § 404.368 of this chapter) filed at an office of the Railroad Retirement Board, within 6 months from the date of the mailing of the notice of initial determination, unless such time is extended as provided in § 405.712. A request for reconsideration which is filed with the intermediary which received the request for payment submitted on behalf of the individual is considered to have been filed with the Administration as of the date it is filed with the intermediary.

§ 405.712 Extension of time to request reconsideration.

If a party to an initial determination desires to file a request for reconsideration after the time for filing such request in accordance with § 405.711 has passed, such party may file a petition with the Administration or, in the case of a qualified railroad retirement beneficiary, with the Railroad Retirement Board, for an extension of time for the filing of such request. Such petition shall be in writing and shall state the reasons why the request for reconsideration was not filed within the required time. For good cause shown, the Administration may extend the time for filing the request for reconsideration.

§ 405.714 Withdrawal of request for reconsideration.

A request for reconsideration may be withdrawn by the individual who filed the request or by his representative provided that the withdrawal is made in writing and filed at an office of the Administration or, in the case of a qualified railroad retirement beneficiary, with the Railroad Retirement Board prior to the date of the mailing of the notice of reconsidered determination.

§ 405.715 Reconsidered determination.

In reconsidering an initial determination, the Administration shall review such initial determination made with respect to the request for payment under Part A of title XVIII of the Act, the evidence and findings upon which such determination was based, and any additional evidence submitted to the Administration or otherwise obtained; and shall make a determination affirming or revising, in whole or in part, such initial determination.

§ 405.716 Notice of reconsidered determination.

Written notice of the reconsidered determination will be mailed by the Administration to the individual and his representative at their last known addresses. Such notice shall state the basis for the reconsidered determination and shall advise the beneficiary of his right to a

hearing if the amount in controversy is $100 or more.

§ 405.717 Effect of a reconsidered determination.

The reconsidered determination shall be final and binding upon the individual unless a request for a hearing is filed with the Administration within 6 months after the date of mailing notice of the reconsidered determination to such individual, or unless the reconsidered determination is revised in accordance with the provisions of § 405.750.

§ 405.720 Hearing; right to hearing.

An individual has a right to a hearing regarding any initial determination with respect to his rights under Part A of title XVIII made under § 405.704 if:

(a) Such initial determination has been reconsidered by the Administration;

(b) The individual was a party (see § 405.708) to the initial or reconsidered determination;

(c) The individual or his representative has filed a written request for a hearing in accordance with the procedure described in § 405.722; and

(d) The amount in controversy is $100 or more.

§ 405.722 Time and place of filing request for a hearing.

The request for a hearing shall be made in writing and filed at an office of the Administration or with a hearing examiner, or, in the case of a qualified railroad retirement beneficiary, filed at an office of the Railroad Retirement Board. Such request must be filed within 6 months after the date of mailing notice of the reconsidered determination to such individual, except where the time is extended as provided in § 404.954(a) of Part 404 of this chapter.

§ 405.724 Appeals Council review.

Appeals Council review is provided by §§ 404.942ff of Subpart J of Part 404 of this chapter.

§ 405.730 Court review.

To the extent authorized by section 1869 of the Act, a party to a decision of the Appeals Council (see § 404.950 of Part 404 of this chapter), or the decision of a hearing examiner where the request for review by the Appeals Council was denied, may obtain a court review where the amount in controversy after Appeals Council review is $1,000 or more, by filing a civil action in a district court of the United States in accordance with the provisions of section 205(g) of the Act (see § 422.210 of Part 422 of this chapter for filing procedure).

§ 405.740 Principles for determining the amount in controversy.

The following principles shall be applicable for purposes of determining the amount in controversy:

(a) The amount in controversy should be computed as the actual amount charged the individual for the items and services in question less deductible and coinsurance amounts applicable in the particular case, except where direct payment is made to an individual in accordance with § 405.1672(a) in which case the amount in controversy should be computed as 60 percent and 80 percent respectively, of the hospital's reasonable charges for routine and ancillary services furnished.

(b) Where the issues in dispute relate to services furnished to a patient of a provider of services, all items or services in dispute arising from a single continuous period of treatment shall be considered in determining the amount in controversy.

(c) The principle set forth in paragraph (b) of this section shall be applicable even when more than one request for payment is submitted, and notice of utilization issued, because of the provider's billing practices.

(d) Any series of posthospital home health visits shall be considered collectively in determining the amount in controversy.

(e) Appeals from determinations pertaining to inpatient hospital services, extended care services or posthospital home health services shall not ordinarily be additive for purposes of determining the amount in controversy except, where:

(1) The denial of payment for inpatient hospital services prevents the individual from meeting a condition precedent for payment for extended care or home health services; or

(2) The same factor is at issue in more than one claim for benefits by such individual (e.g., an individual, during June, is hospitalized twice; in each case the claim for payment is denied on the basis that the hospitalization occurred during an ongoing spell of illness which began prior to June and in which the individual had already utilized all available benefit days; the individual appeals claiming that he was in a new spell of illness and had the full number of benefit days available).

(f) Notwithstanding the provisions of paragraphs (b) through (e) of this section a hearing examiner may hear several issues in a single hearing but only where the requirements of § 405.720(d) is satisfied with respect to each such issue.

§ 405.741 Hearing examiner determines amount in controversy.

The determination as to whether the amount of benefits in controversy is $100 or more in order to qualify the issue for a hearing shall be made by the hearing examiner.

§ 405.745 Amount in controversy ascertained after reconsideration.

For the purpose of determining whether an individual is entitled to a hearing, the amount in controversy after the reconsideration action rather than the amount in controversy initially at issue shall be controlling.

§ 405.747 Dismissal of request for hearing; amount in controversy less than $100.

The hearing examiner shall, without holding a hearing, dismiss the request for hearing if the request for hearing plainly shows that less than $100 is in controversy. If a hearing is held and the hearing examiner finds that the amount in controversy is less than $100, the hearing examiner shall dismiss the request for hearing and will not rule on the substantive issues involved in the appeal.

§ 405.750 Time period for reopening initial, revised, or reconsidered determinations and decisions or revised decisions of a hearing examiner or the Appeals Council; finality of determinations and decisions.

An initial, revised, or reconsidered determination of the Administration, or a decision or revised decision of a hearing examiner or of the Appeals Council, with respect to an individual's rights under Part A of title XVIII of the Act which is otherwise final under §§ 404.940, 404.951, 405.708, or 405.717 of this chapter may be reopened:

(a) Within 12 months from the date of the notice of the initial or reconsidered determination to the party to such determination, or

(b) After such 12-month period but within 4 years after the date of the notice of the initial determination to the individual upon establishment of good cause for reopening such determination or decision (see § 404.958 of Part 404 of this chapter), or

(c) At any time, when:

(1) Such initial, revised, or reconsidered determination or such decision or revised decision is unfavorable, in whole or in part, to the party thereto, but only for the purpose of correcting clerical error or error on the face of the evidence on which such determination or decision was based; or

(2) Such initial, revised, or reconsidered determination or such decision or revised decision was procured by fraud or similar fault of the beneficiary or some other person.

[F.R. Doc. 70-14393; Filed, Oct. 26, 1970; 8:48 a.m]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 1, 123]

[Docket No. 10654; Notice 70-41]

AIRCRAFT OPERATIONS CONDUCTED BY "COMMERCIAL OPERATORS" AND EDUCATIONAL INSTITUTIONS AND OTHER GROUPS

Proposed Definition and Extension of Applicability

The Federal Aviation Administration is considering amending the definition of "commercial operator" in Part 1 of the Federal Aviation Regulations to expressly include aircraft operations conducted by "meat haulers" and those conducted by persons engaged in selling land, goods, or property of any kind, or

hotel accommodations, to passengers carried. In addition, the FAA is considering amending Part 123, which governs the certification and operation of air travel clubs, to extend its applicability to operations conducted with large airplanes by educational institutions and other similar groups having a common purpose or objective, such as sportsman groups using large airplanes.

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 December 28, 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.

A "commercial operator" must obtain a certificate from the FAA and conduct its operations, depending upon the size of the aircraft used, under either Part 121 or Part 135 of the Federal Aviation Regulations. Section 1.1 defines a "commercial operator" as follows:

> "Commercial operator" means a person who, for compensation or hire, engages in the carriage by aircraft in air commerce of persons or property, other than as an air carrier or foreign air carrier or under the authority of Part 375 of this title. Where it is doubtful that an operation is "for compensation or hire," the test applied is whether the carriage by air is merely incidental to the person's other business or is, in itself, a major enterprise for profit.

Under the test set forth in the definition, the FAA has held that if the facts in a particular case established that a person's primary business is the supplying of transportation by aircraft of goods to a place for the purpose of making a profit by their resale, it is considered the carriage of goods for compensation, even though the operator of the aircraft, whether lessee or owner, was also the owner of the goods carried on the aircraft. Typical of this type of transportation is the carriage of lobster and meat for the account of the operator of the aircraft for the purpose of resale.

Interested segments of the industry have been provided guidance material for determining whether current or proposed transportation by air requires certificate authority as an air carrier or may be conducted with only a commercial operator certificate (Advisory Circular No. AC-120-12). In addition, the FAA has for many years consistently given advice to numerous individuals as to whether current or proposed operations constituted carriage for compensation or hire that required a commercial operator certificate. As the FAA interprets the present regulations, a company in the business of selling land, goods, or property of any kind, or accommodations at hotels or similar facilities, engages in the carriage of persons for compensation or hire when it operates an aircraft for the purpose of transporting prospective buyers in furtherance of the business of selling such property to them, or for the purpose of transporting persons in furtherance of the business of selling accomodations at a hotel or similar facility.

However, with respect to these commercial operations, there still appears to be misunderstanding among operators as to whether they constitute the carriage of persons or property for compensation or hire. Therefore, to avoid any further misunderstanding, the FAA proposes to eliminate the "doubtful test" in the definition of commercial operator and in its place add a provision that expressly includes the carriage of goods or cargo of any kind for the account of the operator of the aircraft for the purpose of later resale, and a provision that expressly includes the carriage of persons in furtherance of the business of selling to any of them land, goods, or property of any kind, or accommodations at a hotel or similar facility.

Finally, a recent accident has highlighted the need to regulate more strictly the leasing of large airplanes by educational institutions for the carriage of student groups, as for example football teams and choral groups. In particular, we are concerned about those situations in which an educational institution may obtain a large airplane under a dry lease (without crew) and obtain pilot services from someone other than the lessor. Under such an arrangement, it is possible for the educational institution to become the operator of a large airplane, notwithstanding it has had no experience in the operation of large airplanes.

Part 123 of the Federal Aviation Regulations prescribes certification and operation rules which currently apply to air travel clubs. In the interest of safety, it is proposed to make Part 123 applicable to educational institutions when they engage with large airplanes in the carriage of persons affiliated with the institution, such as students.

In addition, it is proposed to amend Part 123 to make it expressly applicable to any group of individuals, such as sportsman groups, having a common purpose or objective and using large airplanes.

In consideration of the foregoing, it is proposed to amend Parts 1 and 123 of the Federal Aviation Regulations:

1. By amending the definition of a "commercial operator" in § 1.1 to read as follows:

§ 1.1 General definitions.

* * * * *

"Commercial operator" means a person (other than an air carrier, foreign air carrier or a person operating foreign civil aircraft under Part 375 of this title) who engages in the carriage by aircraft in air commerce of persons or property, for compensation or hire, including:

(1) The carriage of goods or cargo of any kind for the account of the operator of the aircraft for the purpose of later resale; or

(2) The carriage of persons in furtherance of the business of selling to any of them—

(a) Land, goods, or property of any kind; or

(b) Accommodations at a hotel or similiar facility.

* * * * *

2. By amending the lead-in statement of § 123.1(a) and by amending subparagraph (1) of § 123.1(a) and paragraph (b) to read as follows:

§ 123.1 Applicability.

(a) Except as provided in paragraph (c) of this section, this part prescribes rules governing the certification and operations of air travel clubs and educational institutions using large airplanes, and any similar group of individuals, such as sportsman groups, having a common purpose or objective and using large airplanes for their transportation. In addition, it prescribes rules governing the following:

(1) Each person employed or used by the operator of an airplane in operations under this part.

* * * * *

(b) For the purposes of this part:

(1) "Air travel club" means a person (other than an educational institution) who engages in the carriage by airplanes of persons who are required to qualify for that carriage by payment of an assessment, dues, membership fee, or other similar type of remittance.

(2) "Educational institution" means a school, college, university, or similar educational organization that engages in the carriage by airplanes of students or other persons affiliated with it.

* * * * *

These amendments are proposed under the authority of sections 313(a), 601, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1427), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 22, 1970.

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

[F.R. Doc. 70-14394; Filed, Oct. 23, 1970; 8:50 a.m.]

Hazardous Materials Regulations Board

[49 CFR Part 173]

[Docket No. HM-61; Notice No. 70-19]

ACROLEIN, INHIBITED

Transportation of Hazardous Materials

The Hazardous Materials Regulations Board is considering amending section 173.122 of the Department's Hazardous Materials Regulations to authorize the transportation of acrolein, inhibited, a flammable liquid, in:

1. Class 105A * * * W tank cars having minimum test pressure of 300 p.s.i. and stenciled "105A200W";
2. Specifications 4B240, 4BA240, and 4BW240 welded steel cylinders; and
3. Specification 51 steel portable tanks.

This proposal is based on petitions submitted by the Manufacturing Chemists' Association and on the satisfactory experience gained by shippers under the provisions of several special permits. The Department has received no adverse reports on shipments conducted under the terms of these special permits during the past several years.

At present, the regulations prescribe the use of 105A500W and 105A600W tank cars, metal drums, and wooden and fiberboard boxes with inside containers for inhibited acrolein. The Board believes that the additional type containers proposed herein compare favorably to those already provided for.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 173 as follows:

In § 173.122 subparagraph (a)(3) would be amended, and subparagraphs (a)(5) and (a)(6) would be added to read as follows:

§ 173.122 Acrolein, inhibited.

(a) * * *

(3) Specification 105A300W (§§ 179.100 and 179.101) tank cars. Tank cars must be equipped with 150 p.s.i.g. safety relief valves and be stenciled 105A200W. Tank cars must also be stenciled "For Acrolein Only" near the specification number.

NOTE 1: Canceled.

* * * * *

(5) Specification 4B240, 4BA240 or 4BW240 (§§ 178.50, 178.51, 178.61) welded cylinders each having a water capacity not exceeding 500 pounds.

(6) Specification 51 (§ 178.245) portable tanks each having a water capacity not exceeding 425 gallons.

* * * * *

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before December 1, 1970, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board both before and after the closing date for comments.

This proposal is made under the authority of sections 831-835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430 and 1472(h)).

Issued in Washington, D.C., on October 21, 1970.

W. M. BENKERT,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

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

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

[F.R. Doc. 70-14387; Filed, Oct. 26, 1970; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. X]

[Ex Parte No. 263]

RULES, REGULATIONS, AND PRACTICES OF REGULATED CARRIERS WITH RESPECT TO THE PROCESSING OF LOSS AND DAMAGE CLAIMS

Notice of Proposed Rulemaking and Order

OCTOBER 15, 1970.

At the request of Mr. Harry J. Breithaupt, Jr., General Solicitor, Association of American Railroads, the time for filing reply statements in the above-entitled proceeding has been extended from November 10, 1970 to December 10, 1970.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70-14414; Filed, Oct. 26, 1970; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 6108]

OREGON

Notice of Classification of Public Lands for Multiple-Use Management

Correction

In F.R. Doc. 70-13462 appearing at page 15857, in the issue of Thursday, October 8, 1970, the following changes should be made on page 15858:

1. The words "Umatilla County" should be inserted in the first column above the land description reading "T. 5 N., R. 28 E.,".

2. In the second column under the description for "T. 4 N., R. 37 E.," the second line of Sec. 10 now reading "SW¼ NW¼, E½SE¼;" should read "SW¼ SW¼, E½SE¼;".

[OR 6409-A]

OREGON

Notice of Proposed Classification of Public Lands

Correction

In F.R. Doc. 70-13421 appearing at page 15856, in the issue of Thursday, October 8, 1970, the 28th line of the first column on page 15857 reading "T. 7 S., R. 30 E.," should read "T. 13 S., R. 29 E.,".

[Wyoming 23014, 23015]

WYOMING

Notice of Offering of Land for Sale

OCTOBER 20, 1970.

Notice is hereby given that, under the provisions of the Act of September 19, 1964 (78 Stat. 988), and pursuant to applications from the Board of County Commissioners of Carbon County, Wyo., the Secretary of the Interior will offer for sale the following listed lands:

SIXTH PRINCIPAL MERIDIAN

T. 27 N., R. 78 W.,
Sec. 4, lots 5 and 6;
Sec. 5, lots 1, 2, 3, 4, 5, 6, 7, and 8, S½NW¼, and SW¼;
Sec. 6, lot 1, SE¼NE¼, and E½SE¼;
Sec. 7, E½NE¼;
Sec. 8, lots 1 and 2, S½NE¼, NW¼, and SE¼;
Sec. 9, lots 1, 2, 3, 5, 6, and 7, NW¼SW¼, and S½SW¼.
T. 28 N., R. 78 W.,
Sec. 32, lots 1, 2, and 3, NW¼NE¼, and W½;
Sec. 33, lot 1.

The areas described aggregate 2,010.78 acres in Carbon County.

The lands are chiefly valuable for industrial development in connection with the uranium mining industry in Shirley Basin. The lands have been zoned for such development by the county.

The lands are located approximately 30 miles north of Medicine Bow, Wyo.

It is the intention of the Secretary to permit the county to purchase the land at the appraised market value.

The patent to the land will contain a reservation to the United States of rights-of-way for ditches and canals under the Act of August 30, 1890 (43 U.S.C. sec. 945), and of all mineral deposits.

JOHN R. KILLOUGH,
Acting State Director.

[F.R. Doc. 70-14383; Filed, Oct. 26, 1970; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

STONE COUNTY LIVESTOCK AUCTION CO. ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ARKANSAS	
Stone County Auction Co., Mountain View, Feb. 19, 1959.	Stone County Livestock Auction Co., Oct. 5, 1970.
INDIANA	
Scott County Livestock Exchange, Scottsburg, Nov. 19, 1965.	Southern Indiana Livestock Exchange, Inc., Sept. 28, 1970.
IOWA	
Audubon Auction Company, Audubon, May 28, 1959.	Audubon Auction Company, Inc., Oct. 5, 1970.
KANSAS	
Washington Sale Company, Washington, June 13, 1959.	Washington Sale Company, Inc., Aug. 5, 1970.
MINNESOTA	
Faribault Horse Market, Faribault, Sept. 24, 1963	Faribault Livestock Sales, Mar. 10, 1970.
MISSISSIPPI	
Starkville Livestock Commission Co., Inc., Starkville, Feb. 11, 1959.	Starkville Livestock Auction Co., Aug. 3, 1970.
MISSOURI	
Interstate Producers Livestock Association, Marshall, Oct. 3, 1969.	Four-Square Markets, Inc., Oct. 6, 1970.
C. M. Pasley Auction Co., Osceola, June 4, 1959	Pasley Auction Co., July 1, 1970.
SOUTH DAKOTA	
Avon Livestock Sale, Avon, May 22, 1959	Avon Livestock Auction, Oct. 15, 1970.

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

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

[F.R. Doc. 70-14398; Filed, Oct. 26, 1970; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

BOATMEN'S NATIONAL BANK OF ST. LOUIS

Notice of Approval of Applicant as Trustee

Notice is hereby given that The Boatmen's National Bank of St. Louis, a national banking association, with offices at 300 North Broadway, St. Louis, Mo. 63102, has been approved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: October 19, 1970.

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

[F.R. Doc. 70-14430; Filed, Oct. 26, 1970; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GENERAL MILLS CHEMICALS, INC.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1B2596) has been filed by General Mills Chemicals, Inc., 2010 East Hennepin Avenue, Minneapolis, Minn. 55413, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to change the description of hydroxypropyl guar gum as an optional component of paper and paperboard intended for food-contact use by removing the upper limit on viscosity.

Dated: October 14, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-14378; Filed, Oct. 26, 1970; 8:46 a.m.]

WHITMOYER LABORATORIES, INC.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1H2593) has been filed by Whitmoyer Laboratories, Inc., 19 North Railroad Street, Myerstown, Pa. 17067, proposing that § 121.2547 *Sanitizing solutions* (21 CFR 121.2547) be amended to provide for the safe use of an aqueous solution containing iodine and alkyl (C_{12}–C_{18}) monoether of mixed (ethylene-propylene) polyalkylene glycol as a sanitizing solution on food-processing equipment and utensils.

Dated: October 14, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-14379; Filed, Oct. 26, 1970; 8:46 a.m.]

[Docket No. FDC-D-251; NDA No. 11-947]

PANRAY CORP.

Preparation Containing Bemegride; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New-Drug Application

In a notice (DESI 5597) published in the FEDERAL REGISTER of January 10, 1970 (35 F.R. 396), the Food and Drug Administration announced its conclusion that certain preparations containing bemegride are regarded as possibly effective for their labeled indications. Holders of new-drug applications for those drugs and any person marketing the drugs without approval were allowed 6 months to obtain and submit in a supplemental or original new-drug application data providing substantial evidence of effectiveness of the drugs for the indications for which they are classified as possibly effective; e.g., for adjunctive treatment of barbiturate overdosage, postoperative arousal of patients anesthetized with barbiturates, and management of coma due to barbiturates.

Abbott Laboratories responded indicating that their preparation Megimide had been discontinued and waived opportunity for hearing concerning the drug. There have been no data concerning bemegride submitted in response to the January 10, 1970, notice.

Therefore, notice is hereby given to Panray Corp., Division of Ormont Drug and Chemical Co., Inc., 223 South Dean Street, Englewood, N.J. 07631, and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of new-drug application No. 11-947 for Mikedimide, containing 50 milligrams bemegride per 10 milliliters, and all amendments and supplements thereto, on the grounds that new information, evaluated together with the evidence available when the application was approved, shows there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new-drug application should not be withdrawn. Such withdrawal of approval may cause any related drug for human use to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER, any such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing the Commissioner without further notice will enter a final order withdrawing approval of the new-drug application. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file, within 30 days after the publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new-drug application should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to this notice. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence, not more than 90 days after the expiration of such 30 days unless the hearing examiner and the person(s) requesting the hearing otherwise agree (35 F.R. 7250, May 8, 1970).

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: October 14, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-14380; Filed, Oct. 26, 1970; 8:46 a.m.]

[DESI 9984; Docket No. FDC-D-249; NDA 9-984, etc.]

LEDERLE LABORATORIES ET AL.

Certain Steroid Combination Preparations for Oral Use; Notice of Opportunity for Hearing

In an announcement (DESI 9984) published in the FEDERAL REGISTER of March 28, 1970 (35 F.R. 5277), holders of new-drug applications for certain steroid combination drugs for systemic use in man, as well as other interested persons, were invited by the Commissioner of Food and Drugs to submit data bearing on his intention to initiate proceedings to withdraw approval of these new-drug applications.

On April 24, 1970, Lederle Laboratories submitted material for consideration in support of Aristogesic Capsules. The material was reviewed and considered together with other available information and was found not to provide substantial evidence of effectiveness of the drug for the recommended uses in man. No other data were received to substantiate (1) that these drugs are effective for use in the treatment of rheumatoid arthritis, osteoarthritis, and all other labeled uses and indications, and (2) that each component of the combination drugs contributes to the total effects claimed for such drugs. Therefore, notice is given to the holders of the new-drug applications listed below, and to any interested person who may be adversely affected, that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new-drug applications and all amendments and supplements thereto on the grounds that new information, evaluated together with the evidence available when the applications were approved, shows there is a lack of substantial evidence that the drugs will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling:

1. Aristogesic Steroid-Analgesic Compound Capsules, containing 0.5 milligram triamcinolone, 325 milligrams salicylamide, and 20 milligrams ascorbic acid per capsule, with or without dried aluminum hydroxide; Lederle Laboratories, Division American Cyanamid Co., Post Office Box 500, Pearl River, N.Y. 10965 (NDA 11-684).

2. Articon Tablets, containing 5.0 milligrams hydrocortisone acetate, 250 milligrams salicylamide, and 200 milligrams mephenesin per tablet; Walker Laboratories, Division Richardson-Merrell Inc., 1 Bradford Road, Mount Vernon, N.Y. (NDA 10-497).

3. Enescorb Tablets, containing 100 milligrams pregnenolone acetate and 333 milligrams ascorbic acid per tablet; U.S. Vitamin and Pharmaceutical Corp., 800 Second Avenue, New York, N.Y. 10017 (NDA 11-475).

4. Neocylone Tablets, containing 2 milligrams prednisolone, 280 milligrams potassium salicylate, 300 milligrams of potassium aminobenzoate, and 20 milligrams ascorbic acid per tablet; The Central Pharmacal Co., 116-128 East Third Street, Seymour, Ind. 47274 (NDA 11-274).

5. Pabalate-HC Tablets, containing 300 milligrams potassium salicylate, 300 milligrams potassium aminobenzoate, 50 milligrams ascorbic acid, and 2.5 milligrams hydrocortisone per tablet; A. H. Robins Co., Inc., 1407 Cummings Drive, Richmond, Va. 23220 (NDA 9-984).

6. Pabicortal Tablets, containing 2.5 milligrams hydrocortisone, 300 milligrams potassium salicylate, 300 milligrams potassium aminobenzoate, and 50 milligrams ascorbic acid per tablet; Nysco Laboratories, 34-24 Vernon Boulevard, Long Island City, N.Y. 11100 (NDA 10-342).

7. Predniscorb Tablets, containing 0.75 milligram prednisone, 75 milligrams aluminum hydroxide, 20 milligrams ascorbic acid, and 5.0 grains salicylamide; Nysco Laboratories (NDA 11-550).

In addition to the new-drug applications listed above, there are a number of other approved new-drug applications which provide for combination drugs containing a steroid for systemic use in man for which the holders have voluntarily requested withdrawal of approval and have waived opportunity for hearing. Those new-drug applications will be the subjects of a subsequent notice.

In accordance with section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicants, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of any new-drug application listed herein should not be withdrawn. Such withdrawal of approval may cause any related drug for systemic use in humans to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new-drug applications. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion concerning a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file, within 30 days after the publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new-drug application should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence, not more than 90 days after the expiration of such 30 days unless the hearing examiner and the person(s) requesting the hearing otherwise agree (35 F.R. 7250, May 8, 1970).

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner of Foods and Drugs (21 CFR 2.120).

Dated: October 14, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-14381; Filed, Oct. 26, 1970; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 70-1257]

JERSEY NUCLEAR CO.

Notice of Availability of Applicant's Environmental Report and Request for Comments from State and Local Agencies

Pursuant to the National Environmental Policy Act of 1969, and the Atomic Energy Commission's regulations, notice is hereby given that a document entitled "Applicant's Environmental Report, Uranium Oxide Fuel Plant" and submitted by the Jersey Nuclear Co. is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. This document involves the application by Jersey Nuclear Co. for an AEC license to operate a uranium fuel element fabrication plant to be located in Richland, Wash.

The Commission requests, within 60 days of publication of this notice in the FEDERAL REGISTER, comments on the proposed action and on the applicant's Environmental Report from State and local agencies of any affected State (with respect to matters within their jurisdiction) which are authorized to develop and enforce environmental standards. If any such State or local agency fails to provide the Commission with comments within 60 days of publication of this notice in the FEDERAL REGISTER, it will be presumed that the agency has no comments to make. Copies of the Applicant's Environmental Report and the comments thereon of Federal agencies whose comments have been requested by the

Commission will be supplied to such State and local agencies upon request addressed to the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 12th day of October 1970.

For the Atomic Energy Commission.

RICHARD E. CUNNINGHAM,
Acting Director,
Division of Materials Licensing.

[F.R. Doc. 70-14404; Filed, Oct. 26, 1970; 8:49 a.m.]

[Docket No. 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

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

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D of 10 CFR Part 50, notice is hereby given that the Wisconsin Electric Power Co. and the Wisconsin Michigan Power Co. has submitted an environmental report, dated September 10, 1970, which discusses environmental considerations relating to the proposed operation of the Point Beach Nuclear Plant Unit 2. A copy of the report is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and in the Office of the Town Chairman, Town of Two Creeks, Manitowoc County, Wis. Wisconsin Electric Power Co. and Wisconsin Michigan Power Co. have applied for an operating license for its proposed Point Beach Nuclear Plant Unit 2, to be located on its site in the town of Two Creeks, Manitowoc County, Wis.

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

Copies of Wisconsin Electric Power Co. and Wisconsin Michigan Power Co.'s report, dated September 10, 1970, and the comments thereon of Federal agencies (whose comments are being separately requested by the Commission) will be supplied to such State and local agencies upon request addressed to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 21st day of October 1970.

For the Atomic Energy Commission.

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

[F.R. Doc. 70-14405; Filed, Oct. 26, 1970; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22435]

ALOHA-HAWAIIAN MERGER CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on November 3, 1970, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on September 15, 1970, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 19, 1970.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 70-14428; Filed, Oct. 26, 1970; 8:50 a.m.]

[Docket No. 22598]

LUFTHANSA GERMAN AIRLINES

Notice of Postponement of Prehearing Conference and Hearing

Deutsche Lufthansa Aktiengesellschaft (Lufthansa German Airlines). Application for amendment of foreign air carrier permit pursuant to section 402(f) of the Federal Aviation Act of 1958, as amended (inclusion of Montreal).

Notice is hereby given that a prehearing conference and hearing on the above-entitled application, which was previously assigned to be held on October 29, 1970, is hereby postponed until further notice.

Since it is contemplated that hearing in this proceeding may be held immediately following conclusion of the prehearing conference, any person objecting to this procedure should notify the Examiner on or before October 27, 1970, as previously directed by the Chief Examiner in his notice dated October 14, 1970.

Dated at Washington, D.C., October 19, 1970.

[SEAL] ROSS I. NEWMANN,
Hearing Examiner.

[F.R. Doc. 70-14429; Filed, Oct. 26, 1970; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 70-1108]

REBROADCAST OF NATIONAL WEATHER SERVICE (WEATHER BUREAU) TRANSMISSIONS

OCTOBER 21, 1970.

AM, FM, and TV broadcast stations (both commercial and educational) may, without further Commission authorization, rebroadcast weather transmissions originated by the National Weather Service (Weather Bureau) on the frequencies 162.55 MHz and 162.4 MHz.

When Emergency Broadcast System (EBS) facilities, systems, and the Emergency Action Notification Attention signal are used in connection with a weather emergency, operations shall be conducted in accordance with the provisions of § 73.971 of the rules and regulations and Annexes X and XII of the Detailed State EBS Operational Plans. Such emergency operations shall take precedence over any monitoring and rebroadcasting being conducted under this public notice.

The exercise of this blanket authority with regard to the frequencies 162.55 MHz and 162.4 MHz is subject to the following conditions:

(1) Messages must be rebroadcast within 1 hour of receipt from the National Weather Service (Weather Bureau).

(2) If advertisements are given in connection with a weather rebroadcast, these advertisements shall not directly or indirectly convey an endorsement by the Government of the products or services so advertised.

(3) Credit must be given to indicate that the rebroadcast messages originate with the National Weather Service (Weather Bureau).

Action by the Commission October 14, 1970. Commissioners Burch (Chairman), Bartley, Robert E. Lee, Johnson, H. Rex Lee and Wells.

Sent to all broadcast licensees.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-14411; Filed, Oct. 26, 1970; 8:49 a.m.]

[Docket No. 18943; FCC 70R-356]

JACK STRAW MEMORIAL FOUNDATION

Memorandum Opinion and Order Enlarging Issues

In regard application of the Jack Straw Memorial Foundation for renewal of the license of Station KRAB-FM, Seattle, Wash., Docket No. 18943, File No. BRH-1430, File No. BSCA-801.

1. This proceeding involvez the renewal application of the Jack Straw

Memorial Foundation (Jack Straw), the licensee of Station KRAB–FM, Seattle, Wash. The Commission, by letter dated January 21, 1970 (FCC 70–93), imposed upon Jack Straw the sanction of a short-term license renewal. The basis for this action was an alleged violation by the licensee of its own internal station policy in connection with the broadcast in August 1967 of a portion of a 30-hour "autobiographical novel for tape" by the Reverend Paul Sawyer. On March 20, 1970, Jack Straw petitioned for reconsideration and by order, released July 7, 1970 (FCC 70–655), the Commission granted reconsideration to the extent of offering a hearing on the facts at issue. On August 19, 1970, the Commission designated the proceeding for hearing (FCC 70–873, 35 F.R. 13553, published Aug. 25, 1970) upon the following issues:

(1) To determine whether KRAB–FM has exercised proper licensee responsibility in effectuating its policy regarding the suitability of material for broadcast.

(2) Whether in light of issue (1), the public interest would be served by a 1 year or a full 3-year renewal of the license of KRAB–FM.

2. Presently before the Review Board is a motion to clarify and enlarge issues, filed September 9, 1970, by Jack Straw, an opposition thereto, filed by the Broadcast Bureau on September 23, 1970, and a reply, filed October 1, 1970, by Jack Straw. In support of its request for clarification, petitioner first points out that Issue No. 1 designated by the Commission is not limited to the circumstances surrounding Reverend Sawyer's broadcast; that the Commission stated that certain other broadcasts of March 9 and March 10, 1969, "will also be explored to the extent relevant to the issues designated for hearing"; and that the Commission invited the Broadcast Bureau to explore still other broadcasts "relevant to the designated issues" upon appropriate notice to the licensee. Jack Straw argues that it "will be placed in an untenable position" if it is not afforded, through clarification of the issues, an opportunity similar to that given to the Broadcast Bureau to focus on specific programs which it deems relevant to the issues, "including a presentation, in general, concerning the policy of the Jack Straw Memorial Foundation and the programing presented in effectuation of said policy." In the alternative, the licensee requests addition of the following issue: To determine the nature of the unique, substantial and diverse programing service rendered to the public within the area served by Station KRAB. In support of this alternate request, Jack Straw contends that the Commission "has, on several occasions, enlarged issues to include a programing issue that permits a licensee to make a showing as to its past record in mitigating any adverse findings which may be made under existing issues." Petitioner concedes that this case is unique in that it involves a question of whether a licensee has followed its own internal procedures and policies, but argues that the fundamental rationale underlying the addition of past programing issues in cases involving violation of Commission rules is nonetheless equally applicable here.

3. In opposition,[1] the Broadcast Bureau contends that the designation order in this proceeding calls for a narrow inquiry into "whether the licensee has exercised proper responsibility in effectuating its policy regarding suitable broadcast material"; and argues that, under these circumstances, it is not necessary or desirable to expand the size of the hearing in the manner suggested by petitioner. The Bureau maintains that Jack Straw will not be placed in an untenable position if its motion is denied, because "regardless of the outcome of the hearing, its license will be renewed", and the Broadcast Bureau is required to give timely notice of which broadcasts will be the subject of inquiry.[2] Finally, the Bureau contends that the answer to Jack Straw's point that the Commission has on other occasions enlarged issues in the manner requested here is that the Commission did not choose to add one here because of "the limited nature of the inquiry as well as the ultimate limited disposition of the proceeding."

4. The programing inquiry requested by the licensee will be granted insofar as it contemplates an enlargement of the issues. The Review Board has held in other cases involving renewal hearings that, although the Commission is not required to consider evidence of the type sought to be introduced by Jack Straw, "the public interest is better served if a licensee is permitted to make a showing as to its past record in mitigation of adverse findings under existing issues." TransAmerica Broadcasting Corp., FCC 69R–452, 17 RR 2d 833; Wagoner Radio Company, 12 FCC 2d 978, 13 RR 2d 114 (1968). Although the cited cases involved inquiries concerning alleged violations of Commission rules, not, as here, violations of the licensee's own internal procedures, and although the licensees in those cases faced possible denial of their applications, not the less drastic sanction of short-term renewals, we agree with Jack Straw's contention that the basic rationale for permitting a programing inquiry is still applicable to the present situation. However, we have also held that the addition of a special issue is a prerequisite to the programing inquiry sought by petitioner, Wagoner Radio Company, supra. Therefore, Jack Straw's request for classification of the issues will be denied, but its alternative request for an added issue will be granted.[3]

5. *Accordingly, it is ordered,* That the motion to clarify and enlarge issues, filed September 9, 1970, by The Jack Straw Memorial Foundation, is granted to the extent indicated below, and is denied in all other respects; and

6. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issue: To determine whether the programing of KRAB–FM has been meritorious, particularly with regard to public service programs.

7. *It is further ordered,* That the burdens of proceeding and proof under the issue added herein shall be on The Jack Straw Memorial Foundation.

Adopted: October 19, 1970.

Released: October 21, 1970.

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

[F.R. Doc. 70–14412; Filed, Oct. 26, 1970; 8:49 a.m.]

[1] The Broadcast Bureau states that it is treating Jack Straw's petition as one to enlarge issues, since a clarification request must be taken to the Hearing Examiner in the first instance, a step which the licensee has not taken. However, even if the petition is considered a request for clarification, the Bureau asserts that its position is that clarification as requested here is not warranted under the circumstances.

[2] The Broadcast Bureau states that it intends "to limit our inquiry into the several instances where KRAB has broadcast obscene and indecent language."

[3] The wording of the issue requested by the petitioner is somewhat broader than that framed in past cases. The Board finds no basis for broadening the inquiry here, and we will therefore specify the same issue as we have in other, similar cases.

FEDERAL POWER COMMISSION

[Docket No. CP71–86]

COLUMBIA GULF TRANSMISSION CO. ET AL.

Notice of Application

OCTOBER 16, 1970.

Take notice that on September 30, 1970, Columbia Gulf Transmission Co. (Columbia Gulf), 3805 West Alabama Avenue, Houston, Tex. 77027; Texas Gas Transmission Corp. (Texas Gas), 3800 Frederica Street, Owensboro, Ky. 42301; and United Fuel Gas Co. (United Fuel), 1700 MacCorkle Avenue SE., Charleston, W. Va. 25314, filed in Docket No. CP71–86 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas on a permanent basis and the construction and operation of certain facilities therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants seek authorization for the exchange of up to 15,000 Mcf of natural gas per day. Texas Gas would deliver natural gas to Columbia Gulf at the tailgate of the Acadia Plant, Acadia Parish, La., through the existing measuring facilities of Columbia Gulf. Columbia Gulf would deliver natural gas to Texas Gas through Texas Gas's measuring facilities located in the South Bosco Field, Acadia Parish, La. Columbia Gulf and Texas Gas would deliver natural gas to each

other through a proposed new delivery point and interconnecting facilities to be constructed at Columbia Gulf's Rayne, La., Compressor Station. Texas Gas would install, own, and operate approximately 1,200 feet of 6-inch pipeline and interconnecting facilities located outside of Columbia Gulf's Rayne, La., Compressor Station. Columbia Gulf would construct, install, and own measurement and interconnecting facilities to be installed inside of Columbia Gulf's Rayne, La., Compressor Station.

The applicants state that their proposal would have the effect, inter alia, of allowing Columbia Gulf to transport through its own pipeline system gas purchased by United Fuel from Humble Oil & Refining Co. originating in certain gas reserves located in the South Bosco Field, Acadia Parish, La., without necessitating Columbia Gulf to construct pipeline facilities from the South Bosco Field. Further, the proposal would eliminate Texas Gas from having to replace its Eunice-Egan 6- and 8-inch pipeline. Finally, the exchange of natural gas would benefit all the parties since it will aid their flexibility of operations and continuity of service.

Applicants state that the total cost of the facilities to be constructed at Columbia Gulf's Rayne, La. Compressor Station by Columbia Gulf and Texas Gas is estimated to be $65,930. The estimated cost of the facilities of Texas Gas is $24,830, and the estimated cost of the facilities to be constructed by Columbia Gulf is $41,100. Applicants state that Texas Gas would make a contribution in aid of construction to Columbia Gulf to cover the actual cost of the facilities to be installed by Columbia Gulf. The cost of the proposed facilities would be paid for by Texas Gas from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 9, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the commission's rules.

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

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

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-14358; Filed, Oct. 26, 1970; 8:45 a.m.]

[Docket No. CP71-6, etc.]

EL PASO NATURAL GAS CO. AND WASHINGTON NATURAL GAS CO.

Notice of Extension of Time

OCTOBER 16, 1970.

On October 12, 1970, Washington Natural Gas Co. filed a motion for an extension of time within which to complete and place in operation the facilities authorized by the order issued on September 25, 1970, in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including November 20, 1970, within which the facilities authorized by the order issued September 25, 1970, shall be completed and placed in actual operation. Paragraph (B) of the order is amended accordingly.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-14359; Filed, Oct. 26, 1970; 8:45 a.m.]

[Docket No. E-7567]

GULF STATES UTILITIES CO.

Notice of Application

OCTOBER 16, 1970.

Take notice that on October 12, 1970, Gulf States Utilities Co. (Applicant), filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $30 million principal amount of First Mortgage Bonds, due 2000.

Applicant is incorporated under the laws of Texas with its principal business office at Beaumont, Tex., and is engaged in the electric utility business in portions of Louisiana and Texas. Natural gas is purchased at wholesale and distributed at retail in the city of Baton Rouge and vicinity.

The Applicant proposes to sell the new securities at competitive bidding in accordance with the Commission's regulations under the Federal Power Act. The Applicant proposes to invite bids on or about November 24, 1970, for the purchase of the new securities.

The proceeds from the sale of the new securities will be used to pay off part of the company's outstanding short-term notes with commercial banks and unsecured promissory notes in the form of commercial paper, previously authorized by the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 2, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-14360; Filed, Oct. 26, 1970; 8:45 a.m.]

[Docket No. R-389A]

INITIAL RATES FOR FUTURE SALES OF NATURAL GAS FOR ALL AREAS

Order Permitting Interventions

OCTOBER 19, 1970.

On August 5, 1970, the Illinois Commerce Commission filed a petition to intervene in this proceeding. Similar petitions were filed by other petitioners on the dates indicated: the Public Utilities Commission of Ohio, August 5, 1970; the Georgia Public Service Commission, August 10, 1970; the Tennessee Public Service Commission, August 20, 1970; the city of Chicago, September 17, 1970; the city and county of Denver, September 28, 1970. The Commission's order expanding this proceeding, issued July 17, 1970, provided that petitions to intervene were to be filed on or before July 28, 1970. The above petitions were therefore not filed within the prescribed time. However, it appears that good cause exists for permitting such interventions.

The Commission orders: Subject to the rules and regulations of the Commission, the Illinois Commerce Commission, the Public Utilities Commission of Ohio, the Georgia Public Service Commission, the Tennessee Public Service Commission, the city of Chicago, and the city and county of Denver are permitted to intervene in this proceeding and to participate on a joint or individual basis. *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests specifically set forth by said petitioners in their petitions; *And provided, further,* That the admission of said petitioners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-14361; Filed, Oct. 26, 1970; 8:45 a.m.]

[Docket No. RP71-5]

KANSAS-NEBRASKA NATURAL GAS CO.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets and Providing for Hearing Procedures

OCTOBER 15, 1970.

Kansas-Nebraska Natural Gas Co. (K–N) on August 31, 1970, tendered for filing proposed changes in its FPC Gas Tariff.[1] The proposed changes would result in estimated increased jurisdictional revenues of $3,626,451 annually, based on sales for the 12-month period ended April 30, 1970, as adjusted. The changes are proposed to become effective October 16, 1970.

K–N states that the proposed increase is necessary largely to maintain and acquire adequate supply of gas for K–N's jurisdictional customers. K–N claims an overall rate of return of 8.82 percent. In addition to the proposed increased rates, the revised tariff would establish rate zones and increased penalties for unauthorized overruns of gas.

By motion of September 29, 1970, Central Kansas Power Co. (CKP) requested that K–N be required to comply with the provisions of § 154.63 of the Commission's regulations under the Natural Gas Act or failing such compliance that K–N's filing in Docket No. RP71–5 be rejected in accordance with the provisions of § 154.63(c)(4). CKP alleges that K–N's filing for an increase in rates does not set out the reasons and basis for the proposed change in rate structure which would provide for uniform rate schedules to its three wholesale customers in Kansas. While not conceding to a deficiency in its filings, K–N has rendered moot CKP's objection by submitting supplemental direct testimony to more fully explain the basis for its proposed rate zones. Without deciding the question of whether K–N was deficient, we are of the view that K–N has now met the requirements of section 4(e) of the Natural Gas Act and § 154.63 of the Commission's regulations under the Natural Gas Act.

By filing of September 29, 1970, K–N requested that the Commission (1) shorten the suspension period from March 16, 1971 (the last date of the five-month suspension) to January 1, 1971, for the entire increase in Docket No. RP71–5 or (2) grant K–N alternative relief by permitting it to file for the increased gas costs coming into effect on January 1, 1971, or about 2½ months ahead of the general increase. K–N alleges its purchased gas cost will increase sharply beginning January 1, 1971, as a result of change of purchase pattern, which has been authorized by various Commission certificate authorizations. K–N claims this increase amounts to approximately $1 million for jurisdictional customers (3.522 cents per Mcf) beginning January 1, 1971.

Answers in opposition to K–N's motion were timely filed by CKP, Iowa Electric and Power Co., and a joint answer by a group of intervenors (City of Alma et al.).[2] Iowa Electric and City of Alma et al., both oppose the request for a shortened suspension period and the proposed alternative relief, while CKP would allow the alternative relief provided it was made subject to refund. We take note that the increase in cost of purchased gas caused by the changes in K–N's gas purchase patterns is but one of the claimed cost increases underlying K–N's major rate increase filing. Therefore, we find that good cause has not been shown for granting K–N's request for a suspension period shortened by more than half with respect to the total rate increase requested which involves other matters in addition to the alleged increase in cost of purchased gas.

K–N's proposed alternative relief is objected to by Iowa Electric and the City of Alma et al., because K–N had prior knowledge of the increase in purchased gas costs to be effective January 1, 1971, yet "delayed" the filing so that a full suspension period would run 2½ months beyond. K–N states that the filing was of necessity delayed to include the increased costs to be effective January 1, 1971, within the 9 months of adjustments to the base period for changes known and measurable (see § 154.63(e)(2) of the Commission's regulations).

Permission to file tracking increases prior to the termination of the suspension period was granted to Consolidated Gas Supply Corp. in Docket No. RP69–19 (order issued Feb. 11, 1969) and Mississippi River Transmission Corp. in Docket No. RP70–1 (order issued Aug. 29, 1969). Although the alternative relief that K–N requests is not a "tracking" increase as we allowed in those cases, i.e., to reflect an increase in rates charged by a pipeline's suppliers, the economic effect on K–N resulting from the change in purchase pattern is no different from the effect of a change in supplier rates. Of course, if the evidence later developed upon hearing demonstrates this interim increase to have been unwarranted, the amount of the increase shall be refunded with interest. Accordingly, K–N will be permitted to file revised tariff sheets on or before December 1, 1970, to reflect the increase in purchased gas costs.

A review of the filing indicates that certain issues are raised therein which require development in an evidentiary proceeding. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

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

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in K–N's FPC Gas Tariff, Second Revised Volume No. 1, and that the proposed tariff sheets listed above be suspended and the use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

(3) The motion to require compliance with the rules or to reject rate filing filed on September 29, 1970, by CKP should be denied.

(4) The motion for shortened suspension period filed on September 29, 1970, by K–N should be denied as to the shortened suspension period, but the alternative relief requested should be granted permitting K–N to file tariff sheets to recover its increase in purchased gas cost beginning January 1, 1971.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I) a public hearing should be held commencing at 10 a.m. on November 12, 1970, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in K–N's FPC Gas Tariff, Second Revised Volume No. 1, as proposed to be amended.

(B) Pending such hearing and decision thereon, K–N's proposed revised tariff sheets listed above are hereby suspended and the use thereof is deferred until March 16, 1971, and until such further time as they are made effective in he manner prescribed by the Natural Gas Act.

(C) Presiding Examiner Byron E. Harrison, or any other designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)),

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

[2] Cities of Alma, Central City, and Hastings, Nebr.; Natural Gas Distributing Co. and Natural Gas Distributing Co. of Nebraska; the Nebraska Natural Gas Co.; Northwestern Public Service Co.; and Central Telephone & Utilities Corp.

shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

(D) At the hearing on November 12, 1970, K–N's prepared testimony (Statement P) filed and served on September 15, 1970, and supplemental direct testimony filed and served on October 5, 1970, together with its entire rate filing as submitted and served on August 31, 1970, shall be submitted to the record as K–N's complete case-in-chief as provided in the Commission's regulations, § 154.63(e)(1) and Order No. 254, 28 FPC 495, 496, without prejudice to the motions by other parties to exclude or strike this or other evidence.

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

(F) A motion to require compliance with the rules or to reject rate filing filed on September 29, 1970, by CKP is denied.

(G) The motion for shortened suspension period or for alternative relief from increased gas costs filed on September 29, 1970, by K–N is denied as to the shortened suspension period. The alternative relief requested is granted permitting K–N to file tariff sheets on or before December 1, 1970, to recover its increase in purchased gas costs beginning January 1, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70–14362; Filed, Oct. 26, 1970; 8:45 a.m.]

[Docket No. CP70–163]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Petition To Amend

OCTOBER 15, 1970.

Take notice that on October 1, 1970, Michigan Wisconsin Pipe Line Co. (Applicant), One Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP70–163 a petition to amend the order issued under section 7(c) of the Natural Gas Act on August 4, 1970, in the subject docket, to permit Applicant to install two 9,100 horsepower compressor units in its St. Martinville Compressor Station rather than the one 10,000 horsepower unit which was authorized, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has concluded that, in the interests of increased assurance of continuity of supply from offshore sources, provision should be made for installation of a second compressor unit which will perform the function of a spare unit until it is needed full time. Applicant further states that the proposed project will result in a cost savings since the total estimated cost for the installation of the two units is only $4,478,080, as compared to the estimated cost of $2,985,660 for the 10,000 horsepower unit.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 6, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70–14364; Filed, Oct. 26, 1970; 8:45 a.m.]

[Docket No. CP71–87]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

OCTOBER 16, 1970.

Take notice that on October 1, 1970, Michigan Wisconsin Pipe Line Co. (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP71–87 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an increase in Maximum Daily Quantity (MDQ) to certain of its customers to be furnished under a proposed Rate Schedule ACQ–2, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The Applicant states that three of its customers, Keokuk Gas Service Co., Ohio Valley Gas Corp., and Michigan Power Co., have indicated a requirement for an aggregate net increase in MDQ of 5,750 Mcf over that presently authorized. Applicant further states that upon completion of the facilities presently authorized, it will have a maximum day unallocated firm gas supply of 89,000 Mcf, while at the same time it will have a very limited annual unallocated firm gas supply.

Accordingly, Applicant proposes to serve the increased daily needs of its customers by placing into operation so-called Rate Schedule ACQ–2. Under Rate Schedule ACQ–2, purchasers will have annual entitlements of only 120 times the MDQ, as contrasted with currently effective Rate Schedule ACQ–1 where annual entitlements are 190 times the MDQ. In this way, the Applicant seeks to increase the MDQ without raising the annual entitlement.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 9, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70–14365; Filed, Oct. 26, 1970; 8:45 a.m.]

[Docket No. CP71–107]

NORTHERN NATURAL GAS CO.

Notice of Application

OCTOBER 16, 1970.

Take notice that on October 12, 1970, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP71–107, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing applicant to construct and operate an 8-inch side valve to establish an additional delivery point with El Paso Natural Gas Co. (El Paso), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that applicant and El Paso are parties to a Gas Transportation Agreement dated October 7, 1953, as amended, whereby El Paso delivers up to 225,000 Mcf per day of natural gas to applicant downstream from applicant's Spraberry Compressor Station located in Midland County, Tex., and applicant transports such gas for redelivery to El Paso at the outlet of applicant's

Plains Measuring Station in Yoakum County, Tex.

El Paso has requested that an additional delivery point be established where applicant's 30-inch Spraberry line crosses El Paso's Snyder line in Martin County, Tex., in order that El Paso may deliver gas from the Snyder line to applicant for transportation to Plains.

Applicant proposes to install an 8-inch side valve on its Spraberry line in order to provide for the interconnection with El Paso's facilities.

Applicant states that the estimated cost of the side valve facility proposed to be constructed is $11,730, which cost will be financed from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 9, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-14366; Filed, Oct. 26, 1970; 8:45 a.m.]

[Docket No. CP71-99]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

OCTOBER 16, 1970.

Take notice that on September 28, 1970, Panhandle Eastern Pipe Line Co. (applicant), Post Office Box 1642, Houston, Tex. 77001, filed in Docket No. CP71-99 an application pursuant to section 7(c) of the Natural Gas Act for authorization to sell in interstate commerce natural gas for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant requests authorization to sell approximately 3,375 Mcf of natural gas per month to Colorado Interstate Gas Co. Applicant states that no new facilities need be constructed to effectuate the proposed sale.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 9, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-14367; Filed, Oct. 26, 1970; 8:45 a.m.]

[Docket No. RI71-349]

SOHIO PETROLEUM CO.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

OCTOBER 15, 1970.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the 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.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 1, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

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

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-349	Sohio Petroleum Co.	89	6	Mountain Fuel Supply Co. (Nitchie Gulch Pool, Sweetwater County, Wyo.).	$876	9-21-70	9-21-70	9-22-70	16.0	16.12	RI70-1093
	do	153	2	Colorado Interstate Gas Co. (Madden Field, Fremont County, Wyo.).	6,642	9-21-70	9-21-70	9-22-70	[1] 15.0	[2] 15.1125	

[1] Pressure base is 14.65 p.s.i.a.
[2] Total rate is 15.4275 cents when upward B.t.u. adjustment for 1,021 B.t.u. per cubic foot gas is included.
[3] Initial rate.

The proposed rate increases filed by Sohio Petroleum Co. reflect only partial reimbursement of the Wyoming severance tax and exceed the applicable increased rate ceiling set forth in the policy statement. We believe that such increased rates should be suspended for 1 day from September 21, 1970, and thereafter be permitted to be collected subject to refund. Sohio will be required to refund any reimbursement relating to the Wyoming tax collected herein in the event the tax is for any reason held invalid upon judicial review.

[F.R. Doc. 70-14368; Filed, Oct. 26, 1970; 8:45 a.m.]

[Docket No. CP71-88]

SOUTHERN NATURAL GAS CO.

Notice of Application

OCTOBER 16, 1970.

Take notice that on October 1, 1970, Southern Natural Gas Co. (applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP71-88 a budget-type application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the regulations thereunder for a certificate of public convenience and necessity authorizing it to construct, during the 12 months' period December 30, 1970, through December 29, 1971, and to operate facilities to make sales of gas to existing distributors in existing market areas, facilities to make direct sales of natural gas to consumers located in areas outside the franchise area of any local natural gas distributor and facilities which represent miscellaneous rearrangements of existing facilities and will not result in any change in service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the proposed construction will consist of line taps, metering and regulating stations, and various types of pipelines, including lateral and loop lines. Applicant states that the total cost to applicant of all such facilities will not exceed $300,000, and applicant expects that the cost of facilities for each project will not exceed $50,000. These amounts will be financed from funds on hand or funds generated from operations.

The application states that the certificate requested will augment applicant's ability to supply, with the least possible delay, the natural gas requirements of its distributors in existing market areas and the requirements of small direct sale customers located in areas outside the franchise areas of natural gas distributors.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 9, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-14369; Filed, Oct. 26, 1970; 8:46 a.m.]

[Docket No. RP69-27, etc.]

TRANSWESTERN PIPELINE CO.

Notice of Certification to Commission of Stipulation and Agreement

OCTOBER 16, 1970.

Take notice that on October 8, 1970, the Presiding Examiner certified to the Commission a proposed stipulation and agreement received from Transwestern Pipeline Co. in Dockets Nos. RP69-27, RP70-19, RP70-40, and RP71-1.

The stipulation and agreement, among other things, provides for a reduction in rates below those which are presently in effect subject to refund in the above-captioned proceedings and sets forth proposed rates for specified periods of time; requires refunds by Transwestern for the excess which has been collected above the rates set forth in the stipulation and agreement; allows Transwestern to increase its rates from time to time until December 31, 1971, to reflect rate increases of its suppliers and requires Transwestern to decrease its rates to reflect supplier rate reductions; requires Transwestern to flow-through to its CDQ customers the appropriate portion of all refunds, together with interest, received from its suppliers which are applicable to purchases by Transwestern from such suppliers during the term of June 16, 1970, to December 31, 1971; requests termination of the proceedings in Docket No. RP69-27 except for the obligation to flow through supplier refunds which are applicable to purchases by Transwestern from such suppliers during the term of June 24, 1969, through June 15, 1970, as provided in the Commission's orders in Docket No. RP69-27; and reserves for Commission hearing and decision the issues of tax normalization and discontinuance of amortization of FPC Account 282 as raised by Transwestern in its filings in Dockets Nos. RP70-40 and RP71-1.

Copies of the stipulation and agreement together with a motion of Transwestern for approval of this agreement were served upon all parties to the above-captioned proceedings and to Transwestern's customers who are affected and to all interested State commissions.

Answers or comments relating to the stipulation and agreement may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before October 30, 1970.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-14370; Filed, Oct. 26, 1970; 8:46 a.m.]

[Docket No. CP71-89]

UNITED GAS PIPE LINE CO.

Notice of Application

OCTOBER 15, 1970.

Take notice that on October 1, 1970, United Gas Pipe Line Co. (applicant),

1525 Fairfield Avenue, Shreveport, La. 71102, filed in Docket No. CP71-89 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of facilities heretofore constructed by applicant but considered local in nature, together with the jurisdictional services rendered thereby, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the facilities and services for which authorization is requested are located in South Texas and South Louisiana and were placed in service prior to the Commission's determination of jurisdiction over this type of facility and service in United Gas Pipe Line Co., Docket No. CP62-161, 30 FPC 560 (the so-called Florida Parishes Decision). The specific facilities and jurisdictional services sought to be authorized herein are more fully set forth in the application on file with the Commission.

Applicant states that no additional facilities are sought to be constructed by this application.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 6, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-14371; Filed, Oct. 26, 1970; 8:46 a.m.]

[Docket No. E-7568]

INITIAL ENVIRONMENTAL STATEMENT ON THE PROPOSED ELECTRIC POWER ENVIRONMENTAL POLICY ACT

Notice of Opportunity for Comment in Compliance With the National Environmental Policy Act; Correction

In the "Notice of Opportunity for Comment in Compliance With the National Environmental Policy Act" published in the FEDERAL REGISTER on October 21, 1970, 35 F.R. 16440, page 16440, third column, the sentence beginning on line 14 should read as follows: "State and local agencies and all other persons shall have 60 days from the publication of this notice in the FEDERAL REGISTER in which to submit comments."

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-14420; Filed, Oct. 26, 1970; 8:50 a.m.]

[Docket No. RP71-27]

FLORIDA GAS TRANSMISSION CO.

Notice of Proposed Changes in Rates and Charges

OCTOBER 21, 1970.

Take notice that Florida Gas Transmission Co. (Florida Gas) on October 15, 1970, tendered for filing proposed changes in its FPC Gas Tariff, Original Volumes Nos. 1 and 2, to become effective on December 1, 1970. The proposed rate changes would increase charges for jurisdictional sales and transportation services by approximately $1,600,000 annually, based on volumes for the 12-month period ended December 31, 1969, as adjusted. The proposed increase would be applicable to all of Florida Gas' jurisdictional rate schedules.

Florida Gas states that the proposed increased rates are filed in order to reflect the jurisdictional cost of service effect of normalized accounting of liberalized tax depreciation on all of Florida Gas' utility property placed in service on or after January 1, 1968, which is eligible for such treatment. Florida Gas states that the considerations underlying the Commission's decision in Texas Gas Transmission Corporation, Opinion No. 578, issued June 3, 1970, to permit Texas Gas normalized accounting on pre-1970 property are equally applicable to Florida Gas. The company states that the cost of service effect has been determined on the basis of the same underlying test period data filed by Florida Gas in support of its presently effective rates in Docket No. RP70-25.

Concurrently herewith, Florida Gas filed in Docket No. RP71-29 a petition for permission to change its accounting in relation to its pre-1970 utility property to conform to the rate treatment proposed herein. Florida Gas requests that the proposed rate changes be suspended by the Commission for 30 days, until January 1, 1971, for the reason that Florida Gas proposes to begin normalized tax depreciation on its books as of that date on all of its utility property installed after January 1, 1968, and a shortened suspension period would permit Florida Gas to synchronize its accounting for book and rate purposes.

Copies of the filing were served on Florida Gas' customers, the Florida Public Service Commission and other interveners in Docket No. RP70-25.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 6, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-14422; Filed, Oct. 26, 1970; 8:50 a.m.]

[Docket No. RP71-28]

FLORIDA GAS TRANSMISSION CO.

Notice of Petition for Permission To Use Liberalized Depreciation With Normalization for Accounting and Rate Purposes

OCTOBER 22, 1970.

Take notice that Florida Gas Transmission Co. (Florida Gas), on October 15, 1970, tendered for filing a petition requesting permission to adopt normalized accounting of liberalized tax depreciation for book and rate purposes, beginning January 1, 1971, on all its pre-1970 utility property eligible for such treatment which has been constructed and placed in service on or after January 1, 1968.

Florida Gas states that its request is based on the same consideration on which the Commission permitted normalized accounting for liberalized tax depreciation on pre-1970 property to Texas Gas Transmission Corp. in Opinion No. 578 issued June 3, 1970.

Florida Gas, concurrently herewith, filed in Docket No. RP71-27, revised tariff sheets to its FPC Gas Tariff, Original Volumes Nos. 1 and 2 to change its presently effective rates, which are subject to the proceedings in Docket No. RP70-25, to reflect the effect on its jurisdictional rates of the proposal herein. If such changes in rates are not permitted to become effective as of January 1, 1971, after suspension, Florida Gas requests

that the effective date of the change in accounting proposed in its petition be modified to coincide with the effective date of the changes in rates.

Copies of the petition were served on Florida Gas' customers, the Florida Public Service Commission and other interveners in Docket No. RP70–25.

Any person desiring to be heard or to make any protest with reference to said petition should on or before November 6, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition is on file with the Commission and available for public inspection.

KENNETH F. PLUMB
Acting Secretary.

[F.R. Doc. 70–14423; Filed, Oct. 26, 1970; 8:50 a.m.]

[Docket No. E–7566]

IOWA ELECTRIC LIGHT AND POWER CO.

Notice of Application

OCTOBER 22, 1970.

Take notice that on October 9, 1970, the Iowa Electric Light and Power Co. (Applicant), filed an application pursuant to section 204 of the Federal Power Act with the Federal Power Commission seeking authority to issue and sell at competitive bidding $15 million principal amount of first mortgage bonds and 50,000 shares of preference stock.

Applicant is incorporated under the laws of the State of Iowa and is authorized to do business in the States of Iowa, Minnesota, Colorado, and Nebraska with its principal business office at Cedar Rapids, Iowa. Applicant is engaged primarily in the generation, transmission and sale at retail of electric energy in 51 counties in the State of Iowa.

The bonds which are to mature December 1, 2000, will be issued on approximately December 17, 1970, under the Applicant's Indenture of Mortgage and Deed of Trust, dated August 1, 1940, as heretofore amended and supplemented by 36 supplemental indentures and as to be further supplemented by a 37th supplemental indenture to be dated December 1, 1970, between the Applicant and The First National Bank of Chicago, as Trustee. The rate of interest to be paid by the Applicant will be determined by competitive bidding in accordance with the Commission's regulations under the Federal Power Act.

The Cumulative Preference Stock is to be issued on approximately December 17, 1970, and is subject to the prior rights and preferences of the existing outstanding classes of the company's cumulative preferred stock. The rate of dividend will be determined by competitive bidding and redemption prices and amount payable in event of voluntary liquidation will be determined by agreement between the company and the person or persons offering the best price for the cumulative preference stock based upon the rate of dividend and the public offering price.

According to the Applicant, the purposes for which the bonds and preference stock are to be issued include the construction, completion, extension and improvement of facilities and the repayment of short-term borrowings from commercial banks aggregating $10,500,000 at August 31, 1970. The estimated construction program for 1970 totals $31.2 million and includes the expenditure of $18.4 million for its share of the cost of construction of a 550,000 kw. nuclear generating station being constructed on a site near Palo, Iowa. Two Iowa generating and transmission cooperatives, Central Iowa Power Cooperative and Corn Belt Power Cooperative each will have a 10 percent undivided ownership in this plant and its generating capacity.

Any person desiring to be heard or to make any protest with reference to this application should on or before November 9, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70–14424; Filed, Oct. 26, 1970; 8:50 a.m.]

[Docket No. CP70–185]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

OCTOBER 16, 1970.

Take notice that on October 2, 1970, Tennessee Gas Pipeline Co. (Petitioner), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP70–185 a petition to amend the order of the Commission issued pursuant to section 7(c) of the Natural Gas Act in said docket on June 22, 1970, by authorizing Petitioner to reallocate the gas presently being delivered to its customer, Western Kentucky Gas Co. (Western Kentucky), among the service areas presently being served, all as more fully set forth in the application on file with the Commission and open to public inspection.

Petitioner states that the Commission's order of June 22, 1970, authorized Petitioner, inter alia, to serve Western Kentucky a maximum daily quantity of 12,045 Mcf for its Danville Service area and a maximum daily quantity of 6,860 Mcf for its Lebanon Service Area, each under Petitioner's Rate Schedule G–2. Pursuant to Western Kentucky's request, Petitioner proposes here to permanently transfer 1,224 Mcf of the Lebanon allocation to Danville commencing with the 1971–72 winter. Petitioner states that following such transfer, Western Kentucky's maximum daily quantity for the Danville Service Area would be 13,269 Mcf and for the Lebanon Service Area would be 5,636 Mcf.

Petitioner states that there will be no increase in the total maximum daily contract quantity of Western Kentucky. Petitioner states that Western Kentucky requested this transfer to continue to service the orderly growth of residential and small commercial customers in the Danville and Lebanon Service Areas.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 9, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission rules.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70–14425; Filed, Oct. 26, 1970; 8:50 a.m.]

[Docket No. CP71–106]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

OCTOBER 22, 1970.

Take notice that on October 12, 1970, Texas Eastern Transmission Corp. (Applicant), Post Office Box 2521, Houston, Tex. 77001, filed in Docket No. CP71–106 a budget-type application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder for a certificate of public convenience and necessity authorizing the construction and operation of facilities to enable Applicant to take into its pipeline system natural gas which will be purchased in the general area of its existing transmission system from time to time during the calendar year 1971, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in securing by contract and connecting to its pipeline system additional supplies of natural gas in numerous areas generally coextensive with its system.

Applicant states that the total cost of the facilities proposed herein is not to exceed $7 million, and with single project limitations not to exceed $1 million and $1,750,000 for onshore and offshore, respectively.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 16, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-14426; Filed, Oct. 26, 1970; 8:50 a.m.]

[Docket No. CP67-132]

TRANSWESTERN PIPELINE CO.

Notice of Petition To Amend

OCTOBER 22, 1970.

Take notice that on October 12, 1970, Transwestern Pipeline Co. (petitioner), Post Office Box 2521, Houston, Tex. 77001, filed in Docket No. CP67-132 a petition to amend the certificate of public convenience and necessity issued by the Commission pursuant to section 7(c) of the Natural Gas Act on January 13, 1967, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Petitioner states that said certificate, as amended, authorized Petitioner to sell and deliver surplus, interruptible gas to Southern Union Gas Co. (Southern) in Curry County, N. Mex., which authorization terminated September 30, 1970.

Petitioner states that it and Southern desire to extend the authorization for a period of 1 year.

Petitioner here requests extension of the authorization, through September 30, 1971.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 16, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-14427; Filed, Oct. 26, 1970; 8:50 a.m.]

FEDERAL RESERVE SYSTEM

FIRST NATIONAL CHARTER CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First National Charter Corp, which is a bank holding company located in Kansas City, Mo., for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of Webster Groves Trust Co., Webster Groves, Mo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

By order of the Board of Governors, October 20, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-14372; Filed, Oct. 26, 1970; 8:46 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE UNITED ARAB REPUBLIC

Entry or Withdrawal From Warehouse for Consumption

OCTOBER 21, 1970.

On October 5, 1970, the Government of the United States, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, concluded a new comprehensive bilateral cotton textile agreement with the United Arab Republic, effected by an exchange of notes between the Government of the United States and the Government of India representing the interests of the United Arab Republic, concerning exports of cotton textiles and cotton textile products from the United Arab Republic to the United States over a 3-year period beginning on October 1, 1970, and extending through September 30, 1973. Among the provisions of the agreement are those establishing an aggregate limit for the 64 categories and within the aggregate limit specific limits on Categories 1, 2, 3, 4, 9, 16, 21, 22, 26, and 27 for the first agreement year which began on October 1, 1970.

Accordingly, there is published below a letter of October 21, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in the aforementioned categories produced or manufactured in the United Arab Republic which may be entered or withdrawn from warehouse

for consumption in the United States for the 12-month period beginning October 1, 1970, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

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

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

OCTOBER 21, 1970.

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

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of October 5, 1970, between the Governments of the United States and the United Arab Republic, effected by an exchange of notes between the Government of the United States and the Government of India representing the interests of the United Arab Republic, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed, effective as soon as possible and for the period beginning October 1, 1970, and extending through September 30, 1971, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Categories 1/2, 3/4, 9/26, and 16/21/22/27, produced or manufactured in the United Arab Republic, in excess of the following levels of restraint:

Category	12-Month level of restraint [1]
1/2	3,200,000 pounds (of which not more than 3 million pounds may be in Category 1, and not more than 400,000 pounds in Category 2).
3/4	600,000 pounds (of which not more than 60,000 pounds may be in Category 4).
9/26	30 million square yards (of which not more than 25 million square yards may be in Category 9, and not more than 10 million square yards in Category 26).
16/21/22/27	9 million square yards (of which not more than 3,250,000 square yards may be in Category 16, not more than 3,500,000 square yards may be in Category 21, not more than 3,500,000 square yards may be in Category 22 and not more than 1,950,000 square yards may be in Category 27).

[1] These levels have not been adjusted to reflect entries made on or after Oct. 1, 1970.

Cotton textile products in Categories 1–4, 9, 16, 21, 22, 26, and 27 produced or manufactured in the United Arab Republic and which have been exported prior to October 1, 1970, shall not be subject to this directive.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the Categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 583), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

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

Sincerely yours,

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

[F.R. Doc. 70–14410; Filed, Oct. 26, 1970; 8:49 a.m.]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

FEDS CREEK COAL CO. INC.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

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

ICP Docket No. 10868, Feds Creek Coal Co. Inc., Feds Creek No. 1 Mine, USBM ID No. 15 02097 0, Mouthcard, Pike County, Ky., Section ID No. 001 (3d South), Section ID No. 003 (South Mains), Section ID No. 002 (2d Right).

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

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

GEORGE A. HORNBECK,
Chairman, Interim Compliance Panel.

[F.R. Doc. 70–14388; Filed, Oct. 26, 1970; 8:47 a.m.]

FEDS CREEK COAL CO. INC.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

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

ICP Docket No. 10867, Feds Creek Coal Co. Inc., Feds Creek No. 2 Mine, USBM ID No. 15 02500 0, Mouthcard, Pike County, Ky., Section ID No. 001 (Mains).

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

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

GEORGE A. HORNBECK,
Chairman, Interim Compliance Panel.

[F.R. Doc. 70–14389; Filed, Oct. 26, 1970; 8:47 a.m.]

KENTLAND-ELKHORN COAL CORP.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

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

ICP Docket No. 10863, Kentland-Elkhorn Coal Corp., Kentland No. 3 Mine, USBM ID No. 15 02104 0, Mouthcard, Pike County, Ky., Section ID No. 002 (Rooms Lt. off 1st Lt. off 1st left), Section ID No. 003 ("E" Panel left off 3d left).

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

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

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

[F.R. Doc. 70-14390; Filed, Oct. 26, 1970; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[License No. 01/02-5266]

BUSINESS VENTURES, INC.

Notice of Application for License as a Minority Enterprise Small Business Investment Company

An application for a license to operate as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Business Ventures, Inc., New Haven, Conn. (applicant), with the Small Business Administration pursuant to § 107.-102 of the SBA Regulations governing small business investment companies (13 CFR Part 107; 33 F.R. 326).

The names and addresses of the officers, directors, and sole stockholder are listed below:

Name, address, and position

Richard J. Grunewald, 39 Bermuda Road, Westport, Conn. 06880, President, Director.
Walter Kirson, 591 South Greenbrier Drive, Orange, Conn. 06577, Treasurer, Director.
Gerald S. Clark, 1027 Winchester Avenue, Hamden, Conn. 06514, Secretary, General Manager.
John B. G. Fiedler, Forest Road, Northford, Conn. 06472, Director.
Richard D. Smith, 140 Five Fields Road, Madison, Conn. 06443, Director.
Maurice Sykes, 28 Orchard Place, New Haven, Conn. 06511, Director.
David Waller, Lebanon Road, Bethany, Conn. 06525, Director.
Olin Corporation (Winchester Group), 275 Winchester Avenue, New Haven, Conn. 06511, Holder of 100 percent of the outstanding 2,500 shares of common stock.

The applicant, a Connecticut corporation with offices located at 152 Temple Street, New Haven, Conn. 06510, will begin operations with $150,000 paid-in capital from the sale of 2,500 shares of its common stock. All of the outstanding shares will be owned by Olin Corp., a large publicly-owned company, whose corporate address is 460 Park Avenue, New York, N.Y. 10022.

Applicant will not concentrate its investments in any particular industry. According to the company's stated investment policy, its investments will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such small concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA rules and regulations.

Interested persons should address their comments on the proposed MESBIC to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, within 10 days after the publication of this notice.

A copy of this notice shall be published in a newspaper of general circulation in New Haven, Conn.

A. H. SINGER,
Associate Administrator for Investment.

OCTOBER 5, 1970.

[F.R. Doc. 70-14401; Filed, Oct. 26, 1970; 8:48 a.m.]

COLORADO EQUITY CAPITAL INVESTMENT CORP.

Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) for transfer of control of Colorado Equity Capital Investment Corp. (Colorado), 1636 Welton Street, Denver, Colo. 80202, a Federal Licensee under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act), License No. 11/11-0014.

Colorado was licensed on March 14, 1962. As of March 31, 1970, the paid-in capital and paid-in surplus from all sources totaled $155,000. All of its issued and outstanding shares are owned by Franklin L. Burns. The proposed transfer of control is subject to and contingent upon the approval of State and Federal regulatory agencies and SBA.

The proposed new officers and directors are as follows:

James W. Howard, Chairman of the Board, Vice President and Director, 505 North Lake Shore Drive, Chicago, Ill. 60611.
C. Paul Johnson, President and Director, 6060 North Berkeley Boulevard, Milwaukee, Wis. 53217.
Gerald C. Specht, Director, 625 Greenleaf Avenue, Wilmette, Ill. 60091.
John E. Kirkpatrick, Secretary and Director, 1617 Wadsworth Road, Wheaton, Ill. 60187.

The proposed new owner of Colorado is Growth Capital, Inc., 505 North Lake Shore Drive, Chicago, Ill. 60611. James W. Howard owns 90 percent of Growth Capital, Inc., and Gerald Specht owns 6 percent of the stock.

Growth Capital, Inc., proposes to purchase all of the issued and outstanding common stock. The proposed new address is 222 East Erie Street, Milwaukee, Wis. 53202.

The new operating area of Colorado Equity Capital Investment Corp. will be Wisconsin, Michigan, Minnesota, Iowa, Indiana, and Illinois.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owners, and the probability of successful operations of the company under their control and management (including adequate profitability and financial soundness) in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed transfer of control. Any such communication should be addressed to Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A. H. SINGER,
Associate Administrator for Investment.

OCTOBER 19, 1970.

[F.R. Doc. 70-14402; Filed, Oct. 26, 1970; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4933]

ALLEGHENY POWER SYSTEM, INC., ET AL.

Proposed Issue and Sale of Common Stock by Holding Company at Competitive Bidding; Proposed Increase in Authorized Capital Stock and Issue and Sale of Common Stock by Subsidiary Companies, and Acquisition and Pledge Thereof by Holding Company

OCTOBER 20, 1970.

Notice is hereby given that Allegheny Power System, Inc. (APS), 320 Park Avenue, New York, N.Y. 10022, a registered holding company, and its wholly

owned electric utility subsidiary companies, Monongahela Power Co. (Monongahela), The Potomac Edison Co. (Potomac), and West Penn Power Co. (West Penn), have filed a joint application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 7, 9, 10, and 12 thereof and Rules 43, 44, and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

APS proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, 1,800,000 additional shares of its authorized but unissued common stock, par value, $2.50 per share. The price will be determined by the competitive bidding. Of the net proceeds, estimated at approximately $36 million based on current market values, $24,003,850 will be used to acquire additional shares of common stock of Monongahela, Potomac, and West Penn (the subsidiary companies) as hereinafter outlined and the balance will be used to repay bank borrowings of APS, the proceeds of which were utilized to invest in the common stock of the subsidiary companies.

Potomac proposes to amend its charter to increase its authorized shares of common stock, and each of the subsidiary companies proposes to issue and sell to APS from time to time, prior to December 31, 1971, additional shares of their common stock for cash considerations equal to the aggregate par or stated values thereof, as follows:

Subsidiary company	Proposed increase in authorized shares	Proposed issuance of shares	Cash consideration
Monongahela Common stock, $50 par value	400,000	160,077	$8,003,850
Potomac Common stock, no par value (stated value, $20)	400,000	400,000	8,000,000
West Penn Common stock, no par value (stated value, $20)	400,000	400,000	8,000,000

The net proceeds of these issues, together with other corporate funds, are to be used by the subsidiary companies to finance their construction programs. Construction expenditures for 1971 are estimated at $51,096,000 for Monongahela, $57,270,000 for Potomac, and $92,766,000 for West Penn.

APS proposes to pledge with Chemical Bank, Trustee under Trust Indenture dated as of September 1, 1949, as supplemented, securing its 3½ percent Sinking Fund Collateral Trust Bonds, all of the acquired common stock of Monongahela and Potomac, and 378,543 shares of the acquired common stock of West Penn.

The fees and expenses to be paid in connection with the issue and sale of the additional shares of APS common stock are estimated to total $106,000, including accountant's fees of $43,000 and counsel fees of $12,500. Fees and expenses of counsel for the successful bidders, to be paid by such bidders, are estimated at $13,000. The fees and expenses to be paid in connection with the authorization, issue and sale of the additional shares of the subsidiary companies common stock are estimated at not to exceed $600 per subsidiary company.

The joint application-declaration states that the Maryland Public Service Commission has jurisdiction over the issue and sale of the common stock of APS and Potomac and the acquisition and pledge by APS of the common stock of Potomac, the Ohio Public Utilities Commission has jurisdiction over the issue and sale of the common stock of Monongahela; and the Pennsylvania Public Utility Commission has jurisdiction over the issue and sale of the common stock of West Penn. The orders of these commissions, when issued, will be filed by amendment. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 6, 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 joint 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 case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint 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.

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

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

[F.R. Doc. 70-14403; Filed, Oct. 26, 1970; 8:49 a.m.]

[812-2572]

CARTER GROUP, INC.

Notice of Filing of Application for Modification of Order Granting Temporary Exemption

OCTOBER 23, 1970.

Notice is hereby given that The Carter Group, Inc. (Applicant) 425 Park Avenue, New York, N.Y. 10022, a Delaware corporation has applied for an order of the Commission modifying an order of the Commission pursuant to the provisions of section 6(c) of the Act and dated November 7, 1969, temporarily exempting Applicant from the provisions of section 7 of the Act, to further exempt from the provisions of section 12(d)(3) of the Act an investment by Utilities and Industries Corp., a corporation controlled by Applicant in Goodbody & Co. (Goodbody) a limited partnership organized under the laws of the State of New York and a member organization of the New York Stock Exchange (the Exchange). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant is presently subject to an order of the Commission dated November 7, 1969, temporarily exempting it from section 7 of the Investment Company Act of 1940 (Act) until the Commission has acted upon Applicant's application under section 3(b)(2) of the Act, filed by Applicant on March 17, 1969 (the Order). The Order further provides that, during the temporary exemption period:

> Applicant and other persons in their relations and transactions with it shall be subject to all provisions of the Act and the rules and regulations thereunder as though Applicant were a registered investment company, other than the following sections and rules and regulations thereunder: Sections 8; 10(a); 17(f), (g), and (h); 20(a); 30; and 31.

Applicant owns 25 percent of the outstanding common stock of and controls Utilities & Industries Corp. (U & I), a New York corporation. U & I proposes to enter into a transaction with Goodbody through which U & I will provide and cause to be provided a substantial amount of new financing for Goodbody. The proposed Goodbody transaction (the Goodbody transaction) is still in the course of negotiation.

It is presently contemplated that an agreement will be executed as soon as possible providing for the immediate investment on execution of the agreement of $10 million by U & I on a subordinate loan basis, which will have the immediate effect of putting Goodbody into an acceptable net capital position. The loan will be made in cash or securities (taken at their value after hair-cut), for 60 days, bearing 4½ percent interest (plus dividends and interest on any securities

loaned), represented by a senior subordinated debenture.

Upon the closing at the end of the 60-day period, assuming the satisfaction of conditions outlined below, the original $10 million 60-day loan will become a $15 million 12-month subordinated loan, and at the same time Loew's Theatres, Inc., will make a $5 million 12-month subordinated loan to Goodbody. At this point, in addition, Mr. Richard Graham of U & I and Applicant, formerly a partner of Josephthal & Co., will become a general partner of Goodbody and Mr. Arthur Carter, formerly employed by Lehman Bros. and later president of Carter, Berlind & Weill, Inc. and two other U & I and Applicant officers will become limited partners of Goodbody. Thereafter, the division of profits will be 44 percent to U & I, 44 percent to the old Goodbody partners, and 12 percent to Loew's. The voting rights will be 56 percent to U & I and 44 percent to the other Goodbody partners. A majority of the "Board of Directors" and executive committee and the principal officers of the continuing Goodbody business will be designees of Utilities & Industries.

Conditions to closing include necessary approvals of all appropriate regulatory and self-regulatory agencies, and a requirement that at least $31 million out of $35 million of present subordinated lenders must agree to extend their capital commitment for a period longer than the maturity of the U & I debenture, and an agreement of old Goodbody partners to reinvest as capital tax savings resulting from Goodbody losses. In the event of satisfaction of all conditions, it is possible that the closing may be accelerated.

The proposed agreement provides that the parties will use their best efforts to amalgamate the businesses of U & I and Goodbody in the future. This provision contemplates that a proposed exchange offer by Utilities & Industries Corp. (Delaware), a newly formed entity, with the stockholders of both U & I and the Applicant will be first completed. Thus Utilities & Industries Corp. (Delaware) will hold common stock of both the Applicant and U & I and will be a party to the future amalgamation above mentioned. Applicant and U & I may be merged into Utilities & Industries Corp. (Delaware), or a subsidiary thereof, prior to such amalgamation.

A definitive copy of the final agreement or agreements with respect to the Goodbody transaction will be supplied by appropriate amendment.

Section 12(d)(3) of the Act provides in part that:

> It shall be unlawful for any registered investment company and any company * * * controlled by such registered investment company to purchase or otherwise acquire * * * any security issued by or any other interest in the business of—
>
> * * * * *
>
> (3) any person who is a broker, a dealer [or] is engaged in the business of underwriting * * * with [exceptions not here relevant.]

Goodbody is a registered broker-dealer, and engaged in the business of underwriting.

Applicant contends that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, for the reasons set forth below, that U & I be permitted to enter into and consummate the Goodbody transaction.

Goodbody is approximately the fifth largest brokerage house in the United States, with approximately 100 branch offices and 250,000 customers (investor) accounts. Goodbody has encountered problems relating to compliance with Exchange net capital requirements arising out of securities differences and other matters. The New York Stock Exchange (the Exchange) has advised Goodbody that unless Goodbody raises substantial additional capital by November 5, 1970, the Exchange may be required to suspend Goodbody's operations for violation of the Exchange's net capital rules. The impact on public investors and their confidence in the nation's securities markets, coming as it would upon the heels of the failure, suspension or bankruptcy of several other Exchange member organizations, would be severe.

Goodbody has sought additional capital elsewhere, but it has recently been announced that these negotiations have terminated. U & I is the only company presently negotiating to supply the amount of capital required. It has the size and available capital assets necessary to permit it to do so. It numbers among its executives persons experienced in the securities industry and the Exchange community, who will provide a valuable management infusion to Goodbody. Finally, Exchange officials, who have been privy to all negotiations in the proposed Goodbody transaction, have "expressed no objection" to the proposed transaction and have indicated a strong belief that it will be in the best interest of the public.

Applicant, therefore, requests that the order be modified to except from its provisions, in addition to the excepted sections enumerated therein, section 12(d)(3), insofar as it might otherwise be applicable to the Goodbody transaction.

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

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

Notice is further given that any interested person may not later than November 2, 1970 at 12 m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

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

[F.R. Doc. 70-14523; Filed, Oct. 26, 1970; 10:16 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order No. 150-45 (Revision No. 2)]

COMMISSIONER OF INTERNAL REVENUE

Delegation of Authority

Treasury Department Order No. 150-45 (Revision No. 1) is hereby amended to read as follows:

The Commissioner of Internal Revenue is hereby authorized to prescribe all needful rules and regulations for the enforcement of Chapters 40 and 44, Title 18, United States Code, and Title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (Title 18, U.S.C., Appendix), as amended, subject to approval by the Secretary or his delegate, and to administer and enforce Chapter 40, Title 18, United States Code.

Dated: October 15, 1970.

[SEAL] DAVID M. KENNEDY, *Secretary of the Treasury.*

[F.R. Doc. 70-14395; Filed, Oct. 26, 1970; 8:48 a.m.]

[Department Circular, Public Debt Series—No. 10-70]

7¼ PERCENT TREASURY NOTES OF SERIES D–1974

Offering of Notes

OCTOBER 23, 1970.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers notes of the United States, designated 7¼ percent Treasury Notes of Series D–1974, at par, in exchange for 5 percent Treasury Notes of Series A–1970 maturing November 15, 1970. The amount of this offering will be limited to the amount of eligible notes tendered in exchange. The books will be open until 8 p.m., local time, October 29, 1970, for the receipt of subscriptions.

2. In addition, holders of the 5 percent Treasury Notes of Series A–1970 are offered the privilege of exchanging all or any part of them for 7½ percent Treasury Notes of Series C–1976, which offering is set forth in Department Circular, Public Debt Series—No. 11–70, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes will be dated November 15, 1970, and will bear interest from that date at the rate of 7¼ percent per annum, payable semiannually on May 15, and November 15 in each year until the principal amount becomes payable. They will mature May 15, 1974, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing U.S. notes.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, and to allot less than the amount of notes applied for when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, all subscriptions will be allotted in full.

IV. *Payment.* 1. Payment for the face amount of notes allotted hereunder must be made on or before November 16, 1970, or on later allotment, and may be made only in a like face amount of 5 percent Treasury Notes of Series A–1970, which should accompany the subscription. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made with notes in bearer form, coupons dated November 15, 1970, should be detached and cashed when due. When payment is made with registered notes, the final interest due on November 15, 1970, will be paid by issue of interest checks in regular course to holders of record on October 15, 1970, the date the transfer books closed.

V. *Assignment of registered notes.* 1. Registered notes tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The maturing notes must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the notes surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 7¼ percent Treasury Notes of Series D–1974"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 7¼ percent Treasury Notes of Series D–1974 in the name of _____ _____"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 7¼ percent Treasury Notes of Series D–1974 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DAVID M. KENNEDY,
Secretary of the Treasury.

[F.R. Doc. 70-14508; Filed, Oct. 26, 1970; 9:40 a.m.]

[Department Circular; Public Debt Series—No. 11-70]

7½ PERCENT TREASURY NOTES OF SERIES C–1976

Offering of Notes

OCTOBER 23, 1970.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers notes of the United States, designated 7½ percent Treasury Notes of Series C–1976, at 100.50 percent of their face value and accrued interest, in exchange for 5 percent Treasury Notes of Series A–1970 maturing November 15, 1970. The amount of this offering will be limited to the amount of eligible notes tendered in exchange. The books will be open until 8 p.m., local time, October 29, 1970, for the receipt of subscriptions.

2. In addition, holders of the 5 percent Treasury Notes of Series A–1970 are offered the privilege of exchanging all or any part of them for 7¼ percent Treasury Notes of Series D–1974, which offering is set forth in Department Circular, Public Debt Series—No. 10–70, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes now offered will be identical in all respects with the 7½ percent Treasury Notes of Series C–1976 issued pursuant to Department Circular, Public Debt Series—No. 8–69, except that interest will accrue from November 15, 1970. With this exception the notes are described in the following quotation from Department Circular No. 8–69:

1. The notes will be dated October 1, 1969, and will bear interest from that date at the rate of 7½ percent per annum, payable on a semiannual basis on February 15 and August 15, 1970, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature August 15, 1976, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and

registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing U.S. notes.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, and to allot less than the amount of notes applied for when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, all subscriptions will be allotted in full.

IV. *Payment.* 1. Payment for the face amount of notes allotted hereunder together with a cash payment of $23.75 per $1,000 ($18.75 per $1,000 for accrued interest from August 15 to November 15, 1970, and $5 per $1,000 on account of the issue price of the notes allotted) must be made on or before November 16, 1970, or on later allotment. Payment for the face amount of the notes allotted may be made only in a likeface amount of 5 percent Treasury Notes of Series A–1970, which together with the cash payment referred to in the preceding sentence should accompany the subscription. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made with notes in bearer form, coupons dated November 15, 1970, should be detached and cashed when due. When payment is made with registered notes, the final interest due on November 15, 1970, will be paid by issue of interest checks in regular course to holders of record on October 15, 1970, the date the transfer books closed.

V. *Assignment of Registered Notes.* 1. Registered notes tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The maturing notes must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the notes surrendered the assignment should be to "The Secretary of the Treasury for exchange for 7½ percent Treasury Notes of Series C–1976"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 7½ percent Treasury Notes of Series C–1976 in the name of _____"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 7½ percent Treasury Notes of Series C–1976 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make deliveries of notes on full-paid subscriptions allotted, and they may issue interim receipts ending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DAVID M. KENNEDY,
Secretary of the Treasury.

[F.R. Doc. 70–14509; Filed, Oct. 26, 1970; 9:40 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 994; ICC Order No. 39; Amdt. 3]

CHICAGO AND NORTH WESTERN RAILWAY CO.

Car Distribution

Upon further consideration of ICC Order No. 39 (The Chicago and North Western Railway Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 39 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., October 31, 1970, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 21, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[F.R. Doc. 70–14413; Filed, Oct. 26, 1970; 8:49 a.m.]

[Notice 178]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 22, 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 42043 (Sub-No. 1 TA), filed October 19, 1970. Applicant: FRANCIS PETRELLA AND JOSEPH PETRELLA, a partnership, doing business as PETRELLA's EXPRESS, St. Joseph's Lane, Downingtown, Pa. 19335. Applicant's representative: Joseph Petrella (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Downingtown, Pa., to points in Delaware, Maryland, New York, New Jersey, District of Columbia, and Virginia; and (2) *scrap paper and wooden pallets, paper products* which have been rejected, from the above destination territories, to Downingtown, Pa., for 90 days. Supporting shipper: Downingtown Paper Co., Downingtown, Pa. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 97357 (Sub-No. 34 TA), filed October 20, 1970. Applicant: ALLYN TRANSPORTATION COMPANY, a corporation, 14011 South Central Avenue, Los Angeles, Calif. 90017. Applicant's representatives: Russell & Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, in bulk, in tank vehicles, from Carson, Calif., to points in Maricopa and Pima Counties, Ark., for 180 days. Supporting shipper: Hooker Chemical Corp., 605 Alexander Avenue, Post Office Box 2157, Tacoma, Wash. 98401. Send protests to: John E. Nance, District Supervisor, Bureau of Operations, Interstate Commerce Commission,

Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 107295 (Sub-No. 459 TA), filed October 20, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition boards, fiber boards, and pulpboards;* from Meridian, Miss., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, for 180 days. Supporting shipper: Flintkote Co., Meridian, Miss. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Room 476, 325 West Adans Street, Springfield, Ill. 62704.

No. MC 107496 (Sub-No. 792 TA), filed October 20, 1970. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Post Office Box 855 50304, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Memphis, Tenn., to Huntsville and Tuscumbia, Ala., for 60 days. Supporting shipper: Southdown Lands, Inc., Post Office Box 52378, New Orleans, La. 70105. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 114194 (Sub-No. 157 TA), filed October 16, 1970. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. 62201. Applicant's representative: Gene Kreider (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn starch*, dry in bulk, from Keokuk, Iowa, to Champaign, Ill., for 180 days. Supporting shipper: The Hubinger Co., Keokuk, Iowa 52632. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 114211 (Sub-No. 146 TA), filed October 20, 1970. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street 50701, Post Office Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood lath*, from points in Pennington, Meade, Custer, and Lawrence Counties, S. Dak., to points in Nebraska, Kansas, Iowa, Oklahoma, Missouri, Minnesota, Illinois, Wisconsin, Indiana, and Ohio, for 180 days. Supporting shippers: Homestake Mining Co., Box 472, Spearfish, S. Dak.; J. U. Dickson Sawmills, Box 269, Sturgis, S. Dak.; Custer Lumber Co., Inc., Box 191, Custer, S. Dak.; Stauter Lumber Co., Box 168, Hill City, S. Dak. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 115181 (Sub-No. 23 TA), filed October 16, 1970. Applicant: HAROLD M. FELTY, INC., Rural Delivery No. 1, Pine Grove, Pa. 17963. Applicant's representative: John W. Dry, 541 Penn Street, Reading, Pa. 19601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Slag*, from Sparrows Point, Md., to the plants of York Building Products Co., Inc., in the cities of Harrisburg and York, Pa.; and (2) *stone*, from Texas, Md., to the plants of York Building Products Co., Inc., in the cities of Harrisburg and York, Pa., for 180 days. Supporting shipper: York Building Products Co., Inc., Loucks Mill Road, York, Pa. 17405. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 118806 (Sub-No. 14 TA), filed October 16, 1970. Applicant: ARNOLD BROS. TRANSPORT, LTD., 1101 Dawson Road, Winnipeg, Manitoba, Canada. Applicant's representative: Richard A. Kerwin, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed scrap automobiles* from points in Minnesota and North Dakota to ports of entry on the international boundary line between the United States and Canada in Minnesota and North Dakota, on traffic destined to Metropolitan Winnipeg, Manitoba, Canada, for 180 days. Supporting shipper: General Scrap & Car Shredder Ltd., 1131 Notre Dame, Winnipeg, Manitoba, Canada. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, N. Dak. 58102.

No. MC 119391 (Sub-No. 7 TA), filed October 14, 1970. Applicant: AJAX TRANSFER COMPANY, 550 East Fifth Street South, South St. Paul, Minn. 55075. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by packinghouses*, as described in appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, between Minneapolis-St. Paul, Minn., commercial zone, and points in Minnesota; Michigan, counties of Ontonagan, Gogebic, and Houghton; Wisconsin counties of Taylor, Clark, Buffalo, Trempealeau, Jackson, La Crosse, Monroe, Juneau, Adams, Vernon, Crawford, Richland, Sauk, Grant, Burnett, Washburn, Sawyer, Polk, Barron, Rusk, St. Croix, Dunn, Chippewa, Eau Claire, Pepin, Pierce, Wood, Marathon, Portage, Columbia, Marquette, Waushara, Lincoln, Price, Langlade, Oneida, Vilas, Iron, Ashland, Forest, Winnebago, Outagamie, Brown, Shawano, Waupaca, Fond du Lac, Dodge, Dane, Douglas, and Bayfield; Iowa, counties of Cherokee, Lion, Dubuque, Wapello, Polk, Story, Worth, Cerro, Gordo, Franklin, Hardin, Blackhawk, Chickasaw, Mitchell, Floyd, Winneshiek, Webster, Emmet, Clay, Plymouth, Woodbury, Fayette, and Allamakee; North Dakota, counties of Grand Forks, Walsh, Cass, Stutsman, Barnes, Buleigh, Morton, and Ward; South Dakota, counties of Brown, Beadle, Codington, Brookings, Minnehaha, and Union, for 180 days. Supporting shipper: Metro Meat Packing, Inc., 40 West Kellogg Boulevard, St. Paul, Minn. 55102. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 120098 (Sub-No. 18 TA), filed October 15, 1970. Applicant: UINTAH FREIGHTWAYS, 1030 South Redwood Road, Salt Lake City, Utah 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value and household goods as defined by the Commission), between Craig, Colo., and Baggs Wyo., serving all intermediate points and the off-route points of Dixon and Savery, Wyo., and points within 20 miles of Savery, Wyo., from Craig, Colo., over Colorado Highway 789 to Baggs, Wyo., and return over the same route, for 180 days. NOTE: Tacking with authority held under MC 120098 Sub 16–TA is requested and interlining with other carriers. Supported by: There are approximately 15 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 124505 (Sub-No. 10 TA), filed October 16, 1970. Applicant: EUGENE TRIPP, 4624 South Avenue West, Missoula, Mont. 59801. Applicant's representative: Jeremy G. Thane, Savings Center Building, Missoula, Mont. 59801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Minneapolis and St. Paul, Minn., and Milwaukee, Wis., to Great Falls, Mont., and Helena, Mont., for 180 days. Supporting shippers: Gianni & Son Distributing Co., Inc., Great Falls, Mont. 59401; Earl J. Tucker Distributing Co., Great Northern Industrial Sites, Helena, Mont. 59601; and Clausen Distributing Co., Post Office Box 238, Helena, Mont. 59601. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 129645 (Sub-No. 28 TA), filed October 16, 1970. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING,

1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: Basil J. Smeester (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard, wood fiberboard faced or finished with decorative and/or protective material, and accessories and supplies used in the installation thereof* (except commodities in bulk), from the plant and warehouse sites of Evans Products Co., at or near Doswell, Hanover County, Va., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, Tennessee, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Allen K. Penttila, Director of Traffic and Transportation, Evans Products Co., 2200 East Devon Avenue, Des Plaines, Ill. 60018. Send protests to: C. R. Fleming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 225 Federal Building, Lansing Mich. 48933.

No. MC 134941 (Sub-No. 1 TA), filed October 20, 1970. Applicant: DUBUC TANK LINES, LTD., 11650 Metropolitan Boulevard East, Montreal, Province of Quebec, Canada. Applicant's representative: Edwin Free, 25 Keith Avenue, Barre, Vt. 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt*, in bulk, in tank vehicles, from ports of entry on the international boundary line between the United States and Canada, located in New York, Vermont, New Hampshire, and Maine, to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont, for 150 days. Supporting shippers: Cronin Asphalt Corp., Post Office Box 4257, East Providence, R.I. 02914; L. M. Pike & Son, Inc., Post Office Box 678, Laconia, N.H. 03246; Trimount Bituminous Products Co., 1840–1850 Parkway, Everett, Mass. 02149, and SEROC, Inc., 800 Rue King East, Sherbrooke, Province of Quebec, Canada. Send protests to: District Supervisor, Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

By the Commission.

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

[F.R. Doc. 70-14415; Filed, Oct. 26, 1970; 8:50 a.m.]

[Notice 606]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 22, 1970.

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

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

No. MC-FC-72203. By order of October 15, 1970, the Motor Carrier Board approved the transfer to Catskills Limousine Transportation Service, Inc., Havertown, Pa., of the operating rights in certificates Nos. MC-112676 and MC-112676 (Sub-No. 3), issued May 16, 1956, and September 19, 1956, respectively, to Irving S. Moser, doing business as Catskills Limousine Transportation Service, Philadelphia, Pa., authorizing the transportation of passengers and their baggage in special nonscheduled seasonal operations between a described area of Pennsylvania, on the one hand, and, on the other, points in Sullivan and Ulster Counties, N.Y. Oscar Spivack, 1616 Two Penn Center Plaza, Philadelphia, Pa. 19102, attorney for applicants.

No. MC-FC-72418. By order of October 15, 1970, the Motor Carrier Board approved the transfer to Joe Crocker, doing business as Joe Crocker Moving & Storage, Corpus Christi, Tex., of that portion of the operating rights in certificate of registration No. MC-120134 (Sub-No. 1) issued May 1, 1964, to Farmers Grain Co., Inc., Fredericksburg, Tex., authorizing the transportation of household goods and used office furniture and equipment from points within a 50-mile radius of Fredericksburg, Tex., to points in Texas and vice versa, restricted against transportation from dealer to dealer. Phillip Robinson, 904 Laraca Street, Austin, Tex. 78701, attorney for applicants.

No. MC-FC-72431. By order of October 20, 1970, the Motor Carrier Board approved the transfer to G. H. Harnum, Inc., Cambridge, Mass., of a portion of the operating rights in certificate No. MC-33566 issued October 10, 1963, to J. J. Sullivan the Mover, Inc., Springfield, Mass., authorizing the transportation of commodities requiring special equipment or handling for the transportation thereof between specified points and areas in Massachusetts, on the one hand, and, on the other, points in Connecticut, New Hampshire, Vermont, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, the District of Columbia, and a described area of Massachusetts. Arthur A. Wentzell, Post Office Box 764, Worcester, Mass. 01613, representative for applicants.

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

[F.R. Doc. 70-14416; Filed, Oct. 26, 1970; 8:50 a.m.]

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