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Agriculture Department
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Comptroller of the Currency
Consumer and Marketing Service
Domestic Commerce Bureau
Engineers Corps
Federal Aviation Administration
Federal Communications Commission
Federal Highway Administration
Federal Maritime Commission
Federal Power Commission
Federal Railroad Administration
Federal Reserve System
Federal Trade Commission
Food and Drug Administration
Hazardous Materials Regulations Board
Interim Compliance Panel
(Coal Mine Health and Safety)
International Commerce Bureau
Land Management Bureau
Packers and Stockyards Administration
Public Health Service
Reclamation Bureau
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Transportation Department
Urban Mass Transportation Administration
Veterans Administration

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1949-1963

This volume contains a compilation of the "List of Sections Affected" for all titles of the Code of Federal Regulations for the years 1949 through 1963. All sections of the CFR which have been expressly affected by documents published in the daily Federal Register are enumerated.

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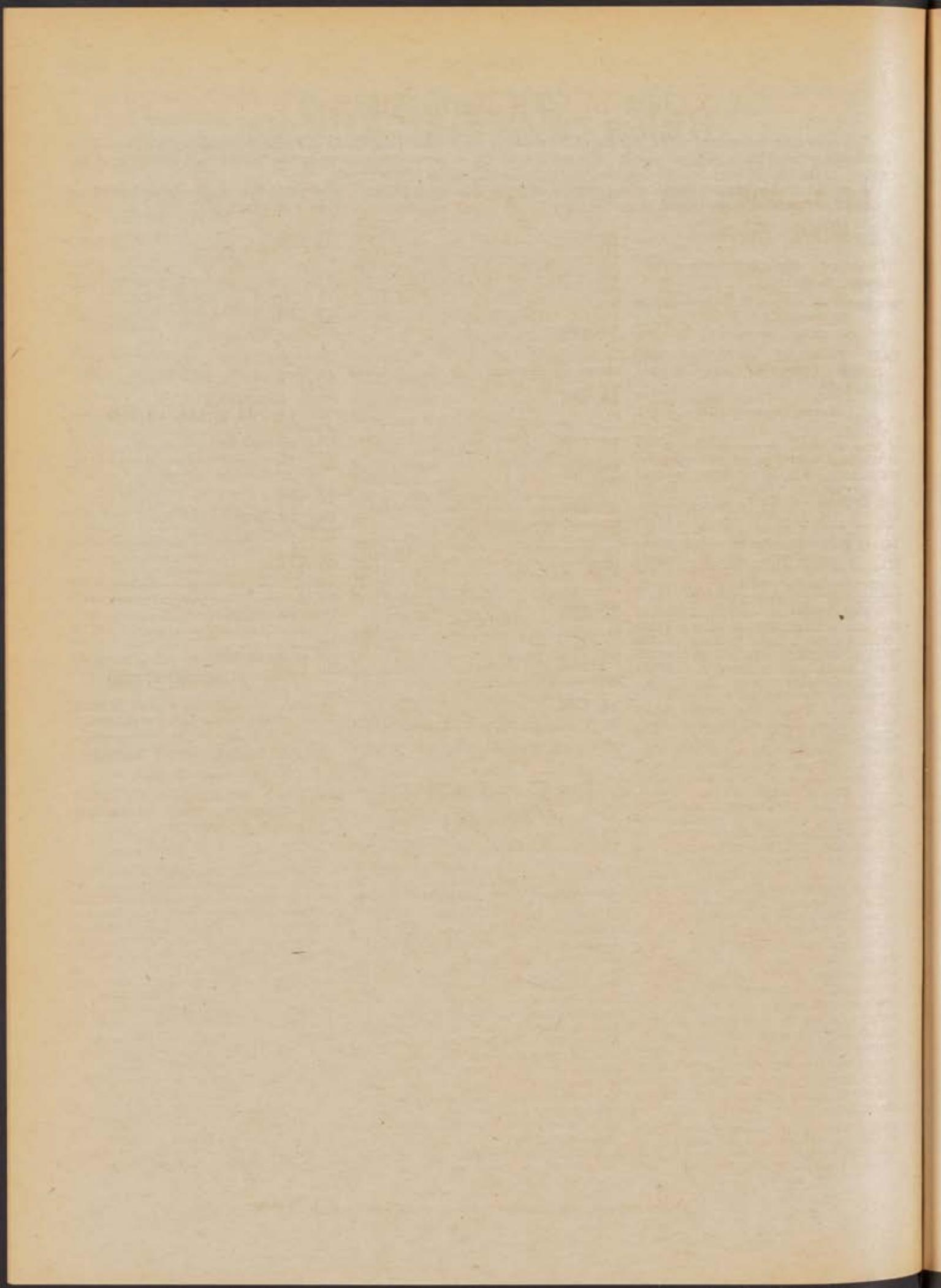
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Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 70-292]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

In § 76.2 paragraph (e) (16) relating to the State of Virginia is amended to read:

(16) *Virginia*. That portion of the State of Virginia comprised of the adjacent portions of Nansemond and Isle of Wight Counties bounded by a line beginning at the junction of the Isle of Wight-Surry County line and the James River; thence, following the south bank of the James River in a generally southeasterly direction along Cobham Bay, Batten Bay, and the south coastline of Hampton Roads to the Nansemond County-City of Portsmouth line; thence, following the Nansemond County-City of Portsmouth line in a southwesterly direction to the Nansemond County-City of Chesapeake line; thence, following the Nansemond County-City of Chesapeake line in a southwesterly direction to the Virginia-North Carolina State line; thence, following the Virginia-North Carolina State line in a westerly direction to the Nansemond-Southampton County line (also the Blackwater River); thence, following the Nansemond-Southampton County line in a generally northerly direction to the Isle of Wight-Southampton County line; thence, following the Isle of Wight-Southampton County line in a generally northeasterly direction to the Isle of Wight-Surry County line; thence, following the Isle of Wight-Surry County line in a northeasterly direction to its junction with the James River.

(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 P.R. 16210, as amended)

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

The amendment excludes City of Virginia Beach, City of Chesapeake, City of Norfolk, and City of Portsmouth in Virginia from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded areas.

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

Done at Washington, D.C., this 4th day of November 1970.

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

[F.R. Doc. 70-15091; Filed, Nov. 6, 1970;
8:51 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 of Schedule C is amended (1) to reflect the change in title from Staff Assistant to the Director, Office of Renewal Assistance, to Special Assistant to the Director; (2) to show that in the Office of the Assistant Secretary for Metropolitan Planning and Development, the titles of his Staff Assistant for Metropolitan Development and of his Assistant are changed to Special Assistant; and (3) to consolidate the listings for the six Special Assistants to the Assistant Secretary for Metropolitan Planning and Development. Effective on publication in the FEDERAL REGISTER, subparagraph (7) of paragraph (c) is amended; subparagraphs (2), (4), and (6) of paragraph (d) are revoked; and

subparagraph (3) of paragraph (d) is amended under § 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

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

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

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

(2) [Revoked]

(3) Six Special Assistants to the Assistant Secretary.

(4) [Revoked]

(6) [Revoked]

(5 U.S.C. 3901, 3902, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant to
the Commissioners.*

[F.R. Doc. 70-15061; Filed, Nov. 6, 1970;
8:49 a.m.]

Title 7—AGRICULTURE

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

[Tangerine Reg. 40, Amdt. 1]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the Growers Administrative Committee reflects its appraisal of the Florida tangerine crop and the current and prospective market conditions. More restrictive regulation

requirements should be made effective no later than November 9, 1970, because the terminal market supply situation reflects excessive shipments of smaller tangerines, hence, a higher minimum size requirement is needed in fresh tangerine shipments to (1) maintain returns to producers consistent with the declared policy of the act by reducing the amount of smaller, less desirable tangerines in shipments to fresh market outlets, and (2) provide consumers with Florida tangerines of the most desirable quality.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 9, 1970. Domestic shipments of Florida tangerines are currently regulated pursuant to Tangerine Regulation 40 (35 F.R. 16075) and determinations as to the need for, and extent of, continued regulation of domestic shipments of tangerines must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of such tangerine shipments subsequent to November 9, 1970, and in the manner herein provided, were promptly submitted to the Department after an assembled meeting of the Growers Administrative Committee on October 27, 1970, such meeting was held (after giving due notice) to consider recommendations for regulation; and interested persons were afforded an opportunity to submit their views; the provisions of this amendment are identical with the aforesaid recommendations of the committees, and information concerning such provisions has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective as hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 905.528 (Tangerine Reg. 40; 35 F.R. 16075), paragraph (a) (1) (ii) is amended to read as follows:

§ 905.528 Tangerine Regulation 40.

(a) * * *

(1) * * *

(ii) Any tangerines, grown in the production area, which are of a size smaller than $2\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tol-

erance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Tangerines.

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

Dated, November 4, 1970, to become effective November 9, 1970.

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

[F.R. Doc. 70-15058; Filed, Nov. 6, 1970;
8:49 a.m.]

[Grapefruit Reg. 76]

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

Limitation of Handling

§ 912.376 Grapefruit Regulation 76.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

mittee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 5, 1970.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period November 9, 1970, through November 15, 1970, is hereby fixed at 157,500 standard packed boxes.

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

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

Dated: November 6, 1970.

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

[F.R. Doc. 70-15185; Filed, Nov. 6, 1970;
11:22 a.m.]

[Grapefruit Reg. 44]

**PART 913—GRAPEFRUIT GROWN IN
THE INTERIOR DISTRICT IN FLORIDA**

Limitation of Handling

§ 913.344 Grapefruit Regulation 44.

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

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

as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 3, 1970.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period November 9, 1970, through November 15, 1970, is hereby fixed at 250,000 standard packed boxes.

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

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

Dated: November 4, 1970.

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

[F.R. Doc. 70-15087; Filed, Nov. 6, 1970; 8:51 a.m.]

PART 914—ORANGES GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Order Regulating Handling

- Sec. 914.0 Findings and determinations.
- DEFINITIONS**
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- 914.2 Act.
- 914.3 Person.
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- ADMINISTRATIVE BODY**
- 914.20 Establishment and membership.
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- Sec. 914.22 Powers of the Interior Orange Marketing Committee.
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- 914.62 Agents.
- 914.63 Derogation.
- 914.64 Personal liability.
- 914.65 Separability.

AUTHORITY: The provisions of this part 914 issued under Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 914.0 Findings and determinations.

(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 Lakeland, Fla., June 24-27, 1969, upon a proposed marketing agreement and a proposed marketing order regulating the handling of oranges grown in the Interior District in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) This order, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order regulates the handling of oranges grown in the Interior District in Florida in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which hearings have been held;

(3) This order is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no difference in the production and marketing of oranges

grown in the Interior District in Florida which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of oranges grown in the Interior District in Florida as defined in this order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found, on the basis hereinafter indicated that good cause exists for making the provisions of this order effective November 29, 1970. The provisions of this order would authorize regulations, for a maximum of 12 weeks in each season, limiting the weekly volume of oranges that may be handled. As soon as practicable after such effective time, and prior to imposition of regulations it will be necessary for the Interior Orange Marketing Committee, the agency charged with administration of the program, and the Secretary to initiate and complete various actions of both organizational and regulatory nature, including the formulation and promulgation of rules and regulations to govern operations under the program. Shipments of oranges normally extend from September through August, and shipments of the current crop are being made. Hence, for the program to be of maximum benefit during the 1970-71 shipping season the order should be made effective on November 29, 1970, the latest practicable date. The provisions of the order are well known to handlers of Interior oranges since the public hearing held in connection with the order was completed June 27, 1969, and the recommended decision and the Secretary's decision were published in the FEDERAL REGISTER on April 15, 1970 (35 F.R. 6132), and July 24, 1970 (35 F.R. 11909), respectively. Copies of the regulatory provisions of this order were made available to all interested parties; such provisions do not place any restrictions on handlers until regulations are issued thereunder and shipment of oranges takes place; and, therefore, compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulation pursuant thereto.

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

(1) A marketing agreement regulating the handling of oranges grown in the Interior District 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 oranges covered by this order) who, during the period August 1, 1969, through July 31, 1970, handled not less than 50 percent of the volume of oranges covered by this order; and

(2) The issuance of this 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 (Aug. 1, 1969,

through July 31, 1970) were engaged, within the production area specified in this order, in the production of oranges for market.

It is, therefore, ordered. That, on and after the effective date hereof, all handling of oranges grown in the said Interior District shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 914.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 914.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, (secs. 1-19, 48 Stat., 31, as amended; 7 U.S.C. 601-674).

§ 914.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 914.4 Oranges.

"Oranges" means all varieties of Citrus sinensis, Osbeck, grown in the Interior District of Florida but not oranges of the so-called kid glove type such as Temple, Murcott Honey and King oranges.

§ 914.5 Early and midseason type oranges.

"Early and midseason type oranges" means all oranges except late type oranges.

§ 914.6 Late type oranges.

"Late type oranges" means Valencia oranges, and Lue Gim Gong and similar late maturing oranges of the Valencia type.

§ 914.7 Producer.

"Producer" is synonymous with "grower" and means any person who is engaged in the production for market of oranges grown in the Interior District in Florida and who has proprietary interest in the oranges so produced.

§ 914.8 Handler or shipper.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier transporting oranges owned by another person) who, as owner, agent, or otherwise, handles oranges in fresh form, or causes oranges to be so handled.

§ 914.9 Handle or ship.

"Handle" or "ship" means to sell or transport oranges, or in any other way to place oranges in the current of the commerce between the regulation area and any point outside thereof in the 48 contiguous States, or the District of Columbia, of the United States, Canada, or

Mexico, or cause oranges to be sold, transported, or placed in such commerce.

§ 914.10 Standard packed box.

"Standard packed box" means a unit of measure equivalent to one and three-fifths (1 $\frac{3}{5}$) U.S. bushels of oranges, whether in bulk or in any container.

§ 914.11 Week or full week.

"Week" or "full week" means a 7-day period beginning with Monday.

§ 914.12 Fiscal period.

"Fiscal period" means the period of time from August 1 of any year until July 31 of the following year, both dates inclusive; *Provided*, That the initial fiscal period shall begin on the effective date of this part.

§ 914.13 Committee.

"Committee" means the Interior Orange Marketing Committee.

§ 914.14 Regulation area.

"Regulation area" means that portion of the State of Florida, which is bounded by the Suwannee River, the Georgia border, the Atlantic Ocean, and the Gulf of Mexico.

§ 914.15 Interior district or district.

"Interior district" or "district" means the production area, comprised of the following areas in the State of Florida: The counties of Hillsborough, Pinellas, Manatee, Citrus, Sumter, Hernando, Pasco, Lake, Orange, Osceola, Seminole, Alachua, Putnam, St. Johns, Flagler, Marion, Levy, Duval, Nassau, Baker, Union, Bradford, Columbia, Clay, Gilchrist, Suwannee, Polk, Hardee, Sarasota, Monroe, Highlands, Okeechobee, Glades, De Soto, Charlotte, Lee, Hendry, Collier, Dade, Broward, and County Commissioner's Districts One, Two, and Three of Volusia County and shall include the portions of the counties of Brevard, Indian River, Martin, and Palm Beach except as particularly described as follows: Beginning at a point on the shore of the Atlantic Ocean where the line between Flagler and Volusia Counties intersects said shore, thence follow the line between said two counties to the southwest corner of sec. 23, T. 14 S., R. 31 E.; thence continue south to the southwest corner of sec. 35, T. 14 S., R. 31 E.; thence east to the northwest corner of T. 18 S., R. 32 E.; thence south to the southwest corner of T. 17 S., R. 32 E.; thence east to the northwest corner of T. 18 S., R. 33 E.; thence south to the St. Johns River; thence along the main channel of the St. Johns River and through Lake Harney, Lake Poinsett, Lake Winder, Lake Washington, Sawgrass Lake, and Lake Hellen Blazes to the range line between Rs. 35 E. and 36 E.; thence south to the south line of Brevard County; thence east to the line between Rs. 36 E. and 37 E.; thence south to the southwest corner of St. Lucie County; thence east to the line between Rs. 39 E. and 40 E.; thence south to the south line of Martin County, thence east to the line between Rs. 40 E. and 41 E.; thence south to the West Palm

Beach Canal (also known as the Okeechobee Canal); thence follow said canal eastward to the mouth thereof; thence east to the shore of the Atlantic Ocean; thence northerly along the shore of the Atlantic Ocean to the point of beginning.

ADMINISTRATIVE BODY

§ 914.20 Establishment and membership.

There is hereby established an Interior Orange Marketing Committee. The members and alternate members of such committee shall be those members and alternate members of the Growers Administrative Committee and Shippers Advisory Committee selected under Order No. 905 (Part 905 of this chapter), whose residence and principal place of business are in the Interior district; *Provided*, That in the event the membership of such committees is not selected as aforesaid, the Secretary may select the members and alternate members of the Interior Orange Marketing Committee until such time as a method for the selection of the membership of such committee is prescribed in the provisions of this part.

§ 914.21 Inability of members to serve.

An alternate for a member of the committee shall act in the place and stead of such member in his absence, or in the event of his removal, resignation, disqualification, or death, and until a successor for his unexpired term has been selected.

§ 914.22 Powers of the Interior Orange Marketing Committee.

The committee, in addition to the power to administer the terms and provisions of this part, as provided in this part, shall have the power (a) to make, only to the extent specifically permitted by the provisions contained in this part, administrative rules and regulations; (b) to receive, investigate, and report to the Secretary complaints of violations of this part; and (c) to recommend to the Secretary amendments to this part.

§ 914.23 Duties of the Interior Orange Marketing Committee.

It shall be the duty of the committee: (a) To select a chairman from its membership, and to select such other officers and adopt such rules and regulations for the conduct of its business as it may deem advisable; (b) to keep minutes, books, and records which will clearly reflect all of its acts and transactions, which minutes, books, and records shall at all times be subject to the examination of the Secretary; (c) to act as intermediary between the Secretary and producers and handlers; (d) to furnish the Secretary with such available information as he may request; (e) to appoint such employees as it may deem necessary and to determine the salaries and define the duties of such employees; (f) to cause its books to be audited by one or more certified or registered public accountants at least once for each fiscal period, and at such other times as it deems necessary or as the Secretary may request, and to file with the Secretary

copies of all audit reports; (g) to prepare and issue a monthly statement of financial operations of the committee; and (h) to provide an adequate system for determining the total crop of oranges and to make such determinations as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration of this part.

§ 914.24 Compensation and expenses of committee members.

The members and alternate members of the committee shall serve without compensation but may be reimbursed for expenses necessarily incurred by them in attending committee meetings and in the performance of their duties under this part.

§ 914.25 Procedure of committee.

(a) Except as provided in paragraphs (b) and (c) of this section, a majority of the members shall constitute a quorum and any decision or action shall require concurrence by a majority of the committee.

(b) For any recommendation for regulation to be valid, not less than 60 percent of the committee shall concur, except as provided in paragraph (c) of this section.

(c) Not less than 80 percent of the committee shall concur to make a recommendation for regulation for any week following 3 or more weeks of continuous regulations. The requirement of this paragraph shall not apply to recommendations to amend an existing regulation.

(d) The vote of each member cast for or against any recommendation made pursuant to this part, shall be duly recorded. Each member must vote in person.

(e) In the event any member of the committee and his alternate are not present at any meeting of the committee, any alternate present who is not acting for any other member may be designated by the chairman of the committee to serve in the place and stead of the absent member.

(f) The committee shall give to the Secretary the same notice of meetings of the committee as is given to the members thereof.

§ 914.26 Funds.

(a) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes herein specified and shall be accounted for in the manner provided in this part.

(b) The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee such member shall account for all receipts and disbursements and deliver all property and funds, together with all books and records in his possession, to his successor in office, and shall execute such assignment and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds and claims

vested in such member pursuant to this part.

EXPENSES AND ASSESSMENTS

§ 914.30 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as provided in § 914.31.

§ 914.31 Assessments.

(a) Each handler who first handles oranges shall pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by such committee for its maintenance and functioning during each fiscal period. Each such handler's share of such expenses shall be that proportion thereof which the total quantity of oranges shipped by such handler as the first handler thereof during the applicable fiscal period is of the total quantity of oranges so shipped by all handlers during the same fiscal period. The Secretary shall fix the rate of assessment per standard packed box of fruit to be paid by each such handler. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) At any time during or after the fiscal period, the Secretary may increase the rate of assessment so that the sum of money collected pursuant to the provisions of this section shall be adequate to cover the said expenses. Such increase shall be applicable to all fruit shipped during the given fiscal period. In order to provide funds to carry out the functions of the committee handlers may make advance payment of assessments.

§ 914.32 Handler's accounts.

If, at the end of a fiscal period the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not exceed approximately one-half one fiscal period's expenses. Such reserve funds may be used (a) to cover any expenses authorized by this part and (b) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following fiscal period unless he demands payment of the sum due him, in which case such sum shall be paid to him. 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 re-

turned pro rata to the persons from whom such funds were collected.

REGULATIONS

§ 914.40 Marketing policy.

(a) Prior to the first recommendation for regulation during any marketing season, the committee shall submit to the Secretary its marketing policy for such season. Such marketing policy shall contain the following information: (1) The estimated available crop of oranges, including estimated quality; (2) the estimated utilization of the crop that will be marketed in domestic, export, and by-product channels, together with quantities otherwise to be disposed of; (3) a schedule of estimated weekly shipments of oranges during the ensuing season; (4) the available supplies of competitive deciduous fruits in all producing areas of the United States; (5) level and trend in consumer income; (6) estimated supplies of competitive citrus commodities; and (7) any other pertinent factors bearing on the marketing of oranges. In the event that it becomes advisable substantially to modify such marketing policy, the committee shall submit to the Secretary a revised marketing policy.

(b) All meetings of the committee held for the purpose of formulating such marketing policies shall be open to growers and handlers.

(c) The committee shall transmit a copy of each marketing policy report and each revision thereof to the Secretary and to each grower and handler who files a request therefor. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

§ 914.41 Recommendation for volume regulation.

(a) The committee may, during any week, recommend to the Secretary the total quantity of oranges which it deems advisable to be handled during the next succeeding week: *Provided*, That such volume regulations shall not be recommended for more than an aggregate of 12 weeks during any fiscal period.

(b) In making its recommendations the committee shall give due consideration to the following factors:

- (1) Market prices for oranges;
- (2) Supply of oranges on track at, and en route to, the principal markets;
- (3) Supply, maturity, and condition of oranges in the production area;
- (4) Market prices and supplies of citrus fruit from competitive producing areas, and supplies of other competitive fruits;
- (5) Trend and level of consumer income; and
- (6) Other relevant factors.

(c) At any time during a week for which the Secretary, pursuant to § 914.42, has fixed the quantity of oranges which may be handled, the committee may recommend to the Secretary that such quantity be increased for such week. Each such recommendation, together with the committee's reason for such

recommendation, shall be submitted promptly to the Secretary.

§ 914.42 Issuance of volume regulations.

Whenever the Secretary finds, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of oranges which may be handled during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity: *Provided*, That such regulations during each fiscal period shall not in the aggregate exceed 12 weeks. The quantity so fixed for any week may be increased by the Secretary at any time during such week. Such regulations may, as authorized by the act, be made effective irrespective of whether the season average price of oranges is in excess of the parity price specified therefor in the act. The Secretary may upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation at any time.

§ 914.43 Prorate bases.

(a) Each person who desires to handle oranges shall submit to the committee, at such time and in such manner as may be designated by the committee and upon forms made available by it, a written application for a prorate base or bases and for allotments as provided in this section and §§ 914.44 and 914.45.

(b) Such application shall be substantiated in such manner and shall be supported by such information as the committee may require.

(c) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction.

(d) Each week during the marketing season when volume regulation is likely to be recommended for the following week, the committee shall compute a prorate base or bases for each handler who has made application in accordance with the provisions of this section.

(e) The prorate base for each handler of early and midseason type oranges shall be computed as follows: Add together the handler's shipments of early and midseason type oranges in the current season and his shipments of such oranges in the immediately preceding seasons, if any, within the representative period, in which he shipped such oranges and divide the total by a divisor computed by adding together the number of elapsed weeks of the current season and 32 weeks for each of such immediately preceding seasons within the representative period in which the handler shipped such oranges. For purposes of this paragraph, "representative period" means the three previous seasons together with the current season; the term "season" means the 32-week period beginning with

the first full week in September; and the term "current season" means the period beginning with the first full week in September of the current fiscal period through the fourth full week preceding the week of regulation: *Provided*, That when official shipping records of all handlers are available to the committee the term "current season" shall extend through the third full week preceding the week of regulations.

(f) The prorate base for each handler of late type oranges shall be computed as follows: Add together the handler's shipments of late type oranges in the current season and his shipments of such oranges in the immediately preceding seasons, if any, within the representative period, in which he shipped such oranges and divide the total by a divisor computed by adding together the number of weeks elapsed in the current season and 21 weeks for each of such immediately preceding seasons within the representative period in which the handler shipped such oranges. For purposes of this paragraph "representative period" means the three previous seasons together with the current season; the term "season" means the 21-week period beginning with the first full week in February; and the term "current season" means the period beginning with the first full week in February of the current fiscal period through the fourth full week preceding the week of regulation: *Provided*, That when official shipping records of all handlers are available to the committee the term "current season" shall extend through the third full week preceding the week of regulation.

§ 914.44 Allotments.

(a) Whenever the Secretary has fixed the quantity of oranges which may be handled during any week, the committee shall calculate the quantity of oranges which may be handled during such week by each person who has applied for and received a prorate base.

(b) The allotment of each person shall be computed as follows:

(1) The quantity of early and midseason oranges to be allocated for the week as determined pursuant to § 914.45 shall be multiplied by a percentage obtained by dividing the prorate base of the handler computer pursuant to § 914.43 (e) by the aggregate total of the prorate bases of all handlers so computed.

(2) The quantity of late type oranges to be allocated for the week as determined pursuant to § 914.45 shall be multiplied by a percentage obtained by dividing the prorate base of the handler computed pursuant to § 914.43 (f) by the aggregate total of the prorate bases of all handlers so computed.

(3) The total of the quantities computed for the handler in accordance with subparagraphs (1) and (2) of this paragraph shall be the allotment of such handler. Such allotment may be used to ship oranges during the week without regard to type. The committee shall give reasonable notice to each person of the allotment computed for him pursuant to this section.

§ 914.45 Allocating fixed quantity.

In recognition of the differences in maturity as between early and midseason type oranges and late type oranges the total quantity of oranges fixed by the Secretary which may be handled during any week shall be allocated between the two types of oranges.

(a) Such allocation shall reflect the respective average proportions of both types of oranges that were shipped during a specified week in the previous three fiscal periods, as prescribed in rules and regulations, approved by the Secretary, formulated in accordance with paragraph (b) of this section, subject to adjustment to reflect as nearly as may be the respective proportions as estimated by the committee of the two types of oranges shipped by all handlers in the second week preceding the one for which the committee recommends the Secretary fix such total quantity of oranges: *Provided*, That data from the third preceding week shall be used for such adjustment if sufficient data is not available from the second week: *And provided further*, That during that portion of a fiscal period that begins with the first full week in January and ends with the first full week in May, the allocation to either type of oranges during any week thereof shall be not less than 5 percent of the total quantity of oranges fixed by the Secretary for such week.

(b) Such rules and regulations shall be based on the weekly shipments of, and shall set forth the average percentage of, the total shipments of each type of oranges, in the previous three fiscal periods, and shall describe the manner in which the shipment data of a specified week in the current season shall be applied to arrive at an appropriate division of allotment between the two types of oranges.

§ 914.46 Overshipment.

During any week for which the Secretary has fixed the total quantity of oranges which may be handled, any person who has received an allotment may handle, in addition to the total allotment available to him, an amount of oranges equivalent to 10 percent of such allotment or 500 boxes, whichever is greater: *Provided*, That the Secretary, on the basis of a recommendation of the committee or other available information, may set such amount at any figure not less than 500 boxes and not more than 1,000 boxes. Handlers may overship (a) during such week the entire 500 boxes or other amount not in excess of 1,000 boxes as may be set by the Secretary, or (b) during two or more consecutive weekly periods when regulations are in effect, any portion of such 500 boxes or other amount set by the Secretary until the accumulated overshipments reach the applicable maximum number of boxes permitted to be overshipped. The quantity of oranges so overshipped when regulations are in effect shall be deducted from such person's allotment for the week following the one in which the total permitted overshipment is reached or for the week in which such person makes no

shipments of oranges. If such person's allotment for such week is an amount less than the excess shipments permitted under this section, the remaining quantity shall be deducted from succeeding weekly allotments issued to such person until such excess has been entirely offset: *Provided*, That any time there is no volume regulation in effect it shall be deemed to cancel all requirements to undership allotment because of previous overshipments pursuant to this part.

§ 914.47 Undershipments.

If any person handles during any week a quantity of oranges, covered by a regulation issued pursuant to § 914.42, in an amount less than the total allotment available to him for such week, he may handle during the next succeeding week a quantity of oranges, in addition to that permitted by the allotment available to him for such week, equivalent to such undershipment or 25 percent of the allotment issued to him for the week during which the undershipment was made, whichever is the lesser: *Provided*, That the committee, with the approval of the Secretary, may increase or decrease such percentage.

§ 914.48 Allotment loans or transfers.

(a) A person to whom allotments have been issued may lend or transfer all or part of such allotments to other persons to whom allotments have also been issued. Each party to any such loan or transfer agreement shall, prior to completion of the agreement, notify the committee of the proposed loan or transfer and the applicable date of repayment, if any, and obtain the committee's approval of the agreement.

(b) The committee may act on behalf of persons desiring to arrange allotment loans or participate in the transfer of allotment. In each case the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of paragraph (a) of this section as to notifying the committee and obtaining committee approval.

§ 914.49 Inspection and certification.

Whenever the handling of oranges is regulated pursuant to § 914.42, each handler who handles any oranges shall, prior to the handling of any lot of oranges, cause such lot to be inspected by the Federal or Federal-State Inspection Service, and certified by it as meeting all applicable requirements of such regulation: *Provided*, That such inspection and certification shall not be required if the particular lot of fruit previously had been so inspected and certified.

REPORTS AND RECORDS

§ 914.50 Reports and records.

(a) Upon request of the committee, made with approval of the Secretary, each handler shall furnish to the committee in such manner and at such time as it may prescribe, reports of overshipments and undershipments and such

other reports and information as may be necessary for the committee to perform its duties under this part. Each handler shall maintain for such period of time as the committee shall prescribe, with the approval of the Secretary, such records of oranges handled as may be necessary to verify reports required to be submitted pursuant to this section.

(b) Whenever a handler ships oranges from the Interior district which were not grown in that district, he shall make a notation on the copy of the manifest of such shipments to be furnished to the Federal-State Inspection Service clearly indicating that the oranges contained in the shipment were not grown in the Interior district.

(c) Prior to shipping any lot of oranges, the handler shall furnish the committee with written information showing the destination of such oranges. Such information may be in the form of (1) a notation on the shipping manifest, (2) a notation on the inspection certificate when based upon information furnished the Federal or Federal-State Inspection Service by the handler with written authority to so mark the certificate, or (3) a report filed with the committee by the handler. The destination may be stated as a point or points outside of the regulation area. The manner in which such information is to be furnished, shall be prescribed by the committee with the Secretary's approval.

MISCELLANEOUS PROVISIONS

§ 914.55 Fruit not subject to regulation.

Except as otherwise provided in this section, any person may, without regard to the provisions of §§914.42 through 914.49 and the regulations issued thereunder, ship oranges for the following purposes:

(a) To a charitable institution for consumption by such institution;

(b) To a relief agency for distribution by such agency;

(c) To a commercial processor for conversion by such processor into canned or frozen products or into a beverage base;

(d) By parcel post; and

(e) In such minimum quantities, types of shipments, or for such purposes as the committee with the approval of the Secretary may specify. No assessment shall be levied on fruit so shipped. The committee shall, with the approval of the Secretary, prescribe such rules, regulations, or safeguards as it may deem necessary to prevent oranges handled under the provisions of this section from entering channels of trade for other than the purposes authorized by this section. Such rules and regulations, and safeguards may include the requirements that handlers shall file applications with the committee for authorization to handle oranges pursuant to this section, and that such application be accompanied by a certification by the intended purchaser or receiver that the oranges will not be used for any purpose not authorized by the application approved pursuant to this section.

§ 914.56 Compliance.

Except as provided in this part, no person shall handle oranges during any week in which a regulation issued by the Secretary pursuant to § 914.42 is in effect, unless such oranges are, or have been, handled pursuant to an allotment therefor, or unless such person is otherwise permitted to handle such oranges under the provisions of this part; and no person shall handle oranges except in conformity with the provisions of this part and the regulations issued under this part.

§ 914.57 Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 914.58 Effective time.

The provisions of this part shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in § 914.59

§ 914.59 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least 1 day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal period, have been engaged in the production for market of oranges: *Provided*, That such majority have, during such period, produced for market more than 50 percent of the volume of such oranges produced for market, but such termination shall be effective only if announced on or before July 31 of the then current fiscal period.

(c) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 914.60 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the then functioning members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of such administrative committee, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees (1) shall continue in such capacity until discharged

by the Secretary; (2) shall, from time to time, account for all receipts and disbursements or deliver all property on hand, together with all books and records of the committee and of the joint trustees, to such person as the Secretary may direct; and (3) shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee, or the joint trustees pursuant to this part.

(c) Any funds collected pursuant to § 914.31, over and above the amounts necessary to meet outstanding obligations and expenses necessarily incurred during the operation of this part and during the liquidation period, shall be returned to handlers to the extent practicable after the termination of this part. The refund to each handler shall be represented by the excess of the amount paid by him over and above his pro rata share of the expenses.

(d) Any person to whom funds, property, or claims have been transferred or delivered by the committee, or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon the said joint trustees.

§ 914.61 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 914.62 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any agency or division in the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 914.63 Derogation.

Nothing contained in this part, is or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 914.64 Personal liability.

No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty.

§ 914.65 Separability.

If any provision of this part is declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remain-

der of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

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

Issued at Washington, D.C., this 3d day of November 1970, to become effective November 29, 1970.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 70-15095; Filed, Nov. 6, 1970; 8:52 a.m.]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Expenses of Date Administrative Committee and Rate of Assessment for 1970-71 Crop Year

Notice was published in the October 23, 1970, issue of the FEDERAL REGISTER (35 F.R. 16545) regarding proposed expenses of the Date Administrative Committee for the 1970-71 crop year and rate of assessment for that crop year. This current action approves such expenses and assessment rate, and is pursuant to §§ 987.71 and 987.72 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987). The amended marketing agreement and order regulate the handling of domestic dates produced or packed in a designated area of California, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments on the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Date Administrative Committee, and other available information, it is found that the expenses of the Date Administrative Committee and the rate of assessment for the 1970-71 crop year (which began August 1, 1970, and ends July 31, 1971), shall be as follows:

§ 987.315 Expenses of the Date Administrative Committee and rate of assessment for the 1970-71 crop year.

(a) *Expenses.* Expenses in the amount of \$29,847 are reasonable and likely to be incurred by the Date Administrative Committee during the 1970-71 crop year beginning August 1, 1970, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for that crop year which each handler is required, pursuant to § 987.72, to pay to the Date Administrative Committee as his pro rata share of the expenses is fixed at 10 cents per hundredweight on all assessable dates. Assessable dates are dates which the handler has certified during the crop year as meeting

the requirements for marketable dates, including the eligible portion of any field-run dates certified and set aside or disposed of pursuant to § 987.45(f).

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular crop year shall be applicable to all dates certified during that crop year as meeting the requirements for marketable dates, including the eligible portion of certain field-run dates; and (2) the current crop year began August 1, 1970, and the rate of assessment herein fixed will automatically apply to all such dates beginning with that date.

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

Dated: November 4, 1970.

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

[F.R. Doc. 70-15090; Filed, Nov. 6, 1970; 8:51 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Securities Eligible for Underwriting and Unlimited Holding

The following new sections are added to Part 1 of Title 12:

- Sec.
- 1.272 Upper Darby Township School Authority (Pennsylvania).
 - 1.273 Alaska State Housing Authority, State Lease Revenue Bonds.
 - 1.274 Orange County Civic Center Authority (California).
 - 1.275 Marin County-Corte Madera Public Library Authority (California).
 - 1.276 Glendora Library Authority (California).

AUTHORITY: §§ 1.272-1.276 issued under R.S. 324 et seq., as amended, paragraph Seventh of R.S. 5136, as amended; 12 U.S.C. 1 et seq., 24(7), unless otherwise noted.

§ 1.272 Upper Darby Township School Authority (Pennsylvania).

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the \$6,950,000 Upper Darby Township School Authority, School Revenue Bonds, Series of 1970, for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Upper Darby Township School Authority is a body corporate and politic organized by the School District of the Township of Upper Darby under the Municipal Authorities

Act of Pennsylvania. A municipal authority organized by a school district is authorized to hold, acquire, construct, improve, operate and lease public school buildings and facilities and to issue bonds to finance such projects. The School Code provides that a school district may sell or lease school property to a municipal authority and may lease school projects from a municipal authority under a long-term lease if all obligations thereunder can be met from current revenues. These revenues include ad valorem school taxes, State reimbursements and other revenues. The Authority is issuing these bonds to finance the construction and equipping of certain additions and alterations to the School District's existing Upper Darby Senior High School.

(2) The Authority acquired the School from the School District in connection with similar bonds issued in 1968 and leased it back to the School District for operation. The School District has unconditionally promised in a supplemental lease agreement to pay annual lease rentals to the Authority in amounts sufficient to provide for the payment of the principal of and interest on the bonds as well as other necessary expenses.

(3) The School District is authorized and directed under the School Code to levy an unlimited annual tax on the assessed valuation of taxable real estate to pay rentals due the Authority. The School Code also provides that if any school district fails to pay any rental payment due any municipal authority in accordance with the terms of any school lease, the State Superintendent of Public Education shall, after appropriate notice, withhold from any State appropriation due the school district an amount equal to the amount owing and shall pay such sum to the municipal authority.

(c) *Ruling.* It is our conclusion that the \$6,950,000 Upper Darby Township School Authority, School Revenue Bonds, Series of 1970, are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Comptroller's letter dated Sept. 22, 1970.)

§ 1.273 Alaska State Housing Authority, State Lease Revenue Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the \$29,095,000 State Lease Revenue Bonds, 1970 Project, of the Alaska State Housing Authority for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Alaska State Housing Authority is a public corporate authority under the laws of the State of Alaska. The Authority is authorized to provide for the acquisition, construction and financing of public building projects for lease to the State. The Authority is issuing its general obligation bonds to finance such projects.

(2) The State of Alaska which possesses general powers of taxation has promised in the lease rental agreement

to pay the Authority, for the right to use and occupy the projects, annual rentals in amounts sufficient to enable the Authority to make the annual principal and interest payments on these bonds and the Authority has pledged these rentals to secure such payments. The bonds of the Authority are thus supported by the faith and credit of the State.

(c) *Ruling.* It is our conclusion that the \$29,095,000 State Lease Revenue Bonds, 1970 Project, are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Acting Comptroller's letter dated Sept. 30, 1970.)

§ 1.274 Orange County Civic Center Authority (California).

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the \$5,470,000 Orange County Civic Center Authority 1970 Revenue Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Orange County Civic Center Authority is a public entity created under the laws of California by an agreement between the City of Santa Ana and the County of Orange. Under this agreement, the Authority is authorized to acquire, construct, and lease public buildings and to issue bonds to finance such projects. The Authority is issuing these bonds for the purpose of financing the construction of a City Hall, Council Chambers and a Police Building addition which will be leased to and operated by the City.

(2) The City has unconditionally promised in the lease rental agreement to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments of these bonds, as well as other necessary expenses. The City, which possesses general powers of taxation, has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the \$5,470,000 Orange County Civic Center Authority 1970 Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Comptroller's letter dated Oct. 7, 1970.)

§ 1.275 Marin County-Corte Madera Public Library Authority (California).

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the \$855,000 Marin County-Corte Madera Public Library Authority, County Library Facility Revenue Bonds, for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Marin County-Corte Madera Public Library Authority is

a public entity created under the laws of California by an agreement between the Town of Corte Madera and the County of Marin. Under this agreement, the Authority is authorized to acquire a site and to acquire, construct, maintain and operate a public library building and related facilities to be leased to and operated by the County, and to issue bonds to finance such projects. The Authority is issuing these bonds for that purpose.

(2) The County has unconditionally promised in the lease rental agreement to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The County which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the \$855,000 Marin County-Corte Madera Public Library Authority, County Library Facility Revenue Bonds, are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Comptroller's letter dated Oct. 7, 1970.)

§ 1.276 Glendora Library Authority (California).

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the \$950,000 Glendora Library Authority 1970 Revenue Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Glendora Library Authority is a public entity created under the laws of California by an agreement between the City of Glendora and the Glendora Unified School District. Under this agreement, the Authority is authorized to acquire, construct and lease public buildings and related facilities, and to issue bonds to finance such projects. The Authority is issuing these bonds to finance the construction of a public library and related facilities which will be leased to the City.

(2) The City has unconditionally promised in the lease rental agreement to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The City which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the \$950,000 Glendora Library Authority 1970 Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Comptroller's letter dated Oct. 29, 1970.)

Dated: November 4, 1970.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[P.R. Doc. 70-15097; Filed, Nov. 6, 1970; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10079; Amdts. 121-71, 127-22]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

Maintenance Manuals

The purpose of these amendments to Parts 121 and 127 of the Federal Aviation Regulations is to permit certificate holders, certificated thereunder to prepare, use, and distribute the maintenance part of their required manuals, in whole or in part, in microfilm, and to require those certificate holders electing to use the microfilm format to provide a suitable reading device for those persons to whom the certificate holder must distribute the manual.

These amendments are based on a notice of proposed rule making (Notice 70-4) issued on January 20, 1970, and published in the FEDERAL REGISTER on January 27, 1970 (35 F.R. 1054). Eight commentators responded to the notice. Although all but one commentator favored the concept proposed, several suggestions were received and they are discussed below.

Parts 123 and 135 incorporate the manual requirements of Subpart G of Part 121 by references in §§ 123.27 and 135.2. Therefore, these amendments apply to air travel clubs governed by Part 123 and also air taxi operators governed by Part 135 who have authority to use large airplanes in the conduct of their operations.

Two commentators stated that the language as proposed indicated that certificate holders electing to use the microfilm maintenance manual would be required to supply the FAA (as one of the recipients of the maintenance manual) with a reading/printout device, and would thus be required to bear a significant economic burden. It was not the intent of the proposal to require the certificate holders electing to use the microfilm form to provide a device with both a readout and printout capability. The FAA believes that a readout device is sufficient to make the microfilm maintenance manual an acceptable form, if it provides an image which is of sufficient size and clarity to insure legibility. Accordingly, this amendment requires a reading device that provides a legible facsimile image of the microfilmed manual.

Comment was also received objecting to any requirement that certificate holders furnish the FAA with the necessary reading devices. The view was expressed that if all carriers supplied the various

FAA offices with such devices the economic burden would be substantial and duplication would be unavoidable. Further, it was stated that the FAA should bear the expense of providing its personnel with the necessary equipment.

With regard to this objection, it should be pointed out that rather than supply various FAA offices with a reading device, the intent of the proposal, as expressed in the notice, was that each certificate holder would furnish but one reading device to the FAA, at the FAA District Office having jurisdiction over the particular certificate holder. In addition, the FAA does not agree that it should bear the expense of providing the necessary equipment inasmuch as the use of microfilm is permissive, and in light of the fact that a microfilmed maintenance manual is not complete until it can be used and its use depends upon a suitable reading device. Because the certificate holder is required by the regulations to submit a maintenance manual, the FAA believes the certificate holder should be responsible for all steps necessary to make the manual complete.

It was suggested by one commentator that the term "microfilm", although technically the generic term for all microforms, be deleted and the term "microform" substituted therefor inasmuch as the former has a limited meaning to many people within and without the microfilm industry. While the FAA is aware of the distinction between the two terms, the term microfilm was chosen because it was broad enough to encompass several microforms. We believe the term will be readily understood among Part 121 certificate holders.

The one commentator opposed to the notice stated that its experience with microfilm demonstrated that rather than solve the problems created by the conventional loose leaf maintenance manual, it merely continued these problems in a different form. Specifically, the commentator cited the frequent loss of temporary revisions, the failure of such revisions to be filed, the difficulty in using temporary revisions in conjunction with the cassette form, and the lack of readily available viewing devices. While the FAA is aware of the fact that in its initial stages the microfilm concept may cause minor problems in the physical handling of the manual, we believe, as stated in the notice, that a microfilm manual, once it has been in use, will solve many more problems than it will create.

Another commentator questioned whether the requirement that the certificate holder furnish a reading device would be applicable in the case of supplemental air carriers or commercial operators who must carry their manuals aboard the aircraft pursuant to § 121.139(a). Inasmuch as the microfilmed manual is only complete when used in conjunction with a reader, it is the opinion of the FAA that a suitable reader should accompany the manual in the airplane in order to insure that the manual will be usable whenever a supplemental air carrier or commercial operator needs it. Therefore, § 121.139(a) has been amended accordingly.

Finally, it was recommended by several supporting commentators that the principle of the proposal be broadened to cover such items as operations manuals and operations specifications. The application of the microfilm concept to these other areas is outside the scope of the subject notice; however, the FAA will continue to study the feasibility and applicability of microfilm as suggested, and one source of information will be the experience gained in the use of the microfilmed maintenance manual. Furthermore, the FAA will consider the feasibility of using other technological advancements in related areas such as computer storage and transmission in an effort to provide the most effective system for the preparation, retention, and use of required information.

Interested persons have been given an opportunity to participate in the making of these amendments, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Parts 121 and 127 of the Federal Aviation Regulations are amended, effective December 7, 1970, as follows:

1. By adding a new paragraph (c) to § 121.133 to read as follows:

§ 121.133 Preparation.

(c) For the purpose of this subpart, the certificate holder may prepare that part of the manual containing maintenance information and instructions, in whole or in part, in printed page form or microfilm.

2. By adding a new paragraph (c) to § 121.137 to read as follows:

§ 121.137 Distribution.

(c) For the purpose of complying with paragraph (a) of this section, a certificate holder may furnish the persons listed therein the maintenance part of the manual in microfilm form if it also furnishes and maintains a reading device that provides a legible facsimile image of the microfilmed maintenance information and instructions.

3. By adding the following new sentence to paragraph (a) of § 121.139 to read as follows:

§ 121.139 Requirement for manual aboard aircraft: supplemental air carriers and commercial operators.

(a) * * * If a supplemental air carrier or commercial operator carries aboard an aircraft all or any portion of the maintenance part of its manual in microfilm it must also carry a reading device that provides a legible facsimile image of the microfilmed maintenance information and instructions.

4. By amending § 127.61 to designate existing text as paragraph (a) and adding (b) as follows:

§ 127.61 Preparation.

(b) For the purpose of this subpart, the certificate holder may prepare that part of the manual containing maintenance information and instructions, in

whole or in part, in printed page form or microfilm.

5. By adding a new paragraph (c) to § 127.65 to read as follows:

§ 127.65 Distribution.

(c) For the purpose of complying with paragraph (a) of this section, a certificate holder may furnish the persons listed therein the maintenance part of the manual in microfilm form if it also furnishes and maintains a reading device that provides a legible facsimile image of the microfilmed maintenance information and instructions.

(Secs. 313(a), 801(a), Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on November 3, 1970.

J. H. SHAFPER,
Administrator.

[F.R. Doc. 70-15048; Filed, Nov. 6, 1970; 8:48 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-653; Amdt. 7]

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Liability Insurance Requirements; Authorization of Combined Single Limit Liability as Alternative to Split Limits Liability

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of November 1970.

Part 208 (Terms, Conditions and Limitations of Certificates to Engage in Supplemental Air Transportation) requires supplemental air carriers to carry certain minimum amounts of liability insurance for several categories of prescribed risks. Thus, with respect to bodily injury to or death of aircraft passengers, a supplemental carrier must carry at least \$75,000 for any one passenger and, for each occurrence in any one aircraft, at least an amount equal to the sum produced by multiplying \$75,000 by 75 percent of the total number of passenger seats installed in the aircraft. With respect to liability for bodily injury to or death of persons who are not passengers, a supplemental air carrier must maintain a limit of at least \$75,000 for any one person in any one occurrence, and a limit of at least \$500,000 for each occurrence. And with respect to liability for loss of or damage to property, a limit of at least \$500,000 for each occurrence.

By ER-548 adopted November 29, 1968, and effective March 7, 1969, the Board amended Part 298 of its economic regulations (14 CFR Part 298) which governs the operations of air taxi operators so as to require them for the first time to maintain liability insurance in prescribed amounts. This amendment was patterned

generally after the liability insurance provisions of Part 208 applicable to supplemental air carriers and set forth above. Subsequently by ER-628 adopted June 22, 1970, effective July 31, 1970, the Board amended Part 298 so as to provide, *inter alia*, for combined single limit liability coverage as an alternative to the split limits coverage provided for in the part. In that case the Board authorized single limit liability insurance at the request of a number of insurance companies and air taxi operators premised upon the fact that single limit liability coverage provides more flexibility and can provide greater protection to an insured since the entire proceeds of the policy could be used to pay a single type of claim, e.g., bodily injury to passengers. For example, under the split limits type of policy, recovery for claims based on bodily injury to passengers would be limited to the amount of insurance prescribed in the policy for this category of claims, for instance, a limit of \$75,000 to each person and, for each occurrence, a limit of \$75,000 times 75 percent of the number of seats on the aircraft, whereas, under the single limit type of policy, the total amount of the policy could be used to pay this type of claim. The same reasons which underlay the decision to permit single limit liability insurance for air taxi operators warrant amendment of the comparable insurance provisions of Part 208.

Therefore, the Board will authorize single limit liability coverage for supplemental carriers as well as for air taxi operators. If single limit liability is utilized, the amount thereof shall be at least equal to the combined minimums prescribed in the rule for the various categories of split limits coverage.

Since this amendment merely provides an option to supplemental air carriers to maintain single limit liability insurance in lieu of multiple limits liability coverage now required by Part 208 and it will not impose an additional burden on any person, notice and public procedure thereon are impractical and unnecessary. Moreover, since the rule is in the nature of one which relieves a restriction, it may be made effective on less than 30 days' notice.

Accordingly, the Civil Aeronautics Board hereby amends Part 208 of the economic regulations (14 CFR Part 208), effective November 7, 1970, as follows:

Amend § 208.11 by redesignating present § 208.11 as § 208.11(a) and adding paragraphs (b), (c), and (d). As amended, § 208.11 will read as follows:

§ 208.11 Minimum limits of liability.

(a) The minimum limits of liability insurance coverage maintained by a supplemental air carrier shall be as follows:

(1) Liability for bodily injury to or death of aircraft passengers: A limit for any one passenger of at least seventy-five thousand dollars (\$75,000), and a limit for each occurrence in any one aircraft of at least an amount equal to the sum produced by multiplying seventy-five thousand dollars (\$75,000) by seventy-five percent (75%) of the total number

of passenger seats installed in the aircraft.

(2) Liability for bodily injury to or death of persons (excluding passengers): A limit of at least seventy-five thousand dollars (\$75,000) for any one person in any one occurrence, and a limit of at least five hundred thousand dollars (\$500,000) for each occurrence.

(3) Liability for loss of or damage to property: A limit of at least five hundred thousand dollars (\$500,000) for each occurrence.

(b) Notwithstanding the provisions of paragraph (a) of this section, a supplemental air carrier may be insured for a single limit of liability for each occurrence. In that event, coverage must be equal to or greater than the combined required minimums for bodily injury, property damage, and/or passenger liability for the type of use to which such aircraft is put, as the case may be.¹

(c) In the case of a single limit of liability, aircraft may be insured by a combination of primary and excess policies. Such policies must have combined coverage equal to or greater than the required minimums for bodily injury to nonpassengers, property damage, and/or passenger liability for the type of use to which the aircraft is put, as the case may be.

(Secs. 204(a), 401, Federal Aviation Act of 1958, as amended; 72 Stat. 743, 754, as amended; 49 U.S.C. 1324, 1371)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-15077; Filed, Nov. 6, 1970; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8802 o.]

PART 13—PROHIBITED TRADE PRACTICES

OKC Corp. and Oklahoma Land and Cattle Co.

Subpart—Acquiring corporate stock or assets: § 13.5 Acquiring corporate stock or assets: 13.5-20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7 38 Stat. 731, as amended; 15 U.S.C. 45, 18) [Cease and desist order, OKC Corp. et al., Dallas, Tex., Docket 8802, Oct. 21, 1970]

¹ For example: The minimum single limit of liability acceptable for an aircraft in passenger service with 60 passenger seats would be computed on the basis of limits set forth in paragraph (a) as follows: 60 × 0.75 equals 45; 45 × \$75,000 equals \$3,375,000; \$3,375,000 plus \$500,000 (nonpassenger liability per occurrence), plus \$500,000 (property damage per occurrence) equals \$4,375,000. The latter would be the minimum amount in which a single limit liability policy may be written based upon the above assumptions.

In the Matter of OKC Corp. and Oklahoma Land and Cattle Co., Corporations

Order requiring a Dallas, Tex., producer of portland cement, asphalt, premium and regular type gasolines, heating oils, and various other petroleum products to divest in its entirety a large New Orleans, La., purchaser of cement and seller of ready mixed concrete, and not to acquire for the next 10 years without prior approval by the Federal Trade Commission any corporate (1) producer or seller of ready mixed concrete or concrete products within respondents' present or future marketing area for portland cement or (2) purchaser of more than 10,000 barrels of portland cement in any of the 5 years preceding the merger. The complaint against the second respondent was dismissed.

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

I. *It is ordered*, That respondent, OKC Corp., a corporation, and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors, and assigns, within six (6) months from the date this order becomes final, divest, absolutely, subject to the prior approval of the Federal Trade Commission, all direct and indirect legal and equitable interest in the stock, share capital, rights and privileges, tangible or intangible, and any other form of ownership acquired by respondent, as a result of the acquisition of the stock of Jahneke Service, Inc.

II. *It is further ordered*, That pending divestiture, respondent shall not make any changes in the corporate structure, or in any of the plants, machinery, buildings, equipment or other property of whatever description of Jahneke Service, Inc., which might impair its present capacity for the production, sale and distribution of the business operations of Jahneke or their market value.

III. *It is further ordered*, That none of the stock, properties, rights and privileges, described in paragraph I of this order and required to be divested, be sold or transferred, directly or indirectly, to any person who is at the time of divestiture an officer, director, employee, or agent of, or under the control or direction of OKC Corp., or any parent, subsidiary or affiliated corporation of respondent, or who owns or controls, directly or indirectly, more than one (1) percent of the outstanding shares of common stock of respondent or any of its parent, subsidiary or affiliate companies.

As used in this order, "person" shall include all members of the immediate families of the individuals specified and corporations, partnerships, associations, and other legal entities as well as natural persons.

IV. *It is further ordered*, That commencing upon the date this order becomes final and continuing for a period of ten (10) years from and after the date of completing the divestiture required by this order, respondent shall cease and desist from acquiring, directly or indirectly, without prior approval of

the Federal Trade Commission, the whole or any part of the share capital or other assets of any corporation engaged in the production or sale of ready mixed concrete or concrete products within respondent's present or future marketing area for portland cement or which purchased in excess of 10,000 barrels of portland cement in any of the five (5) years preceding the merger.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to respondent Oklahoma Land and Cattle Co.

It is further ordered, That the hearing examiner's initial decision, as modified, be, and it hereby is, adopted as the decision of the Commission.

It is further ordered, That respondent OKC Corp. shall, within sixty (60) days from the date of service of this order and every sixty (60) days thereafter until divestiture is fully effected, submit to the Commission a detailed written report of its actions, plans, and progress in complying with the divestiture provisions of this order, and fulfilling its objectives. All reports shall include, among other things that will be from time to time required, a summary of all contracts and negotiations with potential purchasers of the stock, assets, properties, rights or privileges to be divested under this order, the identity of all such potential purchasers, and copy of all written communications from and to such potential purchasers.

It is further ordered, That respondent shall notify the Commission at least thirty (30) days prior to any proposed change which may affect compliance obligations arising out of this order, such as dissolution, assignment or sale resulting in the emergence of a corporate successor, and that this order shall be binding on any such successor.

By the Commission.¹

ISSUED: October 21, 1970.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-15096; Filed, Nov. 6, 1970; 8:51 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.627]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Issuance of Nonimmigrant Visas

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is being amended to provide that application for revalidation of a nonimmigrant visa shall be made in the same manner as application for issuance of a nonimmigrant visa.

¹ Commissioner MacIntyre did not participate. Commissioner Dennison did not participate for the reason oral argument was heard prior to his taking oath as Commissioner.

Section 41.125(e) is amended to read as follows:

§ 41.125 Revalidation of visas.

(e) *Procedure for revalidation.* In revalidating a nonimmigrant visa, the consular officer shall follow the procedure prescribed in § 41.124. An alien seeking revalidation of a nonimmigrant visa shall make application therefor as prescribed in § 41.115. A photograph of the alien shall not be required unless it appears to the consular officer that the alien has not previously submitted a photograph in connection with an application for a visa and that the alien does not come within any of the excepted classes described in § 41.111(c). The visa stamp shall be placed in the alien's passport and all pertinent data contained in the original visa shall be transferred to the revalidated visa. The word "Revalidated" shall be inserted on the upper margin of the visa stamp.

Effective date. The amendments to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (80 Stat. 393; 5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

BARBARA M. WATSON,
Administrator, Bureau of
Security and Consular Affairs.

OCTOBER 22, 1970.

[F.R. Doc. 70-15096; Filed, Nov. 6, 1970; 8:52 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Lake Erie, Ohio

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.187 establishing and governing the use and navigation of a danger zone at the west end of Lake Erie, north of Erie Ordnance Depot, Lacombe, Ohio, is hereby amended in its entirety, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.187 Lake Erie, west end, north of Erie Ordnance Depot, Lacombe, Ohio.

(a) The danger zone: Consists of the waters of Lake Erie within:

(1) *Danger Area I.* The sector of a circle with a radius of 6,500 yards centered at latitude 41°32'30" N., longitude

83°01'00" W., and intersecting the southwest boundary of Area II at latitude 41°35'00" N., longitude 83°03'22" W., and the southeast boundary of Area II at latitude 41°34'20" N., longitude 82°57'10" W.

(2) *Danger Area II (Includes Area I).* The area bounded as follows: Beginning at latitude 41°32'30" N., longitude 83°01'00" W.; thence to latitude 41°35'00" N., longitude 83°03'22" W.; thence to latitude 41°36'00" N., longitude 83°03'24" W.; thence to latitude 41°41'30" N., longitude 83°07'30" W.; thence to latitude 41°41'30" N., longitude 83°00'00" W.; thence to latitude 41°35'40" N., longitude 82°54'50" W.; and thence to the point of beginning.

(3) *Danger Area III.* The area bounded as follows: Beginning at latitude 41°44'48" N., longitude 83°10'00" W.; thence to latitude 41°47'18" N., longitude 83°10'00" W.; thence to latitude 41°49'00" N., longitude 83°05'50" W.; thence to latitude 41°46'15" N., longitude 83°00'00" W.; thence to latitude 41°44'48" N., longitude 83°00'00" W.; and thence to the point of beginning.

(b) *Types of firing:*

(1) *Danger Area I.* Small arms impact area.

(2) *Danger Area II.* Ground-based artillery, antiaircraft artillery and automatic weapons impact area.

(3) *Danger Area III.* Aerial gunnery (nonexplosive), rocket firing, and (nonexplosive) bombing impact area.

(c) *Authorized dates and hours of firing:*

(1) *Danger Area I.* 6 a.m. to 6 p.m., e.s.t./e.d.t., daily; actual firing dates and hours within the authorized period to be announced in advance in special firing notices.

(2) *Danger Area II.* 8 a.m. to 5 p.m., e.s.t./e.d.t., daily except on Saturdays, Sundays, and holidays; actual firing dates and hours scheduled within authorized period to be announced in advance in special firing notices.

(3) *Danger Area III.* 8 a.m. to 5 p.m., e.s.t./e.d.t., Wednesday through Sunday; actual firing dates and hours scheduled within authorized period to be announced in advance in special firing notices.

(d) *Restrictions:*

(1) No vessel shall enter or remain in a danger area during a scheduled firing period announced in a special firing notice unless specific permission is granted in each instance by a representative of the enforcing officer.

(2) The danger areas within the danger zone shall be open to the public for navigation, fishing and other public use when firing and/or bombing is not scheduled.

(e) *Enforcing agencies:* The regulations in this section shall be enforced for the respective danger areas by the following commanders and such agencies as each may designate for his assigned areas. He will be responsible for providing the prescribed control, signals, and special firing notices.

(1) *Danger Area I.* Adjutant General, State of Ohio.

(2) *Danger Area II.* Adjutant General, State of Ohio.

(3) *Danger Area III.* Commanding Officer, Naval Air Facility, Detroit, at Mount Clemens, Mich.

(f) *Control and signals:*

(1) *Danger Area I:* When firing into Area I, red flags will be flown from the safety tower at Camp Perry, and from flag poles in the butts of the ranges being used.

(2) *Danger Area II:* During all types of firing into Area II, red flags will be displayed, one from the safety tower at Camp Perry and one from the safety tower at the Erie Proof Front. During firing into Area II, patrol boats will police and maintain surveillance of the area, and will be in constant radio communication with the shore station controlling the firing.

(3) *Danger Area III:* When using Area III aircraft crews will maintain surveillance of the area prior to and during firing/bombing operations. Aircraft will contact and clear through the Detroit Flight Service Station by radio prior to entering and upon departing the area.

(4) The appropriate enforcing officer has authority to suspend any scheduled firing for reasonable periods during regattas and immediately after fishing nets are destroyed or dislocated by severe storms.

(5) The special firing notices which will include schedules of use will be published by the enforcing officer indicated in paragraph (e) of this section, in sufficient time to permit circularization to interested parties and posting on the bulletin boards of post offices in surrounding localities. Special notices will also be furnished the District Engineer, Corps of Engineers, Detroit, Mich.; the Commander, Ninth Coast Guard District, Cleveland, Ohio; the Regional Manager, Federal Aviation Administration, Chicago, Ill.; and each of the enforcing agencies listed in paragraph (e) of this section. Users of the waterway shall familiarize themselves with the current special firing notices. If in doubt, inquiry should be made to the enforcing officer indicated in paragraph (e) of this section.

(6) Agencies desiring to use the areas shall present their requirements to the respective enforcing officer who is responsible for, and is granted authority to, coordinate the firing and established priorities, for the using agencies.

(g) *Fishing permits:* Fishermen desiring to set fixed nets within the danger zone are required in every instance to have a written permit. Permits for placing nets within Areas I and II may be obtained by written application to the Adjutant General, State of Ohio. For Area III such permit requests will be addressed to the Commanding Officer, Naval Air Facility, Detroit, at Mount Clemens, Mich. Applicants for permits must state the location at which they desire to set fixed nets and the period of time which they desire the permit to cover.

(h) *Injurious chemicals:* No phosphorus or other poisonous chemicals

injurious to wild fowl or fish will be discharged into the waters of the areas.

(i) The regulations in this section shall be reviewed annually by the Department of the Army to determine whether further limitations of the danger zone shall be considered.

[Regs., Oct. 21, 1970, 1522-01 (Lake Erie—Ohio)—ENGOW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[F.R. Doc. 70-15022; Filed, Nov. 6, 1970; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration PART 36—LOAN GUARANTY

Miscellaneous Amendments

1. In § 36.4301, paragraph (gg) is revoked and paragraphs (hh), (ii), and (jj) are renumbered (gg), (hh), and (ii) to read as follows:

§ 36.4301 Definitions.

(gg) "A period of more than 180 days": For the purposes of section 1818 of title 38, United States Code, the term "a period of more than 180 days" in section 1652(a) of title 38, United States Code, shall mean 181 or more calendar days of continuous active duty.

(hh) "At least 2 years": For the purposes of section 1818 of title 38, United States Code, the term "at least 2 years" in section 1652(a) of title 38, United States Code, shall mean 730 or more calendar days of active duty.

(ii) "Discharge or release": For purposes of basic eligibility a person will be considered discharged or released if he was issued a discharge certificate under conditions other than dishonorable (38 U.S.C. 1802(c)). In the absence of such discharge certificate his discharge or release must be (1) issued under conditions other than dishonorable and (2) accompanied by an actual break in service, except that for purposes of basic eligibility under section 1818 of title 38, United States Code, a break in service shall not be required if at the time the discharge or release was issued the individual was eligible for complete separation from active duty.

2. In § 36.4302, paragraph (j) is revoked.

§ 36.4302 Computation of guaranties or insurance credits.

(j) [Revoked]

3. In § 36.4303, paragraphs (a) and (d) are amended to read as follows:

§ 36.4303 Reporting requirements.

(a) With respect to loans automatically guaranteed under 38 U.S.C.

1803(a) (1) evidence of the guaranty will be issuable to a lender of a class described under 38 U.S.C. 1802(d) if the loan is reported to the Administrator within 30 days following full disbursement, and upon the certification of the lender that:

(1) No default exists thereunder which has continued for more than 30 days;

(2) Any construction, repairs, alterations, or improvements effected subsequent to the appraisal of reasonable value, and paid for out of the proceeds of the loan, which have not been inspected and approved upon completion by a compliance inspector designated by the Administrator have been completed properly in full accordance with the plans and specifications upon which the original appraisal was based, and any deviations or changes of identity in said property have been approved as required in § 36.4304 concerning guaranty or insurance of loans to veterans;

(3) The loan conforms otherwise with the applicable provisions of 38 U.S.C. ch. 37 and of the regulations concerning guaranty or insurance of loans to veterans;

Provided, however, That if the report shows that any part of the proceeds of a loan is held in escrow or earmarked as provided in the definitions of "full disbursement" contained in the regulations concerning guaranty or insurance of loans to veterans, approval of the loan for guaranty or insurance shall be evidenced by a certificate of commitment.

(d) A certificate of commitment shall entitle the holder to the issuance of the evidence of guaranty or insurance upon the ultimate actual payment of the full proceeds of the loan for the purposes described in the original report and upon the submission within 30 days thereafter of a supplemental report showing that fact and:

(1) The identity of any property purchased therewith,

(2) That all property purchased or acquired with the proceeds of the loan has been encumbered as required by the regulations concerning guaranty or insurance of loans to veterans.

(3) That any construction, repairs, alterations, or improvements paid for out of the proceeds of the loan which have not been inspected and approved subsequent to completion by a compliance inspector designated by the Administrator have been completed properly in full accordance with the plans and specifications upon which the original appraisal was based and that any deviations or changes of identity in said property have been approved as required by § 36.4304, and

(4) That the loan conforms otherwise with the applicable provisions of 38 U.S.C. ch. 37 and the regulations concerning guaranty or insurance of loans to veterans.

4. In § 36.4312, paragraph (a) is amended to read as follows and paragraph (e) is revoked:

§ 36.4312 Charges and fees.

(a) No charge shall be made against, or paid by, the borrower incident to the making of a guaranteed or insured loan other than those expressly permitted under the schedule set forth in paragraph (d) of this section, and no loan shall be guaranteed or insured unless the lender certifies to the Administrator that it has not imposed and will not impose any charges or fees against the borrower in excess of those permissible under such schedule. Any charge which is proper to make against the borrower under the provisions of this paragraph may be paid out of the proceeds of the loan: *Provided*, That if the purpose of the loan is to finance the purchase or construction of residential property the costs of closing the loan, including the pro rata portion of the ground rents, hazard insurance premiums, current year's taxes, and other prepaid items normally involved in financing such transaction may not be included in the loan.

(e) [Revoked]

5. In § 36.4336, paragraph (a)(2) is amended to read as follows and paragraph (c) is revoked:

§ 36.4336 Eligibility of loans; reasonable value requirements.

(a) Evidence of guaranty or insurance shall be issued in respect to a loan for any of the purposes specified in 38 U.S.C. 1810(a) only if:

(2) The loan does not exceed the reasonable value of the property as determined by the Administrator; and

(c) [Revoked]

6. In § 36.4349, that portion of paragraph (a) preceding subparagraph (1) and paragraph (b) are amended to read as follows:

§ 36.4349 Eligibility of veteran based on military service after January 31, 1955; limitations on loan type and purpose.

(a) Notwithstanding any other provisions of the regulations in this part concerning the guaranty or insurance of loans, any loan, although not eligible to be insured under 38 U.S.C. 1815, will be eligible for guaranty provided the purpose of the loan is:

(b) Any veteran deriving entitlement under the provisions of 38 U.S.C. 1818 shall, notwithstanding the provisions of paragraph (a) of this section, be eligible for a guaranteed or insured loan made for any of the purposes specified in 38 U.S.C. 1810, 1812, 1813, and 1814, if he has derived entitlement from service during World War II or the Korean conflict and he has not used any of his entitlement derived from such service.

7. In § 36.4354, paragraph (a) is amended to read as follows:

§ 36.4354 Land sale contracts.

(a) Loans to refinance an amount not in excess of the balance owed on an

existing land sale contract in respect to a dwelling or farm residence may be guaranteed or insured pursuant to 38 U.S.C. 1810(a); *Provided*, The loan is not in excess of the current reasonable value of the property as determined by the Administrator and the veteran has certified, in such form as the Administrator may prescribe, that he has paid in cash from his own resources a sum equal to the difference, if any, between the said reasonable value and the unpaid contract balance.

8. In § 36.4501, paragraph (n) is revoked and paragraphs (o), (p), and (q) are redesignated (n), (o), and (p) to read as follows:

§ 36.4501 Definitions.

(n) "Veterans Administration" means the Administrator of Veterans Affairs, or any employee of the Veterans Administration authorized by him to act in his stead.

(o) "A period of more than 180 days": For the purposes of section 1818 of title 38, United States Code, the term "a period of more than 180 days" in section 1652(a) of title 38, United States Code, shall mean 181 or more calendar days of continuous active duty.

(p) "At least 2 years": For the purposes of section 1818 of title 38, United States Code, the term "at least 2 years" in section 1652(a) of title 38, United States Code, shall mean 730 or more calendar days of active duty.

9. Section 36.4502 is revised to read as follows:

§ 36.4502 Use of guaranty entitlement.

The guaranty entitlement of the Veteran obtaining a direct loan which is closed on or after May 7, 1968, shall be charged with an amount which bears the same ratio to \$12,500 as the amount of the loan bears to \$21,000 or to such increased maximum as the Administrator may from time to time specify for the area in which the loan is made pursuant to section 1811(d) of title 38, United States Code. The charge against the entitlement of a veteran who obtained a direct loan which was closed prior to the aforesaid date, or the date on which an increased maximum is established pursuant to section 1811(d) for the area in which the loan security is located, shall be the amount which would have been charged had the loan been closed subsequent to such date.

10. In § 36.4504, paragraph (b)(1) is amended to read as follows:

§ 36.4504 Loan closing expenses.

(b) With respect to a loan made to a veteran-borrower pursuant to an application (VA Form 26-6921) received by the Veterans Administration on or after March 3, 1966, the borrower shall pay the Veterans Administration the following:

(1) \$50, or one percent (1%) of the loan amount, whichever is greater, which charge shall be in lieu of the loan closer's

fee, credit report, and cost of appraisal: *Provided*, That if the loan is to finance the cost of construction, repairs, alterations, or improvements necessitating disbursements of the loan proceeds as the construction or other work progresses, the charge to the veteran-borrower shall be two percent (2%) of the loan amount, but not less than \$50 in any event.

11. In § 36.4507, paragraph (d) is amended to read as follows:

§ 36.4507 Refunding of outstanding indebtedness.

(d) The obligation represents the balance due on an existing land sale contract: *Provided*, The loan is not in excess of the current reasonable value of the property as determined by the Administrator and the veteran executes the certification required by § 36.4519(a), or

12. In § 36.4519, that portion of paragraph (a) preceding subparagraph (1) is amended to read as follows:

§ 36.4519 Eligible purposes and reasonable value requirements.

(a) A loan may be made only for the purpose hereinafter set forth in this paragraph, and the loan may not exceed the reasonable value of the property as established by Veterans Administration:

13. In § 36.4520, paragraph (b) is amended to read as follows:

§ 36.4520 Delegation of authority.

(b) Designated positions:

- Chief Benefits Director.
- Director, Loan Guaranty Service.
- Director, Regional Office.
- Director, Veterans Benefits Office, Washington, D.C.
- Loan Guaranty Officer.
- Assistant Loan Guaranty Officer.

The authority hereby delegated to employees of the positions designated in this paragraph may, with the approval of the Chief Benefits Director, be redelegated.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective October 23, 1970.

Approved: November 2, 1970.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[P.R. Doc. 70-15056; Filed, Nov. 6, 1970; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 4—Department of Agriculture

PART 4-1—GENERAL

PART 4-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Miscellaneous Amendments

The following amendment is made in the Agriculture Procurement Regulations:

§ 4-1.604-1 [Amended]

1. The document revising Subpart 4-1.6 of Chapter 4 of Title 41 of the Code of Federal Regulations, published in the FEDERAL REGISTER on February 25, 1970, at 35 F.R. 3680, is corrected by changing the word in § 4-1.604-1(b) from "disbarment" to "debarment."

2. Section 4-4.5008(b) is amended as follows:

§ 4-4.5008 Arms and ammunition.

(b) * * *

(2) *Requests for loans.* When it is anticipated that an individual procurement of arms and ammunition of the types peculiar to the military service would cost in excess of \$50, the Director of Materiel Readiness, Headquarters, U.S. Army Materiel Command, Washington, D.C. 20315 should be requested by letter to furnish the items as provided in this § 4-4.5008. All requests for arms and ammunition for avalanche control work from the Army Materiel Command shall be signed by the Director, Division of Administrative Services, Forest Service, who has been delegated the responsibility from the Director, Office of Plant and Operations, to account for such items on loan to the Department. Requests for arms and ammunition from the Army Materiel Command for programs other than avalanche control shall be sent to the Office of Plant and Operations for processing. All requests should itemize the articles required, explain the intended use, and give the name, address, and official title of the person to whom delivery should be made. Billing instructions and applicable appropriation data should be included as required.

3. Section 4-4.5099 is revised as follows:

§ 4-4.5099 Visual services.

(a) *Washington, D.C. area.* All art and graphic, exhibit, still photograph, motion picture production requirements and photographic production equipment shall be ordered through the Office of Information on a reimbursable basis, except as otherwise authorized by that Office. Projection equipment and still cameras are excluded from this requirement.

(b) *Field offices.* Procurement officers shall assure that adequate consultation with information and visual equipment specialists is obtained in the making of purchases or contracts for visual requirements (see 3 AR Chapter 9).

(c) *Prior approvals.* All procurement of motion picture production equipment, production services, and processing arrangements shall have prior approval of the Office of Information.

4. Section 4-4.5099b is amended as follows:

§ 4-4.5099b Year-end purchasing.

(f) *Procurement planning.* Program needs shall be identified by those responsible for procurement in cooperation with program managers. Such needs shall be scheduled for procurement at the time of year that is most advantageous, all factors considered, including those factors in paragraph (d) of this section. For purchase documents submitted to GSA near the end of the fiscal year see § 101-26.104 of this title.

Done at Washington, D.C., this 3d day of November 1970.

ELMER MOSTOW,
Director,

Office of Plant and Operations.

[P.R. Doc. 70-15059; Filed, Nov. 6, 1970; 8:49 a.m.]

Chapter 9—Atomic Energy Commission

PART 9-5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Subpart 9-5.51—Use of Government Sources of Supply

MISCELLANEOUS AMENDMENTS

The following sections are added to Subpart 9-5.51:

§ 9-5.5106 Procurement under the Economy Act from or through another Federal agency.

§ 9-5.5106-1 Scope.

This section deals with orders for supplies or services placed with another Government department or agency pursuant to the authority of the Economy Act of June 30, 1932, as amended (31 U.S.C. 686), except that it does not apply to any procurement covered by the other sections or subparts of AECPR 9-5.

§ 9-5.5106-2 Authorization and policy relating to placing and filling orders.

(a) It is the policy of the Atomic Energy Commission not to place Government agencies in direct competition with commercial sources. Accordingly, prior to soliciting bids or proposals from commercial sources, it shall be decided whether to obtain supplies or services from Government agencies. Invitations

for bids and requests for proposals shall not be sent to Government agencies. Current market prices, recent procurement prices, or prices obtained by informational bids as provided in FPR 1-1.314 may be used to ascertain whether procurement can be effected more cheaply from commercial sources.

(b) Each procuring activity, when it is in the interest of the Government to do so, may place delivery orders with any other Government department or agency for supplies or services that any such requisitioned department or agency may be in a position and willing to furnish or perform.

§ 9-5.5106-3 Form of interagency agreement.

Interagency agreements may take any form which will adequately reflect the interest of the parties. The following provisions provide guidelines for the preparation of such agreements.

(a) The parties to the interagency agreement.

(b) Contract number, and modification number, if any.

(c) Scope of work.

Note: This may be identified by reference to the specific proposal.

(d) Period of interagency agreement and/or duration of the work.

(e) Cost estimate of the project and the amount of funds to be provided by the AEC. Include (1) the total estimated cost of the work for the period of time specified in the agreement; (2) the capital equipment, if any, approved for acquisition under the agreement; and (3) limitations, if any, on the reimbursement of costs by the AEC which are not set forth in the agreement. If the AEC participates with another agency or agencies in sponsoring a work project, the amount of the contribution to be made by each agency and the basis for distributing the costs incurred shall be specified.

(f) Method of financing to be used.

(g) Standard clauses should be used as appropriate.

§ 9-5.5106-4 Methods of financing employed by AEC.

(a) *Reimbursement basis.* AEC requires except as specified in paragraphs (b) and (c) of this section, that work to be done by other agencies shall be financed by reimbursement on the basis of current billings or progress payments. This approach avoids much of the accounting and reporting work required when other methods of financing are used.

(b) *Consolidated working fund advance.* A consolidated working fund advance shall be used to finance construction projects or the acquisition of goods or services to be furnished by the servicing agency within the same fiscal year in which the advance is made, only after a determination has been made in accordance with paragraph (a) of this section that the reimbursement basis is not to be used.

(c) *Appropriation transfer.* An appropriation transfer shall be used to finance larger construction projects or the acquisition of significant goods or services to

be furnished by the servicing agency where the work will extend beyond the fiscal year in which the transfer is made, only after a determination has been made in accordance with paragraph (a) of this section that the reimbursement basis is not to be used.

§ 9-5.5106-5 Cost reimbursement standards.

Costs actually incurred which are necessary or incident to the performance of the work are to be considered allowable for cost-reimbursement purposes. Such costs include direct and, where applicable, a properly allocable portion of indirect costs, as follows:

(a) Direct costs are the costs that can be directly identified with and charged to the work under the agreement. Examples of such costs are salaries and wages, technical services, materials, travel and transportation, communications, and any facilities and equipment expressly approved for purchase under the interagency agreement.

(b) Indirect costs shall be limited to the properly allocable portion of costs that cannot be charged directly to the work but that can be shown as mutually benefiting the work covered by the interagency agreement as well as other work of the servicing agency. Justification for any such charges shall be required, and the basis of allocation must be reasonable. The servicing agency's charge for any indirect costs shall not include any charges for "general administration" or "central agency overhead," since this activity and expense ordinarily is covered by the agency's appropriations.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 30th day of October 1970.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 70-15011; Filed, Nov. 6, 1970;
8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4934]

[Anchorage 062080]

ALASKA

Withdrawal for School Purposes; Partial Revocation of Public Land Order No. 3623 of April 9, 1965, as Amended

By virtue of the authority vested in the President and pursuant to Executive Or-

der No. 10355 of May 26, 1952 (17 F.R. 4831), and the Act of May 31, 1938, 52 Stat. 593, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), and from leasing under the mineral leasing laws, and reserved for school purposes in connection with the administration of the affairs of the Natives of Alaska:

Lat. 57°55'00" N.; Long. 152°30'30" W.
Ouzinkie Townsite, U.S. Survey No. 4871 (Unapproved), block 9, lot 4.

The tract described contains 1.79 acres.

2. Public Land Order No. 3623 of April 9, 1965, as amended by Public Land Order No. 4342 of December 21, 1967, withdrawing lands under jurisdiction of the Bureau of Indian Affairs for school purposes is hereby revoked so far as it applies to lands at Ouzinkie.

3. The lands withdrawn in paragraph 1 of this order are a part of the trustee townsite of Ouzinkie.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 3, 1970.

[F.R. Doc. 70-15044; Filed, Nov. 6, 1970;
8:48 a.m.]

[Public Land Order 4935]

[Sacramento 3843]

CALIFORNIA

Withdrawal for National Forest Pine Seed Orchard

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 Federal leasing laws, in aid of programs of the Department of Agriculture:

TAHOE NATIONAL FOREST
MOUNT DIABLO MERIDIAN

Foresthill Divide Pine Seed Orchard

T. 14 N., R. 11 E.,

Sec. 3, W $\frac{1}{2}$ lot 3, lot 4, and W $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 4, E $\frac{1}{2}$ lot 1, E $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 9, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 10, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$;

T. 15 N., R. 11 E.,

Sec. 34, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.

The areas described aggregate approximately 302.47 acres in Placer 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.

NOVEMBER 3, 1970.

[F.R. Doc. 70-15045; Filed, Nov. 6, 1970;
8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Amdt. 195-2; Docket No. HM-6]

PART 195—TRANSPORTATION OF LIQUIDS BY PIPELINE

Testing Requirements and Operating Pressure Limitations

The purpose of this amendment is to add to Part 195 regulations concerning hydrostatic testing, design pressure, and operating pressure of liquid pipelines. These regulations are the portions of Part 195 that were withheld when that new part was issued on September 29, 1969. The issuance of this amendment completes the rulemaking proceeding that was initiated by Notice 68-4 on July 12, 1968. Three unrelated amendments have also been included to modify the notice requirements of § 195.8, to clarify § 195.116, and to amend § 195.404.

In issuing Part 195 (34 F.R. 15473, Oct. 4, 1969), the Board indicated that a number of questions had arisen concerning certain proposals and that these questions required resolution before regulations based on those proposals could be issued. Consequently, regulations concerning design pressure, testing, surge pressure, and operating pressure limits were not issued with Part 195 and a public hearing on these subjects was conducted on January 20, 1970. Upon consideration of the information received at that hearing and further analysis of the comments on Notice 68-4, the remainder of Part 195 is issued.

These regulations differ significantly from those proposed in Notice 68-4. At the time of that notice, the Department's accident reporting system for liquid pipelines had been in operation for only 6 months. Now, with over 2½ years of accident reports, a much clearer picture of the causes of liquid pipeline accidents has emerged. The primary causes are corrosion, external forces, and defects in the pipe or seam. An analysis of these reports indicates that thicker wall pipe and lower operating pressures would have relatively little effect in reducing pipeline accidents. This conclusion was strongly reinforced by statements made at the public hearing. On the other hand, both the comments on the original notice and the information provided at the hearing indicated that both the costs of upgrading or looping existing lines in order to maintain present capacity and the increase in future construction costs would be considerable.

With respect to testing, the proposed test requirements have also been modified to be consistent with the other changes in the final regulation.

Definitions. As a result of changes that have been made to the proposed rules, the definitions of "internal design pressure" and "maximum operating pressure" are no longer necessary and have been deleted.

Section 195.3. Due to the list of specifications in § 195.106(e), several new specifications have been added to this section.

Section 195.8. This section requires that at least 90 days before operating a nonsteel pipeline, the operator must notify the Administrator for a determination as to whether the operation might be unduly hazardous. This requirement was not directed so much at existing nonsteel pipelines, whose safety has been established by continued operation, but was intended primarily for newly constructed pipelines. However, the notice requirement was made applicable to existing pipelines in order to obtain information as to the type and quantity of these pipelines and the service in which they were used.

It now appears that a more appropriate and effective way to obtain this information would be through a direct reporting requirement under Subpart B. Therefore, § 195.8 has been revised so as to be applicable only to nonsteel pipelines constructed after October 1, 1970. A rulemaking proceeding will be initiated in the near future to revise Subpart B of this part and provide for reports on existing pipelines.

Section 195.106. Since the primary use of the design formula in these regulations is to establish pressure limitations, the formula has been restated to provide design pressure rather than wall thickness. The design pressure of the pipe is one of the limiting factors used in determining maximum operating pressure under § 195.406(a). In addition, the proposed maximum allowable stress value has been broken down into two separate factors. One of these is the yield strength of the material ("S"), and the other is a design factor of 0.72 ("F"). Reduction of design pressure to compensate for cold working and subsequent reheating is accomplished by requiring the use of a design factor of 0.54 when this has occurred. Yield strength is determined in accordance with paragraph (b) of this section which is based on a provision of the ANSI B31.4 Code. Paragraph (c) now contains the ANSI B31.4 Code method for determining wall thickness if this factor is not known. Paragraph (d) contains a limitation on the minimum wall thickness that will prevent the use of pipe with excessive underthickness tolerances and also requires consideration of concurrent external loads and pressures in determining final wall thickness.

Section 195.114. Since the methods of determining yield strength and wall thickness are now set forth in § 195.106, the references to the B31.4 Code in paragraph (a) of this section are deleted and appropriate reference is made to § 195.106.

Section 195.116. Paragraph (d) of this section required hydrostatic testing of all valves in accordance with API Standard 6D. This specification applies only to gate, ball, plug, and check valves and the testing requirement was intended to have the same application. Since some persons have interpreted this to apply to other types of valves as well, this para-

graph has been specifically limited to gate, ball, plug, and check valves. Paragraph (e) required each valve to have a means of indicating whether the valve is open or closed. This requirement was not intended to apply to check valves since these are controlled by the flow of the stream and knowledge of whether one is open or closed does not provide any significant safety benefit. The words "other than a check valve" have been inserted in paragraph (e) to clarify this point.

Subpart E. The proposed requirement for testing to 140 percent of maximum operating pressure was directly related to the proposal for including surge pressure in design pressure. Assuming an operator established a 10 percent allowance for surge pressure, his maximum operating pressure under the proposed rules would have been approximately 65 percent of yield strength and the hydrostatic test pressure would have been slightly over 90 percent of yield strength. However, with the final regulation permitting maximum operating pressures of 72 percent of yield strength with allowances for surge above that pressure, the proposed test requirement could have required testing at the yield strength of the pipe in some instances. While there were some statements at the public hearing and in the comments indicating that testing to the yield strength of the pipe would be beneficial, it also appears that there is substantial opinion to the contrary. Since considerable research is being conducted in this area, a requirement for yield strength testing would be premature at this time. Therefore, to avoid requiring test pressures in excess of 90 percent of yield strength, the test requirements are established at 125 percent of maximum operating pressure. At such time as the benefits from higher test pressures are more positively established, additional requirements may be considered.

Section 195.300. As with Subparts C and D, a sentence has been added to the scope section to make it clear that the movement of line pipe does not require hydrostatic testing of the pipeline.

Section 195.302. The specific test pressure requirements to which a line must be tested have been removed from this section and placed in § 195.406. Section 195.302 and the balance of Subpart E contain the requirements for testing and the methods to be followed but do not make reference to the pressures to be used. The operator will decide this based on § 195.406 and the pressure at which he desires to operate the pipeline.

In response to many comments indicating that the benefits would be minimal, the proposed cyclic test has not been required. In addition, since proposed Subpart G on qualification and requalification has been withdrawn, all references to qualifying and requalifying of pipe have been deleted.

Section 195.304. One commenter interpreted the proposal on this section as applying only to components installed in new construction or major replacements. This was not intended and the only components that need not be tested are those which fall specifically within the second

sentence of this section. These are components which are single item replacements or additions that the manufacturer certifies have been tested. Therefore, to avoid confusion on this point, the phrase "if they are part of new construction or a major replacement" has been deleted. In addition, an alternative has been added to permit the use of prototype testing for these individual replacement or additional components, if the component has been manufactured under a quality control system.

Section 195.306. In response to comments, the requirements that water used as a test medium be both alkaline and free of sedimentary material have been deleted. These are not sufficiently related to safety of operation to warrant regulation. A number of commenters also stated that testing with petroleum or other commodities can be conducted just as safely as with water and should be permitted with very little restriction. However, since the possibility of rupture is greater with an untested line, the Board believes that testing with product should be limited to areas where there is no exposure to the general public. Therefore, the restriction that no persons, other than those conducting the test, be within 1,000 feet of the test section is retained for tests conducted with product.

Section 195.310. Since a particular location is not necessary for test records retained under this section, the requirement that they be kept at the operator's principal place of business has been deleted. In response to a comment pointing out that elevation profiles are not useful in flat country, paragraph (b) has been modified to require a profile only where elevation differences exceed 100 feet.

Section 195.404. Paragraph (b) of this section has been amended to delete the requirement that daily operating records be kept at one central location. This will make this regulation consistent with the other record-keeping requirements of this part and with those in Part 192, the newly established gas pipeline regulations. If in the future it appears that the records are not being maintained at locations that are conducive to surveillance by both the carriers and representatives of the Administrator, the question will be reconsidered and requirements for location of records may be established.

Section 195.406. Due to the substantive changes in the proposed rules discussed above, this section has also been modified. Proposed paragraph (b), except for the last sentence, has been combined with paragraph (a) to establish one regulation for determining maximum operating pressure. The maximum operating pressure, except for surge or other variations from normal operations, will be limited by any one of four separate criteria. These criteria were contained in other sections of the proposed rules and are combined in this one section for simpler application. The design pressure criteria are based on the definition of maximum operating pressure proposed

in the notice. Eighty percent of test pressure, as specified in subparagraphs (3) and (4), is the equivalent of a test requirement of 125 percent of maximum operating pressure. The requirement in paragraph (b) for limiting surge pressure on existing pipelines is basically unchanged except that for greater clarity the limit is expressed as 110 percent of maximum operating pressure determined under paragraph (a).

Section 195.414. The determination of "maximum operating pressure" under § 195.406 makes inappropriate the use of that term in § 195.414(b). Therefore, the word "maximum" is deleted in order to more clearly express the limit that is being imposed.

Since the amendments to §§ 195.8, 195.116, and 195.404 remove certain requirements and clarify others without imposing an additional burden on any person, I find that notice and public procedure with respect to these amendments are unnecessary and that good cause exists for making the amendments to §§ 195.8, 195.116, and 195.404 effective immediately.

In consideration of the foregoing, Part 195 of Title 49 of the Code of Federal Regulations is amended as set forth below, effective January 8, 1971, except that the amendments to §§ 195.8, 195.116, and 195.404 are effective immediately.

(Secs. 831-835, Title 18, United States Code; secs. 6(e)(4), (f)(3)(A), Department of Transportation Act (49 U.S.C. 1655(e)(4), (f)(3)(A)); § 1.4(d)(6), Regulations of the Office of the Secretary of Transportation)

Issued in Washington, D.C., on November 2, 1970.

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

1. Section 195.3 is amended as follows: By revising paragraph (b) (3) and (4), adding new paragraphs (b) (5) and (c) (1) (iii), (iv), and (v), revising paragraph (c) (4), and adding new paragraph (c) (5), all to read as follows:

§ 195.3 Matter incorporated by reference.

(b) * * *

(3) Manufacturers Standardization Society of the Valve and Fittings Industry (MSS), 1815 North Fort Myer Drive, Arlington, Va. 22209.

(4) American National Standards Institute (ANSI), 1430 Broadway, New York, N.Y. 10018. (Formerly the United States of America Standards Institute (USASI). All current standards issued by USASI and ASA have been redesignated as American National Standards and continue in effect.)

(5) American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, Pa. 19103.

(c) * * *

(1) * * *

(iii) API Specification 5L is titled "API Specification for Line Pipe."

(iv) API Specification 5LS is titled "API Specification for Spiral-Weld Line Pipe."

(v) API Specification 5LX is titled "API Specification for High-Test Line Pipe."

(4) American National Standards Institute:

(i) ANSI B16.9 is titled "Wrought Steel Butt-Welding Fittings."

(ii) ANSI B31.4 is titled "Liquid Petroleum Transportation Piping Systems."

(5) American Society for Testing and Materials:

(i) ASTM Specification A53 is titled "Standard Specification for Welded and Seamless Steel Pipe."

(ii) ASTM Specification A106 is titled "Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service."

(iii) ASTM Specification A134 is titled "Standard Specification for Electric-Fusion (ARC)-Welded Steel Plate Pipe, Sizes 16 in. and Over."

(iv) ASTM Specification A135 is titled "Standard Specification for Electric-Resistance-Welded Steel Pipe."

(v) ASTM Specification A139 is titled "Standard Specification for Electric-Fusion (ARC)-Welded Steel Pipe, Sizes 4 in. and Over."

(vi) ASTM Specification A155 is titled "Standard Specification for Electric-Fusion-Welded Steel Pipe for High-Temperature Service."

(vii) ASTM Specification A211 is titled "Standard Specification for Spiral-Welded Steel or Iron Pipe."

(viii) ASTM Specification A333 is titled "Standard Specification for Seamless and Welded Steel Pipe for Low Temperature Service."

(ix) ASTM Specification A381 is titled "Standard Specification for Metal-Arc-Welded Steel Pipe for High-Pressure Transmission Service."

2. The first sentence of § 195.8 is amended to read as follows:

§ 195.8 Transportation of commodities in pipelines constructed with other than steel pipe.

No carrier may transport any commodity through a pipe that is constructed after October 1, 1970, of material other than steel unless the carrier has notified the Administrator in writing at least 90 days before the transportation is to begin. * * *

3. A new § 195.106 is added after § 195.104 to read as follows:

§ 195.106 Internal design pressure.

(a) Internal design pressure for the pipe in a pipeline is determined in accordance with the following formula:

$$P = \frac{2St \times E \times F}{D}$$

P=Internal design pressure in pounds per square inch gauge.

S=Yield strength in pounds per square inch determined in accordance with paragraph (b) of this section.

t=Nominal wall thickness of the pipe in inches. If this is unknown, it is determined in accordance with paragraph (c) of this section.

D=Nominal outside diameter of the pipe in inches.

E=Seam joint factor determined in accordance with paragraph (e) of this section.

F=A design factor of 0.72, except that a design factor of 0.54 is used for pipe that has been cold worked to meet the specified minimum yield strength and is subsequently heated, other than by welding, to 600° F. or more.

(b) The yield strength to be used in determining internal design pressure under paragraph (a) of this section is the specified minimum yield strength. If the specified minimum yield strength is not known, the yield strength is determined by performing all of the tensile tests of either API Standard 5L, 5LS, or 5LX on randomly selected test specimens with the following number of tests:

Pipe size	Number of tests
Less than 6 inches in outside diameter.	One test for each 200 lengths.
6 inches through 12½ inches in outside diameter.	One test for each 100 lengths.
Larger than 12½ inches in outside diameter.	One test for each 50 lengths.

If the average yield-tensile ratio exceeds 0.85, the yield strength of the pipe is taken as 24,000 p.s.i. If the average yield-tensile ratio is 0.85 or less, the yield strength of the pipe is taken as the lower of the following:

(1) Eighty percent of the average yield strength determined by the tensile tests.

(2) The lowest yield strength determined by the tensile tests.

(c) If the nominal wall thickness to be used in determining internal design pressure under paragraph (a) of this section is not known, it is determined by measuring the thickness of each piece of pipe at quarter points on one end. However, if the pipe is of uniform grade, size, and thickness, only 10 individual lengths or 5 percent of all lengths, whichever is greater, need be measured. The thickness of the lengths that are not measured must be verified by applying a gage set to the minimum thickness found by the measurement. The nominal wall thickness to be used is the next wall thickness found in commercial specifications that is below the average of all the measurements taken. However, the nominal wall thickness may not be more than 1.14 times the smallest measurement taken on pipe that is less than 20 inches in outside diameter, nor more than 1.11 times the smallest measurement taken on pipe that is 20 inches or more in outside diameter.

(d) The minimum wall thickness of the pipe may not be less than 87.5 percent of the value used for nominal wall thickness in determining the internal design pressure under paragraph (a) of this section. In addition, the anticipated external loads and external pressures that are concurrent with internal pressure must be considered in accordance with §§ 195.108 and 195.110 and, after determining the internal design pressure, the nominal wall thickness must be in-

creased as necessary to compensate for these concurrent loads and pressures.

(e) The seam joint factor used in paragraph (a) of this section is determined in accordance with the following table:

Specification	Pipe class	Seam joint factor
ASTM A 53	Seamless	1.00
	Electric resistance welded	1.00
	Furnace lap welded	0.80
	Furnace butt welded	0.60
ASTM A 106	Seamless	1.00
	Electric fusion arc welded	0.80
ASTM A 134	Electric resistance welded	1.00
ASTM A 135	Electric resistance welded	0.80
ASTM A 139	Electric fusion arc welded	1.00
ASTM A 155	Electric fusion arc welded	0.80
ASTM A 211	Spiral welded pipe	1.00
ASTM A 333	Seamless	1.00
	Welded	1.00
ASTM A 381	Double submerged arc welded	1.00
	Seamless	1.00
API 5L	Electric resistance welded	1.00
	Electric flash welded	1.00
	Submerged arc welded	1.00
	Furnace lap welded	0.80
	Furnace butt welded	0.60
	Seamless	1.00
API 5LX	Electric resistance welded	1.00
	Electric flash welded	1.00
	Submerged arc welded	1.00
API 5LS	Electric resistance welded	1.00
	Submerged arc welded	1.00

The seam joint factor for pipe which is not covered by this paragraph must be approved by the Administrator.

4. Section 195.114(a) is amended to read as follows:

§ 195.114 Used pipe.

(a) The pipe must be of a known specification and the seam joint factor must be determined in accordance with § 195.106(d). If the specified minimum yield strength or the wall thickness is not known, it is determined in accordance with § 195.106 (b) or (c) as appropriate.

5. Section 195.116 (d) and (e) are revised to read as follows:

§ 195.116 Valves.

(d) Each gate, ball, plug, or check valve must be both hydrostatically shell tested and hydrostatically seat tested without leakage to at least the requirements set forth in section 5 of API Standard 6D, 1068 edition.

(e) Each valve other than a check valve must be equipped with a means for clearly indicating the position of the valve (open, closed, etc.).

6. A new Subpart E is added after § 195.264 to read as follows:

Subpart E—Hydrostatic Testing

Sec.	
195.300	Scope.
195.302	General requirements.
195.304	Testing of components.
195.306	Test medium.
195.308	Testing of tie-ins.
195.310	Records.

AUTHORITY: The provisions of this Subpart E issued under secs. 831-835, Title 18, United States Code; secs. 6 (e) (4), (f) (3) (A), Department of Transportation Act (49 U.S.C. 1655 (e) (4), (f) (3) (A)); § 1.4(d) (6), Regulations of the Office of the Secretary of Transportation.

Subpart E—Hydrostatic Testing

§ 195.300 Scope.

This subpart prescribes minimum requirements for hydrostatic testing of newly constructed steel pipeline systems and for hydrostatic testing of existing steel pipeline systems that are relocated, replaced, or otherwise changed. However, this subpart does not apply to the movement of pipe covered by § 195.424.

§ 195.302 General requirements.

(a) Each new pipeline system, each pipeline system in which pipe has been relocated or replaced, or that part of a pipeline system that has been relocated or replaced, must be hydrostatically tested in accordance with this subpart without leakage.

(b) The test pressure for each hydrostatic test conducted under this section must be maintained for at least 24 hours throughout the part of the system that is being tested.

§ 195.304 Testing of components.

(a) Each hydrostatic test under § 195.302 must test all pipe and attached fittings, including components, unless otherwise permitted by paragraph (b) of this section.

(b) A component that is the only item being replaced or added to the pipeline system need not be hydrostatically tested under paragraph (a) of this section if the manufacturer certifies that either—

- (1) The component was hydrostatically tested at the factory; or
- (2) The component was manufactured under a quality control system that ensures each component is at least equal in strength to a prototype that was hydrostatically tested at the factory.

§ 195.306 Test medium.

(a) Except as provided in paragraph (b) of this section, water must be used as the test medium.

(b) Liquid petroleum that does not vaporize rapidly may be used as the test medium if—

- (1) The entire pipeline section under test is outside of cities and other populated areas; and
- (2) There are no persons, other than those conducting the test, within 1,000 feet of the test section.

§ 195.308 Testing of tie-ins.

Pipe associated with tie-ins must be hydrostatically tested, either with the section to be tied in or separately.

§ 195.310 Records.

(a) A record must be made of each hydrostatic test and that record must be retained as long as the facility tested is in use.

(b) The record required by paragraph (a) of this section must include the recording gauge charts, dead weight tester data, and the reasons for any failure during a test. Where elevation differences in the section under test exceed 100 feet, a profile of the pipeline that

shows the elevation and test sites over the entire length of the test section must be included. Each recording gauge chart must also contain—

- (1) The carrier's name, the name of the person responsible for making the test, and the name of the test company used, if any;
- (2) The date and time of the test;
- (3) The minimum test pressure;
- (4) The test medium;
- (5) A description of the facility tested; and
- (6) An explanation of any pressure discontinuities that appear on any chart.

6. Section 195.404(b) is amended to read as follows:

§ 195.404 Maps and records.

(b) Each carrier shall maintain daily operating records that indicate the discharge pressures at each pump station and any unusual operations of a facility. The carrier shall retain these records for at least 3 years.

7. The following new section is added after § 195.404:

§ 195.406 Maximum operating pressure.

(a) Except for surge pressures and other variations from normal operations, no carrier may operate a pipeline at a pressure that exceeds any of the following:

- (1) The internal design pressure of the pipe determined in accordance with § 195.106.
- (2) The design pressure of any other component of the pipeline.
- (3) Eighty percent of the test pressure for any part of the pipeline which has been hydrostatically tested under Subpart E of this part.
- (4) Eighty percent of the factory test pressure or of the prototype test pressure for any individually installed component which is excepted from testing under § 195.304.

(b) No carrier may permit the pressure in a pipeline during surges or other variations from normal operations to exceed 110 percent of the operating pressure limit established under paragraph (a) of this section. Each carrier must provide adequate controls and protective equipment to control the pressure within this limit.

§ 195.414 [Amended]

8. The second sentence of § 195.414(b) is amended by deleting the word "maximum" therefrom.

[F.R. Doc. 70-15049; Filed, Nov. 6, 1970; 8:48 a.m.]

Chapter VI—Urban Mass Transportation Administration, Department of Transportation

PART 603—CLAIMS UNDER THE FEDERAL CLAIMS COLLECTION ACT

The purpose of this amendment is to add a new Part 603 to Chapter VI of the regulations of the Urban Mass Transportation Administration to implement the Federal Claims Collection Act of 1966 (80 Stat. 308, 31 U.S.C. 951-953) with respect to those claims in favor of United States arising out of activities of the Urban Mass Transportation Administration.

Since this amendment relates to agency management, procedures, and practices, notice and public procedure thereon is not necessary, and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, effective November 15, 1970, Chapter VI of Subtitle B of Title 49, Code of Federal Regulations, is amended by adding the following new Part 603—"Claims Under the Federal Claims Collection Act".

Issued in Washington, D.C., on November 2, 1970.

C. C. VILLARREAL,
Urban Mass Transportation
Administrator.

Sec.	Purpose.
603.1	Purpose.
603.2	Delegation of authority to attempt collection.
603.3	Reservations of authority.
603.4	Determination of amount of obligation.
603.5	Claim determination procedures.
603.6	Standards for exercise of delegated claims collection authority.
603.7	Releases.

AUTHORITY: The provisions of this Part 603 issued under Federal Claims Collection Act of 1966 (80 Stat. 308, 31 U.S.C. 951-953).

§ 603.1 Purpose.

This part prescribes the procedures of the Urban Mass Transportation Administration with respect to the collection of claims of the United States arising out of the activities of the Urban Mass Transportation Administration; the compromise of those claims that do not exceed \$20,000; and the suspension or termination of collection action.

§ 603.2 Delegation of authority to attempt collection.

(a) The authority of the Administrator, Urban Mass Transportation Administration, to attempt collection of claims of the United States arising out of the activities of the Urban Mass Transportation Administration is delegated to the Assistant Administrator for Administration. The authority delegated in this paragraph does not apply to any claim described in § 89.3 of this title.

(b) The Chief Counsel shall provide such legal advice and support as the Assistant Administrator for Administration requires in carrying out his duties under this section, and shall provide liaison with the General Accounting Office and the Department of Justice as necessary.

§ 603.3 Reservations of authority.

(a) The delegation of authority in § 603.2 does not include the authority to compromise, or suspend or terminate action to collect a claim in favor of the United States, or refer it to the General Accounting Office or to the Department of Justice for litigation.

(b) The authority to compromise a claim, not exceeding \$20,000, in favor of

the United States arising out of the activities of the Urban Mass Transportation Administration is reserved to the Administrator and shall be exercised in accordance with 4 CFR Part 103.

(c) The authority to suspend or terminate collection action on a claim in favor of the United States arising out of the activities of the Urban Mass Transportation Administration is reserved to the Administrator and shall be exercised in accordance with 4 CFR Part 104.

(d) The authority to refer a claim in favor of the United States arising out of the activities of the Urban Mass Transportation Administration to the General Accounting Office or to the Department of Justice for litigation is reserved to the Administrator and shall be exercised in accordance with 4 CFR Part 105.

§ 603.4 Determination of amount of obligation.

If the Administrator believes that any individual, partnership, association, corporation or local public body is indebted or liable to the Federal Government upon a civil claim arising out of any program or project undertaken by the Urban Mass Transportation Administration, he shall investigate the matter and make a preliminary determination as to whether or not the debt or liability exists and the amount thereof.

§ 603.5 Claim determination procedures.

(a) As soon as reasonably practicable after the Administrator has made the preliminary determinations provided for in § 603.4, he shall notify the debtor in writing of the character and cause of the debt or liability and the amount thereof. The Administrator shall allow the debtor at least 30 but not more than 60 days to show cause, by affidavits and other documentary evidence and written argument, as to why the debt or liability is incorrect in fact or in law as to existence or amount. In the notice the Administrator shall also offer the debtor an opportunity, upon the debtor's admission of all or any part of the debt or liability, to propose within the same time period any remedial action on its part which it believes will remove or eliminate the basis for, or diminish the amount of, the debt or liability.

(b) Upon timely receipt of a response from the debtor denying the debt or liability in whole or in part and submitting written evidence and argument in support of the denial, or upon expiration of the time limit fixed in the notice, whichever occurs first, the Administrator shall review all of the evidence available to him, including any submitted by the debtor. The Administrator shall make or cause to be made any further investigation of the facts that he considers necessary. Based on the available evidence, the Administrator shall make a final determination as to the existence and amount of debtor's indebtedness or liability to the Government. However, if debtor's response to the notice is timely and admits the indebtedness in whole or in part but proposes to take remedial action to remove or eliminate the basis for or diminish the amount thereof, and

if the Administrator finds that the proposed remedial action is feasible, is in the best interests of the Government, and will further the objectives and purposes of the Urban Mass Transportation Act of 1964, as amended, he may delay making all or any portion of his final determination for a reasonable period of time (but not more than 6 months after the date of receipt of debtor's response) to permit debtor to take the remedial action and to present affidavits and other documentary evidence pertaining thereto.

(c) If he considers it necessary, the Administrator may provide for the holding of a hearing in connection with the preliminary or final determination of the existence or amount of a debtor's indebtedness or liability to the Government.

Before a hearing is held under this subsection proper notice shall be given to all parties in interest. The hearing shall be conducted in accordance with section 556 of title 5, U.S.C., and reviewed by the Administrator in accordance with section 557 of title 5, U.S.C.

§ 603.6 Standards for exercise of delegated claims collection authority.

After the Administrator has determined the amount of a claim in favor of the United States arising out of the activities of the Urban Mass Transportation Administration, the Assistant Administrator for Administration shall take aggressive action, on a timely basis with effective follow-up, to collect that claim

in accordance with the standards set forth in 4 CFR Part 102. The Assistant Administrator for Program Operations and the Assistant Administrator for Program Demonstrations shall provide such information and assistance as may be necessary to enable the Assistant Administrator for Administration to carry out his duties under this part.

§ 603.7 Releases.

The Assistant Administrator for Administration may execute and deliver a full release of a claim in favor of the United States in exchange for payment of the amount due the United States on that claim.

[F.R. Doc. 70-15051; Filed, Nov. 6, 1970; 8:48 a.m.]

Proposed Rule Making

FEDERAL POWER COMMISSION

[18 CFR Part 260]

[Docket No. R-399]

REPORT OF GAS STORED UNDERGROUND

Notice of Conference

NOVEMBER 5, 1970.

Report of gas stored underground; FPC Form No. 8.

Take notice that on November 13, 1970, a conference will be held pursuant to the notice of proposed rule making issued September 18, 1970, in Docket No. R-399, in response to the requests of certain parties. The conference will be at 10 a.m. in Room 4008 at the Federal Power Commission, 441 G Street NW., Washington, D.C.

GORDON M. GRANT,
Secretary.

[P.R. Doc. 70-15144; Filed, Nov. 6, 1970;
8:52 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1064]

MILK IN GREATER KANSAS CITY MARKETING AREA

Notice of Proposed Suspension or Termination of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension or termination of certain provisions of the order regulating the handling of milk in the Greater Kansas City marketing area is being considered.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension or termination should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended or terminated are as follows:

1. In § 1064.44, paragraph (c) in its entirety.
2. In the introductory text of § 1064.44 (d) preceding subparagraph (1), the

provision, ", located not more than 400 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the city halls of Kansas City, Mo., or Topeka, Kans."

The proposed suspension or termination will remove provisions requiring automatic Class I classification of milk transferred or diverted in bulk to non-pool plants located more than 400 miles from the nearer of the city halls of Kansas City, Mo., or Topeka, Kans.

Suspension was requested by Land O'Lakes, Inc., a cooperative which operates a pool supply plant under the Kansas City order. The cooperative contends that its milk, when not needed in Kansas City for fluid uses, could be handled most economically in its cheese manufacturing plant located in Minnesota which is more than 400 miles from Kansas City. Without suspension or termination, however, such milk would be classified as Class I, although used for manufacturing product uses.

Signed at Washington, D.C., on November 4, 1970.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[P.R. Doc. 70-15088; Filed, Nov. 6, 1970;
8:51 a.m.]

[9 CFR Part 311]

MEAT INSPECTION

Disposal of Diseased Carcasses and Parts; Tapeworm Cysts in Cattle

Pursuant to the authority contained in the Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C., 601 et seq.), notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Consumer and Marketing Service is considering amending § 311.23 of the revised Meat Inspection Regulations (9 CFR 311.23) effective December 1, 1970, to read as indicated below, to prohibit any cattle carcasses from being passed for human food at an establishment subject to the Act if one or more lesions of *Cysticercus bovis* is found in the carcass, unless the carcass is first refrigerated or heated to destroy the infestation.

Statement of considerations. A principal function of the USDA Consumer Protection Program is to assure that the meat supply is safe, wholesome, and otherwise unadulterated. This responsibility requires that studies of inspection procedures and requirements be periodically conducted, giving cognizance to current scientific knowledge and possible changes in conditions affecting animal health. The U.S. Public Health Service has conducted a study of cysticercosis which raises question whether

changes in our requirements should not be made. This study contributed to focusing attention upon this phase of the program. A review of the literature concerning the cystic form of *taenia saginata* (commonly known as *cysticercus bovis*) reveals that the finding of only one dead lesion is no indication that other lesions, which may be alive, are not also present in the carcass. In fact, the finding of one lesion is more likely an indicator that others coexist within the carcass. It therefore appears that any carcass containing one or more such lesions should be handled in such a manner as to preclude human infestation. The literature indicates that removal of visible lesions does not necessarily effectuate safety. It appears that in order to assure human safety, carcasses displaying such lesions should be (1) condemned, (2) heated, or (3) refrigerated.

Thus the proposed amendment would require any cattle carcass affected with *Cysticercus bovis* to be passed with restriction or to be condemned.

§ 311.23 Tapeworm cysts (*Cysticercus bovis*) in cattle.

(a) Except as provided in paragraph (b) of this section, carcasses of cattle affected with lesions of *Cysticercus bovis* shall be disposed of as follows:

(1) Carcasses of cattle displaying lesions of *Cysticercus bovis* shall be condemned if the infestation is extensive or if the musculature is edematous or discolored. Carcasses shall be considered extensively infested if in addition to finding lesions in at least two of the usual inspection sites, namely the heart, diaphragm and its pillars, muscles of mastication, esophagus, tongue, and musculature exposed during normal dressing operations, they are found in at least two of the sites exposed by (i) an incision made into each round exposing the musculature in cross section, and (ii) a transverse incision into each forelimb commencing 2 or 3 inches above the point of the olecranon and extending to the humerus.

(2) Carcasses of cattle showing one or more tapeworm lesions of *Cysticercus bovis* but not so extensive as indicated in subparagraph (1) of this paragraph, as determined by a careful examination, including examination of, but not limited to, the heart, diaphragm and its pillars, muscles of mastication, esophagus, tongue, and musculature exposed during normal dressing operations, may be passed for human food after removal and condemnation of the lesions with surrounding tissues: *Provided*, That the carcasses, appropriately identified by retained tags, are held in cold storage under positive control of a USDA Food Inspector at a temperature not higher than 15° F. continuously for a period of not less than 10 days, or in the case of boned meat derived from such carcasses,

the meat, when in boxes, tierces, or other containers, appropriately identified by retained tags, is held under positive control of a Program Inspector at a temperature of not higher than 15° F. continuously for a period of not less than 20 days. As an alternative to retention in cold storage as provided in this subparagraph, such carcasses and meat may be heated throughout to a temperature of at least 140° F. under retention tags.

(b) Edible viscera and offal shall be disposed of in the same manner as the rest of the carcass from which they were derived unless any lesion of *Cysticercus bovis* is found in these byproducts, in which case they shall be condemned.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment, may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions will be made available for public inspection at the Office of the Hearing Clerk during the regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., on November 4, 1970.

CLAYTON YEUTER,
Administrator,
Consumer and Marketing Service.

[F.R. Doc. 70-15089; Filed, Nov. 6, 1970;
8:51 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[15 CFR Part 367]

OFFICIAL U.S. GOVERNMENT RECOGNITION OF AND PARTICIPATION IN INTERNATIONAL EXPOSITIONS HELD IN UNITED STATES

Notice of Proposed Rule Making

Notice is hereby given that the Department of Commerce is considering proposed regulations implementing the Secretary of Commerce's responsibilities under Public Law 91-269, which establishes an orderly procedure for Federal Government recognition of, and participation in, international exhibitions to be held in the United States. These responsibilities include the preparation of a report for the President evaluating the purposes and reasons for the exposition and a determination that the guaranteed financial and other support secured by the sponsors (applicant) of the exposition from affected State and local governments and from business and civil leadership of the region and others is sufficient to assure the successful development and progress of the exposition. The purpose of the proposed regulations is to provide the Secretary with adequate factual information upon which to prepare the aforementioned report. The proposed regulations also sets forth the procedures to be followed in the preparation of a plan for Federal participa-

tion in an international exposition to be held in the United States.

All persons who desire to submit written views or comments on the proposed regulations should file them, in triplicate, with the Director of the U.S. Expositions Staff, Bureau of Domestic Commerce, Department of Commerce, Washington, D.C. 20230, within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

Sec.

- 367.1 Background and purpose.
- 367.2 Definitions.
- 367.3 Application for Federal recognition.
- 367.4 Action on application.
- 367.5 Report of the Secretary.
- 367.6 Statement for Federal participation.
- 367.7 Proposed plan for Federal participation.
- 367.8 Report of the Secretary on Federal participation.

AUTHORITY: The provisions of this Part 367 issued pursuant to Public Law 91-269 (84 Stat. 271.); Department Order No. 40-1A.

§ 367.1 Background and purpose.

The regulations in this part are issued under the authority of Public Law 91-269 (84 Stat. 271), which establishes an orderly procedure for Federal Government recognition of, and participation in, international exhibitions to be held in the United States. The Act provides, inter alia, that Federal recognition of an exposition is to be granted upon a finding by the President that such recognition will be in the national interest. In making this finding, the President is directed to consider, among other factors, a report from the Secretary of Commerce as to the purposes and reasons for an exposition and the extent of financial and other support to be provided by the State and local officials and business and community leaders where the exposition is to be held, and a report by the Secretary of State to determine whether the exposition is qualified for registration under Bureau of International Exposition (BIE) rules. The BIE is an international organization established by the Paris Convention of 1928 (T.I.A.S. 6548 as amended by T.I.A.S. 6549) to regulate the conduct and scheduling of international exhibitions in which foreign nations are officially invited to participate. The BIE divides international exhibitions into different categories and types and requires each member nation to observe specified minimum time intervals in scheduling each of these categories and types of exhibitions.¹ Under BIE rules, member nations may not ordinarily participate in an international expo-

¹ The BIE defines a General Exposition of the First Category as an exposition dealing with progress achieved in a particular field apply to several branches of human activity at which the invited countries are obliged to construct national pavilions. A General Exposition of the Second Category is a similar exposition at which invited countries are not authorized to construct national pavilions, but occupy space provided by the exposition sponsors. Special Category Expositions are those dealing only with one particular technique, raw material, or basic need. The BIE frequency rules require that an in-

sition unless such exposition has been approved by the BIE. The United States became a member of the BIE on April 30, 1968, upon ratification of the Paris Convention by the U.S. Senate (114 Cong. Rec. 11012). Federal participation in a recognized international exposition requires a specific authorization by the Congress, upon a finding by the President that such participation would be in the national interest. The Act provides for the transmission to Congress of a participation proposal by the President. This proposal transmits to the Congress information regarding the exposition, including a statement that it has been registered by the BIE and a plan for Federal participation prepared by the Secretary of Commerce in cooperation with other interested Federal departments and agencies.

§ 367.2 Definitions.

For the purposes of this part, except where the context requires otherwise:

- (a) "Act" means Public Law 91-269.
- (b) "Secretary" means the Secretary of Commerce.
- (c) "Director" means the Director of the U.S. Expositions Staff, Bureau of Domestic Commerce, Department of Commerce, Washington, D.C. 20230.
- (d) "Applicant" means a State, county, municipality, a political subdivision of the foregoing, private non-profit organizations, or individuals filing an application with the Director seeking Federal recognition of an international exposition to be held in the United States.
- (e) "Exposition" means an international exposition to be held in the United States for which an application has been filed with the Director seeking Federal recognition under the Act.

§ 367.3 Application for Federal recognition.

- (a) Applications for Federal recognition of an exposition shall be filed with, and all official communications in connection therewith addressed to, the Director, U.S. Expositions Staff, Bureau of Domestic Commerce, Department of Commerce, Washington, D.C. 20230.
- (b) Every application, exhibit, or enclosure, except where specifically waived by the Director, shall be in quadruplicate duly authenticated and referenced.
- (c) Every application shall be in letter form and shall contain the date, address, and official designation of the applicant

interval of 15 years elapse between General Expositions of the First Category held in the same country, and an interval of 10 years must elapse between General Expositions of the Second Category held in that country. As for Special Category Expositions an interval of 5 years must ordinarily elapse between Special Category Expositions of the same kind, or 3 months between Special Category Expositions of different kinds. These frequency intervals are computed from the date of the opening of the exposition. More detailed BIE classification and criteria and regulations are contained in the Paris Convention of 1928, as amended in 1948 and 1966. Applicants not having a copy of the text of this convention may obtain one by writing the Director.

and shall be signed by an authorized officer or individual.

(d) Every application, except where specifically waived by the Director, shall be accompanied by the following exhibits:

1. *Exhibit No. 1.* A study setting forth in detail the purpose for the exposition, including any historical, geographic, or other significance of the host city, State, or region related to the exposition.

2. *Exhibit No. 2.* An exposition plan setting forth in detail (i) the theme of the exposition and the "storyline" around which the entire exposition is to be developed; (ii) whatever preliminary architectural and design plans are available on the physical layout of the site plus existing and projected structures; (iii) the type of participation proposed in the exposition (e.g., foreign and domestic exhibits); (iv) cultural, sports, and special events planned; (v) the proposed BIE category of the event and evidence of its conformity to the regulations of the BIE, a copy of which can be obtained from the Director upon request; and (vi) the proposed steps that will be taken to protect foreign exhibitors under the BIE model rules and regulations.

3. *Exhibit No. 3.* Documentary evidence of state, regional, and local support (e.g., endorsing letters to the applicant from business and civic leadership of the region, State, and/or municipal resolutions, acts, or appropriations, referendums on bond issues, and others).

4. *Exhibit No. 4.* An organization chart of the proposed exposition management structure of the applicant, including descriptions of the functions and duties of each official position along with bibliographic material on principal officers, if available. (The principal officials should also be prepared to submit subsequent individual statements under oath of their respective financial holdings and other interests.)

5. *Exhibit No. 5.* A statement setting forth in detail (i) the availability of services in existence or projected to accommodate visitors to the exposition (e.g., number of hotel and motel units, number and type of restaurants, health facilities, etc.); and (ii) evidence of adequate transportation facilities and accessibility of the host city to large groups of national and international visitors (e.g., number and schedule of airlines, bus lines, railroads, and truck lines serving the host city).

6. *Exhibit No. 6.* A statement setting forth in detail the applicant's plans for acquiring title to, or the right to occupy and use real property, other than that owned by the applicant or by the United States, essential for implementing the project or projects covered by the application. If the applicant, at the time of filing the application has acquired title to the real property he should submit a certified copy of the deed(s). If the applicant, at the time of filing the application, has by easement, lease, franchise, or otherwise acquired the right to occupy and use real property owned by others, he should submit a certified copy of the appropriate legal instrument(s) evidencing this right.

7. *Exhibit No. 7.* A statement of the latest prevailing hourly wage rates for construction workers in the host city (e.g., carpenters, cement masons, sheet metal workers, etc.).

8. *Exhibit No. 8.* Information on attitudes of labor leaders as to "no strike" agreements during the development and operation of the exposition.

9. *Exhibit No. 9.* A statement setting forth in detail (i) proposed capital investment costs and sources of financing available to meet these costs, including but not limited to funds from State, and municipal financing, bond issues, and other public or private

sources; (ii) projected expenses for managing the exposition; (iii) projected operational revenues broken down to include admissions, space rental, concessions, service fees and miscellaneous income; and (iv) cost benefit projections.

10. *Exhibit No. 10.* A description of the exposition implementation time schedule and the management control system to be utilized to implement the time schedule (e.g., PERT, CPM, etc.).

11. *Exhibit No. 11.* A statement setting forth in detail the public relations, publicity and other promotional plans of the applicant. For example the statement could include: (i) An outline of the public relations/publicity program broken down by percentage allocations among the various media; (ii) public relations/publicity program budget with the various calendar target dates for completion of phases prior to the opening, the opening and post opening of the exposition; and (iii) protocol plans for United States and foreign dignitaries, as well as for special ceremonies and events and how these plans are to be financed.

12. *Exhibit No. 12.* A study setting forth in detail the economic benefits of the exposition and residual use plans for the area composing the exposition. For example, the study might include: (i) Extent of immediate economic benefits for the city/region/nation in proportion to total investment in the exposition; (ii) extent of long-range economic benefits for the city/region/nation in proportion to total investment in the exposition; and (iii) extent of intangible (social, psychological, "good-will") benefits accruing to the city/region/nation including the solution or amelioration of any national/local problems.

§ 367.4 Action on application.

(a) Upon receipt of an application, the Director will investigate the application and accompanying exhibits for compliance with the provisions of § 367.3 and report his findings with respect thereto to the Secretary.

(b) In conducting his investigation the Director may hold a public hearing with the objective of clarifying issues that might have been raised by the application. If desired the Director may require the services of an examiner.

(c) If the Director, in his discretion, decides to hold a public hearing, notice of such hearing shall be published in the FEDERAL REGISTER, and a copy of the notice shall be furnished to local newspapers. The notice should state the subject to be considered and when and where the hearing will be held, specifically designating the date, hour, and place.

(d) The following general procedure shall govern the conduct of public hearings: (1) Minutes of the proceedings shall be made, and when advisable shall be taken stenographically; (2) the names and addresses of all parties present or represented at the hearing shall be recorded; and (3) the director or examiner should read aloud such parts of the Act and of these regulations as bear on the application. He should also read such other important papers, or extracts therefrom, as may be necessary for a full understanding of the issues needed to be clarified. The Director or examiner should impress upon those parties in attendance at the public hearing, and shall specifically state at the commencement of the hearing, that the hearing is not adversary in nature and that the sole

objective thereof is to clarify issues that might have been raised by the application.

(e) Within 6 months after receipt of a fully completed application and/or the adjournment of the public hearing, the Director shall submit his report containing his findings on the application to the Secretary.

§ 367.5 Report of the Secretary.

The Secretary, within a reasonable time after receipt of the report of the Director, shall submit a report to the President. The Secretary's report shall include: (a) An evaluation of the purposes and reasons for the exposition; and (b) a determination as to whether guaranteed financial and other support has been secured by the exposition from affected State and local governments and from business and civic leaders of the region and others in amounts sufficient to assure the successful development and progress of the exposition.

§ 367.6 Statement for Federal participation.

If Federal participation in the exposition, as well as Federal recognition thereof is desired, the applicant shall in a statement to the Director outline the nature of the Federal participation envisioned, including whether construction of a Federal pavilion is contemplated. (It should be noted, however, that before Federal participation can be considered under the Act, the exposition must have (a) met the criteria for Federal recognition and be so recognized, and (b) been registered by the BIE. Accordingly, applicants need not submit such a statement until these prerequisites are satisfied.) Where the Federal participation desired includes the construction of a pavilion, the statement shall be accompanied by the following exhibits:

1. *Exhibit No. 1.* A survey drawing of the proposed Federal pavilion site, showing its area and boundaries, its grade elevations, and surface and subsoil conditions.

2. *Exhibit No. 2.* An unexecuted deed evidencing the applicant's ability to convey the real property comprising the proposed Federal pavilion site in fee-simple and free of liens and other encumbrances.

3. *Exhibit No. 3.* A certified copy of the building code which would be applicable should a pavilion be constructed.

4. *Exhibit No. 4.* An engineering drawing showing the accessibility of the proposed pavilion site to utilities (e.g., sewerage, water, gas, electricity, etc.).

5. *Exhibit No. 5.* A statement setting forth the security and maintenance arrangements which the applicant would undertake (and an estimate of their cost) while a pavilion is under construction.

§ 367.7 Proposed plan for Federal participation.

(a) Upon receipt of the statement, and where applicable the exhibits referred to in § 367.6, the Director shall prepare a proposed plan in cooperation with other interested departments and agencies of the Federal Government for Federal participation in the exposition.

(b) In preparing the proposed plan for Federal participation in the exposition the Director may conduct a feasibility

study of Federal participation and cost estimates by utilizing the services within the Federal Government and private professional consultants as required.

(c) The Director, in the proposed plan for Federal participation in the exposition, shall determine whether or not a Federal pavilion should be constructed and, if so, whether or not the Government would have need for a permanent structure in the area of the exposition.

(d) The Director shall seek the advice of the Administrator of the General Services Administration to the extent necessary in carrying out the proposed plan for Federal participation in the exposition.

(e) Upon completion of the proposed plan for Federal participation in the exposition, the Director shall submit the plan to the Secretary.

§ 367.3 Report of the Secretary on Federal participation.

Upon receipt of the Director's proposed plan for Federal participation the Secretary, within a reasonable time, shall submit a report to the President including: (a) Evidence that the exposition has met the criteria for Federal recognition and has been so recognized; (b) statement that the exposition has been registered by the BIE; and (c) the proposed plan for the Federal participation referred to in § 367.7.

WILLIAM D. LEE,
Deputy Assistant Secretary and
Director, Bureau of Domestic
Commerce.

NOVEMBER 2, 1970.

[F.R. Doc. 70-15098; Filed, Nov. 6, 1970;
8:52 a.m.]

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

Food and Drug Administration

[21 CFR Parts 3, 130, 146]

DISCLOSURE OF NAS-NRC DRUG EFFICACY STUDY GROUP EVALUATIONS IN DRUG LABELING AND ADVERTISING

Extension of Time for Filing Comments

The notice published in the FEDERAL REGISTER of October 7, 1970 (35 F.R. 15761), proposing § 3.81 *Disclosure of drug efficacy study evaluations in labeling and advertising* and proposing amendments of 21 CFR 130.9 and 146.2, provided for the filing of comments within 30 days after said publication date.

The Commissioner of Food and Drugs has received a request to extend such time and, good reason therefor appearing, the time for filing comments on the subject proposal is extended to December 6, 1970.

This action is taken pursuant to provisions of the Federal Food, Drug, and

Cosmetic Act (secs. 502, 507, 512, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended, 82 Stat. 343-51; 21 U.S.C. 352, 357, 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: October 28, 1970.

SAM D. FINE,
Associate Commissioner
for Compliance.

[F.R. Doc. 70-15032; Filed, Nov. 6, 1970;
8:47 a.m.]

[21 CFR Part 19]

LOWFAT CREAMED COTTAGE CHEESE

Proposed Identity Standard; Correction

In F.R. Doc. 70-14245 appearing at page 16546 of the issue of October 23, 1970, the opening words of the eighth paragraph "Accordingly, in lieu of the petitioners' proposal" are changed to read "Accordingly, as an alternate to the petitioners' proposal" and the words in the final paragraph "regarding this proposal" are changed to read "regarding the petitioners' proposal and/or the Commissioner's proposal".

Dated: October 30, 1970.

SAM D. FINE,
Associate Commissioner
for Compliance.

[F.R. Doc. 70-15033; Filed, Nov. 6, 1970;
8:47 a.m.]

Public Health Service

[42 CFR Part 81]

CERTAIN AIR QUALITY CONTROL REGIONS

Proposed Designation and Redesignation of Regions; 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 Intrastate Air Quality Control Regions in the State of Tennessee as set forth in the following new §§ 81.119-81.120 inclusive which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

In addition to the proposal to designate two new Intrastate Air Quality Control Regions, it is proposed to revise the boundaries of the presently designated Scottsboro (Alabama)—Jasper (Tennessee) Interstate Air Quality Control Region (§ 81.72), the designated Bristol (Virginia)—Johnson City (Tennessee) Interstate Air Quality Control Region (§ 81.57), and the designated Alabama-Mississippi-Tennessee Interstate Air Quality Control Region (§ 81.62), as pro-

vided for in section 107(a)(2) of the Clean Air Act, as amended.

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 States of Alabama, Mississippi, Tennessee, and Virginia and appropriate local authorities, both within and without the proposed regions, who are affected by or interested in the proposed designations and redesignations, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designations and redesignations. Such consultation will take place at 1:30 p.m., November 16, 1970, in the Second Floor Auditorium, Library and Archives Building, 403 Seventh Avenue North, Nashville, Tenn. 37219.

Mr. Gene B. Welsh 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 Chairman, Mr. Gene B. Welsh, National Air Pollution Control Administration, 50 Seventh Street NE, Room 404, Atlanta, Ga. 30323, of such intention at least 1 week prior to the consultation.

In Part 81 the following new sections are proposed to be added to read as follows:

§ 81.119 Western Tennessee Intrastate Air Quality Control Region.

The Western Tennessee 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 Tennessee:

Benton County.	Haywood County.
Carroll County.	Henderson County.
Chester County.	Henry County.
Crockett County.	Lake County.
Decatur County.	Lauderdale County.
Dyer County.	McNairy County.
Fayette County.	Madison County.
Gibson County.	Obion County.
Hardeman County.	Tipton County.
Hardin County.	Weakley County.

Hardin County, Tenn., is at present in the designated Alabama-Mississippi-Tennessee Interstate Air Quality Control Region (§ 81.62). It is now proposed to delete Hardin County, Tenn., from the Alabama-Mississippi-Tennessee Interstate Air Quality Control Region and to include Hardin County in the Western Tennessee Intrastate Air Quality Control Region.

§ 81.120 Middle Tennessee Intrastate Air Quality Control Region.

The Middle Tennessee 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 Tennessee:

Bedford County.	Macon County.
Cannon County.	Marshall County.
Cheatham County.	Maury County.
Clay County.	Montgomery County.
Davidson County.	Moore County.
De Kalb County.	Perry County.
Dickson County.	Robertson County.
Giles County.	Rutherford County.
Hickman County.	Smith County.
Houston County.	Stewart County.
Humphreys County.	Sumner County.
Jackson County.	Trousdale County.
Lawrence County.	Wayne County.
Lewis County.	Williamson County.
Lincoln County.	Wilson County.

§ 81.72 [Amended]

The Scottsboro (Alabama)—Jasper (Tennessee) Interstate Air Quality Control Region (§ 81.72) presently is designated as 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 Alabama:

De Kalb County. Jackson County.

In the State of Tennessee:

Bledsoe County. Sequatchie County.
Marion County.

It is now proposed to: (1) Add Coffee, Cumberland, Fentress, Franklin, Grundy, Morgan, Overton, Pickett, Putnam, Scott, Warren, White, and Van Buren Counties, in the State of Tennessee, to the Region; and (2) change the name of the Region to the Scottsboro (Alabama)—Cumberland Mountains (Tennessee) Interstate Air Quality Control Region.

§ 81.57 [Amended]

The Bristol (Virginia)—Johnson City (Tennessee) Interstate Air Quality Control Region (§ 81.57) presently is designated as 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 Tennessee:

Carter County.	Johnson County.
Greene County.	Sullivan County.
Hancock County.	Union County.
Hawkins County.	Washington County.

In the State of Virginia:

Bland County.	Norton City.
Bristol City.	Russell County.
Buchanan County.	Scott County.
Carroll County.	Smyth County.
Dickenson County.	Tazewell County.
Galax City.	Washington County.
Grayson County.	Wise County.
Lee County.	Wythe County.

It is now proposed to: (1) Add Anderson, Blount, Bradley, Campbell, Claiborne, Cocke, Grainger, Hamblen, Jefferson, Knox, Loudon, McMinn, Meigs, Monroe, Polk, Rhea, Roane, Sevier, and Union Counties, in the State of Tennessee, to the Region; and (2) change the name of the Region to the Eastern Tennessee-Southwestern Virginia Interstate Air Quality Control Region.

§ 81.62 [Amended]

The Alabama-Mississippi-Tennessee Interstate Air Quality Control Region (§ 81.62) presently is designated as 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 Alabama:

Colbert County. Lauderdale County.
Franklin County.

In the State of Mississippi:

Alcorn County. Tishomingo County.

In the State of Tennessee:

Hardin County.

It is now proposed to: (1) Delete Hardin County, in the State of Tennessee, from the Region; and (2) change the name of the Region to the Alabama-Mississippi Interstate Air Quality Control Region.

This action is proposed under the authority of sections 107(a) and 301(a) 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: November 4, 1970.

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

[F.R. Doc. 70-15094; Filed, Nov. 6, 1970;
8:52 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 37]

[Docket No. 10666; Notice 70-45]

AIRBORNE WEATHER RADAR EQUIPMENT

Proposed Technical Standard Order

The Federal Aviation Administration is considering amending § 37.168 of Part

37 of the Federal Aviation Regulations by revising Technical Standard Order C63a (TSO-C63a) to update the standards for airborne weather radar equipment operating within the radio-frequency bands of 5350 to 5470 MHz and 9300 to 9500 MHz.

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 the 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 February 8, 1971, will be considered by the Administrator before taking action upon the proposed rule. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The FAA proposes to amend § 37.168 to update TSO-C63a by requiring airborne weather radar equipment to meet the requirements of Radio Technical Commission for Aeronautics (RTCA) Document No. DO-134 entitled "Minimum Performance Standards—Airborne Weather and Ground Mapping Pulsed Radars", dated February 16, 1967, and RTCA Document No. DO-138 entitled "Environmental Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments", dated June 27, 1968. RTCA Document No. DO-134 has had wide distribution and acceptance within the aviation industry. It has also been coordinated with the European Organization for Civil Aviation Electronics and some European governments have indicated their intent to use it as a basis of type approval of airborne weather radar equipment. The FAA plans to incorporate RTCA Document DO-138 in all future revisions to TSO's covering electronic equipment.

A number of major technical changes to TSO-C63a would be made in accomplishing the foregoing. The proposal would permit the use of pulse durations between 1.9 to 2.9 microseconds when the transmitted signal is horizontally polarized and the radio frequency is within the band (9,300 MHz to 9,320 MHz) formerly used for receivers of ground radar beacons. The pulse duration requirement would be changed from a maximum of 5 microseconds to not more than 2½ percent of the time base range in use or 10 microseconds, whichever is greater. The receiver gain control requirement that the range of gain adjustment be at least 20 db would be changed to require a means for the manual and automatic or manual or automatic adjustment of the receiver gain for optimum system performance. The receiver selectivity requirement would be changed to require the receiver bandwidth between the points where the receiver response is 3 db lower to be not less than 1.2/T Megahertz, where T is the pulse duration in microseconds

rather than 1.0/T Megahertz. The present range capability requirement would be replaced by a new "Performance Index" requirement which is more comprehensive and should provide more optimum performance.

U.S. registered aircraft equipped with airborne weather radar equipment meeting the proposed TSO standards will comply with the ICAO requirements. No technical differences exist between ICAO Annexes 2, 6, 8, and 10 and the proposed TSO and notification of differences will not be required.

In consideration of the foregoing, it is proposed to amend § 37.168 of the Federal Aviation Regulations to read as follows:

§ 37.168 Airborne Weather Radar Equipment, TSO-C63b.

(a) *Applicability.* (1) This technical standard order prescribes the minimum performance standards that airborne weather radar equipment must meet in order to be identified with the applicable TSO marking. New models of equipment that are to be so identified, and that are manufactured on or after the effective date of this section must meet the requirements of Radio Technical Commission for Aeronautics Document No. DO-134 entitled "Minimum Performance Standards—Airborne Weather and Ground Mapping Pulsed Radars", dated February 16, 1967, and Radio Technical Commission for Aeronautics Document No. DO-138 entitled "Environmental Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments" dated June 27, 1968, except as provided in subparagraph (2) of this paragraph. RTCA Documents Nos. DO-134 and DO-138 are incorporated herein in accordance with 5 U.S.C. 552(a)(1) and § 37.23 of the Federal Aviation Regulations, and are available as indicated in § 37.23. Additionally, RTCA Documents Nos. DO-134 and DO-138 may be examined at any FAA regional office of the Chief of Engineering and Manufacturing Branch (or in the case of the Western Region, the Chief, Aircraft Engineering Division), and may be obtained from the RTCA Secretariat, Suite 655, 1717 H Street NW., Washington, D.C. 20006, at a cost of \$2.50 per copy for Document No. DO-134 and \$4 per copy for Document No. DO-138.

(2) Exceptions:
 (i) RTCA Paper DO-108, referenced in RTCA Document No. DO-134, has been superseded by RTCA Document No. DO-138, and the requirements of RTCA Document No. DO-134 must be met using the environmental test condition of RTCA Document No. DO-138.
 (ii) RTCA Document No. DO-138 lists environmental test conditions covering equipment subjected to water, hydraulic fluid, sand and dust, fungus and salt spray, for which there are no corresponding equipment performance requirements in RTCA Document No. DO-134, and compliance with these environmental test conditions is not required. If the applicant elects to certify compliance with any of those environmental test conditions, the equipment perform-

ance requirements of paragraph 2.7 of RTCA Document No. DO-134 must be met after the equipment has been exposed to those test conditions.

(b) *Marking.* In addition to the markings specified in § 37.7, the article must be permanently and legibly marked with the following information:

(1) The environmental categories over which the article has been designed to operate must be marked in accordance with RTCA Document DO-138, Appendix B.

(2) The maximum system range in nautical miles, declared by the article manufacturer. This must be identified on the name plate, following the environmental category designations, by the word "class" and the following class number which identified the maximum system range:

Class:	Maximum system range in nautical miles
1	25
2	50
3	74
4	100
5	125
6	150
7	over 150

(3) Each separate component of the article (antenna, transmitter-receiver, indicator, etc.) must be identified with at least the name of the manufacturer, the TSO number, and the environmental categories over which the article component is designed to operate. Where an environmental test procedure is not applicable to that component and the test is not conducted, an X should be placed in the space assigned for that category.

(c) *Data requirements.* (1) In accordance with § 37.5, the manufacturer must furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division (or in the case of the Western Region, the Chief, Aircraft Engineering Division), Federal Aviation Administration, in the region in which the manufacturer is located, the following technical data:

(i) One copy of the operating instructions and equipment limitations of the manufacturer.

(ii) One copy of the installation procedures with applicable schematic drawings, wiring diagrams, and specifications, and a list of components (by part number) or possible combinations thereof, which make up a system complying with this TSO. The procedures must set forth all limitations, restrictions, or other conditions pertinent to the installation.

(iii) One copy of the manufacturer's test report.

(2) One copy of the technical data specified in subparagraph (1) (ii) of this paragraph must be furnished with each article manufactured.

(d) *Previously approved equipment.* Airborne weather radar equipment approved prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

This amendment is proposed under the authority of sections 313(a), and 601 of

the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), and 1421), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 3, 1970.

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

[F.R. Doc. 70-15046; Filed, Nov. 6, 1970; 8:48 a.m.]

[14 CFR Part 121]

[Docket No. 10687; Notice 70-46]

RETENTION OF FLIGHT RECORDER DATA

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 121 of the Federal Aviation Regulations to increase the retention period for certain flight recorder data from 1 hour to 25 hours.

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 and 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 January 6, 1971, 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.

On September 18, 1970, the flight recorder requirements in § 121.343 of the Federal Aviation Regulations were amended to require that additional flight recorder data be recorded on board certain large airplanes. (Amendment No. 121-66, 35 F.R. 13191, Aug. 19, 1970.)

Paragraph (a) (1) of § 121.343 specifies the data previously required to be recorded and paragraph (a) (2) specifies the additional data. That amendment also established new requirements for keeping flight recorder data. Section 121.343(c) requires that the data specified in § 121.343(a) (1) be kept until the airplane has been operated at least 25 hours and that the data specified in § 121.343(a) (2), that is, the newly required data, be kept until the airplane has been operated at least 1 hour.

The preamble to Amendment No. 121-66 explained that the 1-hour retention period was adopted because a 1-hour period had been proposed in Notice 69-3, and that, notwithstanding the adoption of the 1-hour retention requirement, the FAA is considering further rule-making action to require retention of all of the recorded data for 25 hours. The preamble further explained that a 25-hour retention requirement is compatible with present

flight recorder technology and would fulfill the need for as much operating history as possible to reconstruct flights subject to accident investigation. In addition, a 25-hour retention period would provide more useful information on the operating characteristics of new type airplanes and information on incidents or accidents that do not cause immediate termination of a flight. The preamble to the amendment further stated that the FAA encourages the development and use of flight recorders capable of retaining 25 hours of data, pending the completion of rule-making action. This notice initiates that rule-making action.

As explained in Amendment No. 121-66, the retention period for flight recorder data is based on voice recorder operating time. This allows the operation of both the flight and voice recorder during the same period to simplify recorder controls and operating procedure. It should be noted, however, that although the retention of recorded data may be based on voice recorder operating time, the flight recorder need only be operated as specified in § 121.343(b).

Under the proposed retention requirement, as under the present rule, when foil tape is removed from the airplane, it must be retained until the airplane has been operated for 25 hours of voice recorder operating time. If reusable magnetic tape is used, the retention period determines not only how long the tape must be retained if it is removed from the airplane, but also the capacity of the tape system. The tape system must be capable of retaining at least 25 hours of data. The capacity of the tape system will have to be greater than 25 hours if the design of the recorder is such that it is necessary to erase data while operating the recorder on the ground for purposes such as testing.

In consideration of the foregoing, it is proposed to amend § 121.343(c) of Part 121 of the Federal Aviation Regulations to read as follows:

§ 121.343 Flight recorders.

(c) Except as provided in paragraph (d) of this section, each certificate holder shall keep the recorded data specified in paragraph (a) of this section until the airplane has been operated for at least 25 hours of the operating time specified in § 121.359(a). Except as provided in paragraph (d) of this section, no record need be kept more than 60 days.

This amendment is proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 3, 1970.

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

[P.R. Doc. 70-15047; Filed, Nov. 6, 1970;
8:48 a.m.]

Federal Highway Administration

[49 CFR Parts 392, 393, 395]

[Docket No. MC-22; Notice No. 14]

VEHICLE INTERIOR NOISE LEVELS

Advance Notice of Proposed Motor Carrier Safety Regulations

The Director of the Bureau of Motor Carrier Safety is considering rule making for the purpose of reducing the risk that drivers of commercial motor vehicles will incur damage to their hearing or undue fatigue because of the level of vehicle-generated noise to which they are subjected when they operate those vehicles. Evidence that interior noise levels are so high as to cause damage to drivers' hearing or to decrease their vigilance behind the wheel may require the adoption of rules prescribing maximum interior sound levels for commercial vehicles and hours-of-service limitations, in addition to those now found in Part 395 of the Motor Carrier Safety Regulations, restricting the duration of drivers' time behind the wheel of vehicles that produce interior sound levels above a prescribed standard, or both.

Several existing criteria for determining the adverse effects of exposure to noise in a working environment are under consideration. Among them are the octave band pressure levels found in Society of Automotive Engineers Recommended Practice J336 ("Sound Level for Truck Cab Interior," June 1968) and the standards issued by the Department of Labor under the Walsh-Healey Public Contracts Act relating to occupational noise exposure of employees covered by the Act (see 41 CFR 50-204.10). The Director invites comments on the feasibility of adopting these, or other similar, existing criteria.

The Director will also explore the possibility of employing various existing methods of measuring sound levels to ascertain whether interior noise in a vehicle exceeds permissible limits. He is contemplating monitoring either octave band levels in decibels or decibels on the A-weighted scale as reasonably accurate measurements of the effect of noise on human beings working in close proximity to the source of the noise. The Director invites comments on the feasibility and validity of using either or both of these monitoring techniques for that purpose.

The Director recognizes that it would be simpler and less costly for motor carriers, vehicle manufacturers and enforcement personnel to make tests in a stationary vehicle rather than a moving one. He will, therefore, consider the possibility of measuring sound levels inside stationary vehicles, with the engine at idle or at a governed speed with the transmission disengaged, as the test for ascertaining whether the noise levels of those vehicles are unacceptably high when they are moving. Comments on the feasibility and validity of this approach are invited. The Director is particularly interested in receiving comments on the hypothesis that, because most of the noise heard inside a moving vehicle is generated by the engine rather than by

wind or the vehicle's tires, there is a reasonable correlation between the sound level when the vehicle is stationary, with its engine operating, and the sound level the vehicle's driver experiences on the road at highway speeds.

Because issuance of a regulation can result in technological improvements in vehicles manufactured in the future, the Director is considering issuance of a rule that would establish two standards for maximum permissible interior sound levels. One standard would apply to vehicles manufactured before a prescribed cutoff date, while another more stringent standard would apply to vehicles manufactured after that date. The two-standard approach would assure that the motor carrier fleet will, in time, achieve a more desirable level of performance, so far as interior noise is concerned, without at the same time rendering a substantial segment of the existing fleet obsolete overnight. Comments on the feasibility of this approach are specifically invited.

The Director also invites interested persons to submit data on sound levels in present production over-the-road vehicles and on sound levels in models of those vehicles projected for future production. In addition, he invites submission of information about hearing loss and driver fatigue as a function of exposure to noise at various sound levels.

Data, views, and arguments on subjects pertaining to the proposed new rules, other than those specified above, may also be submitted for consideration.

All comments should refer to the docket number and the notice number appearing at the top of this notice. Comments should be submitted in three copies to the Bureau of Motor Carrier Safety, Federal Highway Administration, Room 5306, 400 Seventh Street SW., Washington, D.C. 20591. All comments received before the close of business on February 19, 1971, will be considered before further action is taken. Comments will be available for examination in the public docket at the above address both before and after the closing date for comments.

This advance notice of proposed rule making is issued under the authority of section 204 of the Interstate Commerce Act, as amended (49 U.S.C. 304), section 6 of the Department of Transportation Act (49 U.S.C. 1655), and the delegations of authority in §§ 1.48 and 389.4 of Title 49, CFR.

Issued on October 28, 1970.

ROBERT A. KAYE,
Director.

Bureau of Motor Carrier Safety.

[P.R. Doc. 70-15084; Filed, Nov. 6, 1970;
8:51 a.m.]

[49 CFR Part 393]

[Docket No. MC-21; Notice 16]

GLAZING AND WINDOW CONSTRUCTION

Extension of Time for Comments

A notice of proposed amendment to Motor Carrier Safety Regulations per-

taining to Glazing and Window Construction was issued on August 7, 1970 (35 F.R. 13024). The closing date for comments is November 12, 1970. The National Association of Motor Bus Owners has requested an extension of time to submit comments to this docket so that its comments may be more meaningful. The time to submit comments is extended from November 12, 1970 to the close of business January 4, 1971.

This notice is issued under the authority of section 204 of the Interstate Commerce Act, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, the delegation of authority by the Secretary of Transportation in 49 CFR 1.48 (35 F.R. 4959), and the delegation of authority by the Federal Highway Administrator in 49 CFR 389.4 (35 F.R. 9209).

Issued in Washington, D.C., on November 2, 1970.

ROBERT A. KAYE,
Director,

Bureau of Motor Carrier Safety.

[P.R. Doc. 70-15083; Filed, Nov. 6, 1970;
8:51 a.m.]

Office of the Secretary

[49 CFR Part 71]

[OST Docket No. 6; Notice 70-2]

EASTERN-CENTRAL STANDARD TIME
ZONE BOUNDARY

Proposed Relocation of Boundary
With Respect to Perry County, Ind.

The Governor of Indiana has petitioned the Department of Transportation to modify the boundary between the eastern and central time zones, as it relates to Perry County, Ind., so as to place that county in the central time zone. In the petition the Governor stated that:

Because it is clear that the citizens of Perry County wish to be on central standard time; I join * * * in requesting the Department of Transportation to take whatever steps are required to satisfy this wish.

Section 71.5(b) of Title 49, Code of Federal Regulations, describes the present boundary between the eastern and central time zones, with respect to Perry County, Ind., as follows:

* * * to the east line of Spencer County; thence south along the east line of Spencer County [which is also the west line of Perry County] to the Indiana-Kentucky boundary.

Under the time zone act originally enacted in 1918 (15 U.S.C. 261), as amended by the Uniform Time Act of 1966 (15 U.S.C. 260 et seq.), the Secretary of Transportation is authorized to modify the limits of time zones having regard to "the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate and foreign commerce".

In consideration of the foregoing it is proposed that § 71.5(b) of Title 49, Code of Federal Regulations, be amended so as to place Perry County, Ind., in the central time zone.

Before taking any action to adopt, deny, or modify the proposed boundary change which the petition requests, the Secretary of Transportation will consider the timely comments of all interested persons. Communications should identify the regulatory docket or notice number (see above) and be submitted to the: Docket Clerk, Office of General Counsel, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590.

Communications received on or before December 15, 1970, will be considered before final action is taken on the petition. All docketed comments will be available for examination by interested persons, both before and after the closing date for comments.

This proceeding does not concern adherence to or exemption from advanced (daylight saving) time. The Uniform Time Act of 1966 requires observance of advanced time within each established time zone from 2 a.m. on the last Sunday in October of each year, but permits any State to exempt itself from this requirement, by law applicable to the entire State. No political subdivision of a State may prescribe a time that is inconsistent with this requirement. The Department of Transportation has no administrative authority with respect to this matter.

This proposal is issued under the authority of the Act of March 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260-267), section 6(e) (5) of the Department of Transportation Act (49 U.S.C. 1655(e) (5)), and §1.59(a) of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.59 (a)).

Issued in Washington, D.C., on November 2, 1970.

JAMES A. WASHINGTON, Jr.,
General Counsel.

[P.R. Doc. 70-15052; Filed, Nov. 6, 1970;
8:48 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208, 212, 214,
295, 373]

[Docket No. 22710; SPDR-20; EDR-191]

STUDY GROUP CHARTERS BY DIRECT
AIR CARRIERS AND STUDY GROUP
CHARTERERS

Notice of Proposed Rule Making

NOVEMBER 3, 1970.

Notice is hereby given that the Civil Aeronautics Board has under consideration (1) the promulgation of a new Part 373 of the Board's special regulations to authorize, subject to conditions provided therein, study group charters by study group charterers with the air transportation portion thereof provided by direct air carriers and foreign air carriers and (2) related amendments to Parts 207, 208, 212, 214, and 295 of its economic regulations.

The principal features of the proposed rule are set forth in the explanatory statement and proposed rule below. The new rule and amendments are proposed under the authority of sections 101(3), 101(33), 204(a), 401, 402, 407, 409, and 414 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754, 757, 766, 768, 770; 49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1379, and 1384.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in communications received on or before December 7, 1970, and reply comments thereon received on or before December 22, 1970, will be considered before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

Explanatory statement. On April 20, 1967 (32 F.R. 6438), the Board adopted ER-490 as an amendment to Part 295, to become effective May 26, 1967. The rule defined "study group charter" as either a charter of a group of bona fide participants in a formal academic study course abroad where the charterer was a bona fide educational institution, empowered by respective State and foreign governments to grant degrees or diplomas and operated on a year-round basis; or, a noneducational institution which conducted a study course for a period of at least 4 weeks' duration at an educational institution abroad. At that time the Board declined to impose a bonding requirement on nonschool study group charterers, but indicated that the matter was subject to review.

The recent failure of a large study group organization indicates that immediate action be taken to assure, to the maximum possible extent, the financial protection of study group charter participants. On July 6, 1970, the World Academy, Inc., of Cincinnati, Ohio (World), had become unable to meet commitments for overseas ground facilities and faculty salaries with available liquid capital, the latter of which was provided, in the main, by student deposits, resulting in World's financial demise and isolation of approximately 3,000 young people in Europe, many of whom were left without means of securing decent living accommodations or food. While under the Board's regulations the students were, in effect, assured return air transportation, many of them were deprived of the educational-travel program they had purchased. It is also noteworthy that World, shortly before the crisis, but after the student participants had committed themselves in a binding contract,

unilaterally raised the tuition fee, and, apparently, then relied upon a nonrefund clause in the contract to avoid wholesale cancellations. Moreover, experience shows that study-travel organizations may be thinly capitalized and high-risk ventures which rely, to a large extent, on student deposits for working capital.

While the Board is not unmindful of the salutary role the study group charter has played in developing a useful travel-education concept, the overriding need, in light of the foregoing, for protection of the traveling public against defaults by study group charterers, mandates that the Board adopt a regulatory scheme designed to protect against defaults by study group charterers.

The question is also presented as to whether the Board should assert jurisdiction over study group charterers as indirect air carriers. When the definition of "study group" was revised, as indicated above, the Board warned that the exception for study groups did not authorize study group charterers to engage in indirect air carriage. At that time the Board contemplated that the study group charterer would, insofar as the air transportation was concerned, act on behalf of the student participants by chartering the aircraft and prorating the actual costs among the students in the same fashion as the affinity group charters are conducted. However, it appears that a substantial number of study group charterers charge a fixed price, included in the educational package, for the air transportation, and, in this respect, the price charged must necessarily compensate him for the risk for failure to achieve a 100-percent load factor in the aircraft, and study group charterers may, therefore, perform the entrepreneurial functions we associate with indirect air carriage. In addition, the student participant is drawn from the general public and the study group charterer holds out air transportation as an integral part of the foreign study program, which would also be indicative of indirect air carrier operations. Accordingly, the Board tentatively finds that it should assert jurisdiction over the study group charterers as a class.¹ It is recognized, however, that individual charterers may in fact not engage in indirect air transportation. In such cases, the Board will entertain requests for relief to the charterer from parts of the proposed regulations.²

¹ By Order 70-10-82, Oct. 14, 1970, we granted review of the initial decision in Transamerica Corp. and Trans International Airlines, Inc., Docket 19176. In that case, the question is presented as to whether the Foreign Study League, Inc., is an indirect air carrier. The views expressed herein should not be considered in any way as a prejudgment of the issue involved in that proceeding. However, the simultaneous consideration of these issues should assist in developing all relevant considerations.

² E.g., universities or secondary schools who charter air transportation for courses of study abroad for students who have been enrolled at the university or secondary school for at least 1 academic year prior to the charter date.

In the absence of such relief, no direct air carrier or foreign air carrier may operate study group charters except in accordance with all of the provisions of Part 373.

The rules governing study group charters would be embodied in a separate part containing many of the protective features of Part 378 of the special regulations (14 CFR Part 378). The new part would contain a modified definition of "Study group," which is now embodied in § 295.2(m) of the Board's economic regulations and additional reporting requirements and financial responsibility standards shaped to the special characteristics of study group charterers, as follows:

(a) The 4-week single-school requirement for nonschool charterers of study group charters would be relaxed to permit course study at more than one foreign institution, provided the study group spends at least 4 weeks abroad. It appears that the charters are, in fact, conducted at more than one school abroad. And it would also appear that the opportunity to engage in a learning experience at a number of schools would serve to improve the quality of the programs, and we see no reason to restrict it.

(b) However, to insure the bona fides of the educational program, we are proposing that the study courses offered carry a minimum of 15 hours of classroom instructions per week in a manner similar to the credit hour requirements of university or secondary school summer sessions.

(c) As previously indicated, a need exists for a protective device for the traveling public against fly-by-night study group charterers. Accordingly, the Board proposes to require certain reporting requirements in the nature of preflight and postflight information summaries and a surety bond or depository arrangement which meets the requirements of § 378.16 of the Special Regulations. The study group charterer, prior to any solicitation of student participants, would have to file with the Board a study group statement including, inter alia, a complete itinerary of the foreign educational-travel program, courses offered, and mandatory hours of classroom instruction per course.

In an accompanying notice of rule making SPDR-19 of November 3, 1970, we are proposing substantial revision to the financial security requirements in Part 378 to more closely tailor these requirements to the actual risk exposure involved in the particular inclusive tour, or study-travel program. Specifically, the Board has proposed revisions to the bonding option in Part 378 which would cause the amount of surety bond furnished to increase with the length of the tour or study charter program, to insure that the participant's deposit would receive the maximum protection consistent with the cash flow posture of the tour operator or study group charterer. As the Board intends to dispose of the two notices simultaneously so that the revised financial responsibility require-

ments will be made applicable to study group charterers, we would have interested persons refer to the detailed analysis of the proposed new requirements in SPDR-19.³

Finally, amendments are proposed for Parts 208, 214, and 295 of the economic regulations to delete the definitions of study groups contained therein and substitute a definition of study group charter which would indicate that such charters are permitted, if the charterer complies with the rules in the part proposed herein.⁴ Specific provisions authorizing study group charters are also proposed to be added to Parts 207 and 212.

To expedite the protection needed by the traveling public, the Board intends to make the final rules herein effective as to all study group charters to be performed during the 1971 season.

Proposed rule. It is proposed to issue a new Part 373 of the Special Regulations as follows:

PART 373—STUDY GROUP CHARTERS BY DIRECT AIR CARRIERS AND STUDY GROUP CHARTERERS

Subpart A—General Provisions

Sec.	
373.1	Applicability.
373.2	Definitions.
373.3	Exemption.
373.4	Approval of certain interlocking relationships.
373.5	Effect of exemption on antitrust laws.
373.6	Suspension of exemption authority.

Subpart B—Conditions and Limitations

373.10	General study group statement.
373.11	Discrimination.
373.12	Methods of competition.
373.13	Charter contract.
373.14	Tariff to be filed for charter trips.
373.15	Surety bond.
373.16	Contract between the study group charterer and the student participants.

Subpart C—Post Charter Reporting

373.20	Post charter report.
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Subpart D—Miscellaneous

373.30	Waiver.
373.31	Enforcement.

AUTHORITY: The provisions of this Part 373 issued under secs. 101(3), 101(33), 204(a), 401, 402, 407, 409, 414, Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754, 757, 766, 768, 770; 49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1379, 1384.

Subpart A—General Provisions

§ 373.1 Applicability.

This part establishes the terms and conditions governing the furnishing of

³ For convenience, the attached proposed rule does not contain the financial responsibility provisions, but merely refers to Part 378. However, it is the Board's intention to incorporate those provisions with any necessary modifications in the final Part 373, along with the related record retention and reporting requirements.

⁴ The proposed rules herein and the revisions proposed to § 378.16 will dispose of the matters raised in a petition for rule making filed by the Foreign Study League, Inc., in Docket 20642.

study group charters in interstate, overseas, and foreign air transportation, by air carriers and foreign air carriers and study group charterers. This part also relieves study group charterers from various provisions of the Act and the Board's regulations to the extent necessary to enable them to provide study group charters to members of the general public utilizing aircraft chartered from direct air carriers and foreign air carriers. It also sets forth the circumstances and conditions under which direct air carriers and foreign air carriers may charter to study groups. The provisions of this regulation shall not be construed as limiting any other authority to engage in air transportation issued by the Board. Nothing in this part shall be construed as repealing or amending any part of the Board's regulations, unless the context so requires.

§ 373.2 Definitions.

As used in this part, unless the context otherwise requires,

(a) "Study group charter" means the charter of an entire aircraft by a study group charterer, for the carriage on a direct air carrier of persons traveling in air transportation as a study group, and which meets all of the following requirements:

(1) The group qualifies as a study group as defined herein,

(2) A minimum of 4 weeks must elapse between departure and return,

(3) An aircraft may carry a maximum of three study groups: *Provided*, That if more than one group is carried each of the groups shall consist of 40 or more participants: *And provided further*, That the entire aircraft is chartered to a single study group charterer.

(b) "Study group" means a charter group comprised solely of bona fide participants in a formal academic course of study abroad which includes a minimum of 15 hours of mandatory classroom instruction per week, and in which, (1) the charterer is an educational institution or (2) such a study course is conducted at one or more educational institutions abroad over a period of at least 4 weeks: *Provided, however*, That nothing contained herein shall preclude a study group charterer from utilizing any unused space on an aircraft chartered by it pursuant to this part, for the transportation, on a free or reduced-rate basis, of such charterer's employees, directors, and officers, and the parents and immediate families of such persons, subject to the provisions of Part 223 of this chapter. The price to each participant shall include, at a minimum, all sleeping accommodations, food, necessary air or surface transportation between all places on the itinerary, including transportation to and from air and surface carrier terminals utilized at such places other than the point of origin, and tuition.

(c) "Study group charterer" means any citizen of the United States, as defined in section 101(13) of the Federal Aviation Act; 49 U.S.C. 1301(13) (other than a direct air carrier), authorized hereunder to engage in the formation

of study groups for transportation on study group charters.

(d) "Student participant" means a member of the study group.

(e) "Direct air carrier" means an air carrier or foreign air carrier authorized by the Board to operate charter air transportation services for study group charterers.

(f) "Educational institution" means a bona fide school which is (1) empowered to grant college degrees or secondary school diplomas by the Government of one of the 50 States of the United States or the District of Columbia, a U.S. Territory or possession, or a foreign country, and (2) operated as a school on a year-round basis.

§ 373.3 Exemption.

Subject to the provisions of this part and the conditions imposed, study group charterers are hereby relieved from the following provisions of Title IV of the Federal Aviation Act as amended to the extent necessary to permit them to provide study group charters.

Section 401.

Section 403.

Section 404(a), except the requirement to provide safe and adequate service, equipment and facilities in connection with the study group charters conducted hereunder.

Section 405(b).

Section 407 (b) and (c).

Sections 408(a) and 409, except control or interlocking relationships with direct air carriers.

Section 412.

§ 373.4 Approval of certain interlocking relationships.

To the extent that any officer or director of a study group charterer would be in violation of any of the provisions of section 409(a) (3) and (6) by participating in interlocking relationships covered by the exemption granted in § 373.3, such participation is hereby approved by the Board.

§ 373.5 Effect of exemption on antitrust laws.

The relief granted by §§ 373.3 and 373.4 from sections 408, 409, and 412 of the Act shall not constitute an order under such sections within the meaning of section 414 of the Act, and shall not confer any immunity or relief from operation of the "antitrust laws" or any other statute (except the Act) with respect to any transaction, interlocking relationship, or agreement otherwise within the purview of such sections.

§ 373.6 Suspension of exemption authority.

The Board reserves the power to suspend the exemption authority of any study group charterer, without hearing, if it finds such action is necessary in order to protect the rights of the traveling public.

Subpart B—Conditions and Limitations

§ 373.10 General study group statement.

(a) No study group charter shall be operated by any direct air carrier unless the study group charterer has complied

with all applicable provisions of this part.

(b) No study group charter shall be operated nor shall any study group charterer solicit or advertise such study group charter or charters unless there is on file with the Board a Study Group Statement satisfying the requirements of paragraph (c) of this section. If a series of study group charters is to be performed pursuant to one charter contract, the statement may cover the entire series. The study group statement shall be filed at least 90 days before the commencement of the study group charter or charters. Late filing of the statement will not be permitted except for good cause shown. In the event of any change in the facts as reflected in the statement, an amended statement shall be filed no later than five (5) days following the change. Deviations from the statement may not be made except where they are beyond the control of the carrier or the study group charterer, and there is insufficient time to file an amended statement.

(c) The statement shall include copies of the charter contract, the contract between the study group charterer and the student participants, the study group charterer's surety bond, and where applicable, a copy of the depositary agreement with a bank as provided in § 373.16 of this chapter; and shall contain the following information:

(1) The name and address of the study group charterer;

(2) The proposed date and time of each flight;

(3) Equipment to be used, including the aggregate number of each type of aircraft and capacity;

(4) The overseas itinerary, including the foreign educational institutions to be used for classroom instruction; hotels, dormitories, or other living accommodations; and sightseeing or other arrangements, if any;

(5) A syllabus containing all courses offered by the study group charterer, and mandatory hours of classroom instruction per course;

(6) The study charter price per passenger;

(7) The number of students expected to participate in the study group;

(8) Samples of the solicitation material proposed by the study group charterer (all advertising and solicitation materials employed by the study group charterer shall state the name of the direct air carrier to be utilized).

§ 373.11 Discrimination.

No study group charterer shall make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, locality, or description of traffic in air transportation in any respect whatsoever or subject any particular person, port, locality, or description of traffic in air transportation to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

§ 373.12 Methods of competition.

No study group charterer shall engage in unfair or deceptive practices or unfair

methods of competition in air transportation or the sale thereof.

§ 373.13 Charter contract.

The charter contract between the study group charterer and the direct air carrier shall evidence a binding commitment on the part of the latter to furnish the air transportation required for the study group charter or charters covered by the contract.

§ 373.14 Tariff to be filed for charter trips.

No direct air carrier shall perform any charter trips for study group charters unless such air carrier shall have on file with the Board a currently effective tariff showing all rates, fares, and charges for such charter trips, and showing the rules, regulations, practices and services in connection with such transportation.

§ 373.15 Surety bond.

The study group charterer shall furnish a surety bond or depositary agreement in accordance with the requirements of § 378.16 of this chapter, copies of which bond shall be filed with the study group statement, as provided in § 373.10, and with the chartering direct air carrier.

§ 373.16 Contract between the study group charterer and the student participants.

Contracts between study group charterers and student participants shall include provisions concerning the following matters:

- Method of payment, e.g., installment payment.
- Procedure for obtaining trip-liability insurance and the cost to the individual student participant.
- Refunds in the event of the passengers' change of plans.
- Carriers' liability limitations for passengers' baggage.
- Aircraft equipment substitutions.
- Seating accommodations.
- Refunds in the event of change in itinerary or curriculum or in the event of nonperformance of the study group charter.
- Unless the student participant files claim with the study group charterer within sixty (60) days after the completion of the charter, the surety shall be released from all liability under the bond to such student participant. (See § 378.16 of this chapter.)

Subpart C—Post Charter Reporting

§ 373.20 Post charter report.

(a) Within 30 days after the completion of the study group charter or series of study group charters the direct air carrier or foreign air carrier and study group charterer shall file with the Board (Supplementary Services Division, Bureau of Operating Rights) a post charter report. The post charter report shall indicate whether or not the study group charter as authorized hereunder was, in fact, performed. To the extent that the operations differed from those described in the statement filed under § 373.13,

such differences shall be fully detailed including the reasons therefor. However, the making of such explanations shall not operate as authority for or excuse any such deviation.

Subpart D—Miscellaneous

§ 373.30 Waiver.

A waiver of any of the provisions of this regulation may be granted by the Board upon its own initiative, or upon the submission by a direct air carrier of a written request therefor: *Provided*, That such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein.

§ 373.31 Enforcement.

In case of any violation of the provisions of the Act, or this part, or any other rule, regulation, or order issued under the Act, the violator may be subject to a proceeding pursuant to sections 1002 and 1007 of the Act before the Board or a U.S. District Court, as the case may be, to compel compliance therewith, to civil penalties pursuant to the provisions of section 901(a) of the Act, or in the case of willful violation, to criminal penalties pursuant to the provisions of section 902(a) of the Act; or other lawful sanctions.

Part 207:

Amend § 207.1 by amending the definition of "charter trip" so as to add a new paragraph (6) as follows:

§ 207.1 Definitions.

As used in this part, unless the context otherwise requires:

"Charter trip" means . . .

(6) By a study group charterer as defined in Part 373 of this chapter.

Part 208:

1. Amend § 208.3 by amending paragraphs (q) and (s), and deleting and reserving paragraph (r) as follows:

§ 208.3 Definitions.

(q) "Bona fide members" means those members of a charter organization who have not joined the organization merely to participate in the charter as the result of solicitation directed to the general public. Presumptively, persons are not bona fide members of a charter organization unless they are members at the time the organization first gives notice to its members of firm charter plans. This presumption will not be applicable in the case of charters composed of (1) students and educational staff of a single school, and immediate families thereof, or (2) employees of a single Government agency, industrial plant, or mercantile establishment, and immediate families thereof. In the case of all other charters, rebuttal to this presumption may be offered for the Board's consideration by request for waiver.

(r) [Reserved]

(s) "Charter flight" means . . .

(2) "Air transportation performed"

(i) "The entire capacity" . . .

(e) "By a tour operator" . . .

(f) By a study group charterer as defined in Part 373 of this chapter, or,

2. Amend § 208.212 to read as follows:

§ 208.212 Participation of immediate families in charter flights.

The immediate family of any bona fide member of a charter organization may participate in a charter flight.

Part 212:

Amend § 212.1(a) by adding a new subparagraph (6) to read as follows:

§ 212.1 Definitions.

For the purposes of this part:

(a) "Charter trip" means . . .

(6) By a study group charterer as defined in Part 373 of this chapter.

Part 214:

1. Amend § 214.2 by revising paragraphs (b) and (k), and deleting and reserving paragraph (m) as follows:

§ 214.2 Definitions.

(b) "Charter flight" means . . .

(1) "The entire capacity" . . .

(ii) "By a representative" . . .

(iii) By a study group charterer as defined in Part 373 of this chapter, or;

(k) "Bona fide members" means those members of a charter organization who have not joined the organization merely to participate in the charter as the result of solicitation directed to the general public. Presumptively, persons are not bona fide members of a charter organization unless they are members at the time the organization first gives notice to its members of firm charter plans. This presumption will not be applicable in the case of charters composed of (1) students and educational staff of a single school, and immediate families thereof, or (2) employees of a single Government agency, industrial plant, or mercantile establishment, and immediate families thereof. In the case of all other charters, rebuttal to this presumption may be offered for the Board's consideration by request for waiver.

(m) [Reserved]

2. Amend § 214.32 to read as follows:

§ 214.32 Participation of immediate families in charter flights.

The immediate family of any bona fide member of a charter organization may participate in a charter flight.

Part 295:

1. Amend § 295.2 by revising paragraphs (b) and (k), and deleting and reserving paragraph (m), as follows:

§ 295.2 Definitions.

(b) "Charter flight" means . . .

(iii) "By a tour operator" . . .

(iv) "By a study group charterer" as defined in Part 373 of this chapter, or:

(k) "Bona fide members" means those members of a charter organization who have not joined the organization merely to participate in the charter as the result of solicitation directed to the general public. Presumptively, persons are not bona fide members of a charter organization unless they are members at the time the organization first gives notice to its members of firm charter plans. This presumption will not be applicable in the case of charters composed of (1) students and educational staff of a single school, and immediate families thereof, or (2) employees of a single Government agency, industrial plant, or mercantile establishment, and immediate families thereof. In the case of all other charters, rebuttal to this presumption may be offered for the Board's consideration by request for waiver.

(m) [Reserved]

2. Amend § 295.32 to read as follows:

§ 295.32 Participation of immediate families in charter flights.

The immediate family of any bona fide member of a charter organization may participate in a charter flight.

[F.R. Doc. 70-15078; Filed, Nov. 6, 1970; 8:50 a.m.]

[14 CFR Parts 378, 378a]

[Docket No. 21967; SPDR-19]

MODIFICATION OF SURETY BOND REQUIREMENTS FOR TOUR OPERATORS

Notice of Proposed Rule Making

NOVEMBER 3, 1970.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendment of Parts 378 and 378a of the special regulations so as to liberalize the surety bond requirements in the existing rules for inclusive tours by supplemental air carriers, certain foreign air carriers and tour operators (§ 378.16) and bulk inclusive tours by tour operators (§ 378a.13).

This regulation is proposed under authority of sections 101(3), 204(a), 401, 402, and 416(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 737, 743, 754 (as amended), 757, 771; 49 U.S.C. 1301, 1324, 1371, 1372, 1386).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section,

Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter received on or before will be considered by the Board before taking final action on the proposed rule.

Upon receipt by the Board, copies of the above communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

Explanatory statement. Parts 378 (Inclusive Tours by Supplemental Air Carriers, Certain Foreign Air Carriers, and Tour Operators) and 378a (Bulk Inclusive Tours by Tour Operators) contain similar surety bond requirements for tour operators. Both parts provide for alternative bond arrangements as follows: (1) A surety bond in an amount of not less than twice the amount of the charter price for inclusive tour charters (ITC);¹ or (2) a surety bond in an amount of not less than \$10,000 per flight up to a maximum amount of \$100,000 for a series of 10 or more flights and the direct air carrier and the tour operator shall enter into a depository agreement with a bank whereby the tour participant shall pay the tour price by check or money order payable to such bank.

The surety bond arrangements have been in effect since 1966² and have been significantly changed only once since first promulgated.³ The present rule permits withdrawals from the depository account prior to completion of the tour only for the following items: (1) The cost of air transportation not earlier than 30 days prior to the scheduled day of departure of the originating or returning flight; (2) reimbursement to the tour operator for refunds made by him to the tour participant; and (3) refunds to tour participants made by the bank. The present rule does not permit checks to be made payable to a travel agent or tour operator and there is no provision for the deduction of commissions by a travel agent from funds received for the tour price. Neither does the rule permit withdrawals for direct payment to suppliers of land accommodations in connection with the tour.

The Board believes that the existing rule is too rigid from the standpoint of tour operators. On the other hand, the Board's experience with the present rule indicates that it does not afford adequate protection to the public. In particular, when the surety bond-escrow alternative is employed, the Board has reason to be-

¹ Or twice the amount of the contract bulk price for the air transportation in the case of bulk inclusive tours (BIT) under Part 378a.

² SPR-14, adopted Mar. 11, 1966.

³ The significant modification was to provide an alternative surety bond arrangement with a bond in a lesser amount together with a depository agreement with a bank calling for the placing of customer deposits in escrow. Regulation SPR-21, adopted Feb. 19, 1968.

lieve there is danger of noncompliance with the provisions of the rule regarding the remission of customer deposits to the escrow account. Under the present rule, we have no way of knowing whether or not the customer deposits are in fact being paid into the escrow account with the bank. In addition, insofar as the other alternative is employed, i.e., when the sole security is the surety bond in an amount of twice the charter price, the rule is too inflexible and may either require a bond in such a large amount as to be unattainable by the tour operator or in the particular case of a tour of long duration, the amount of the bond may be insufficient to provide adequate protection to the public for damages in the event of nonperformance of the tour or performance which substantially deviates from the terms of the agreement between the tour operator and the tour participant.

The need to review and revise, if necessary, the surety bond provisions of Part 378 is underscored by the recent collapse of a study group charterer. In that connection, the Board is issuing simultaneously herewith a proposed rule⁴ establishing a new part to deal solely with study group charters and imposing on charterers of study groups the surety bond provisions of Part 378.

The Board also has before it a petition filed by Creative Tour Operators Association (CTOA), an association of 23 tour operators, seeking amendments to the surety bond requirements for ITC's under Part 378 and for bulk inclusive tours (BIT's) under Part 378a. It asserts that the present bonding/depository agreement requirements go far beyond what is necessary to assure full protection for the public and are unreasonably burdensome to tour operators and travel agents; and that they substantially inhibit the development of ITC's and BIT's and effectively foreclose numerous operators who are in every respect competent and qualified from participating in this business. Specifically, it claims that the depository agreement option in the rule (1) generates a large amount of duplicative administration and recordkeeping; (2) disrupts established tour operator-travel agent business procedures and practices; and (3) prevents tour operators from using tour sales as working capital. Moreover, according to CTOA, the cost of the bank's services in maintaining some depository accounts is prohibitive. CTOA urges the Board to establish financial responsibility requirements based upon a realistic evaluation of the maximum amount of potential public loss, rather than perpetuating the existing method which it claims is arbitrary. It suggests rules⁵ modeled after those adopted by the Fed-

⁴ Regulation SPDR-20, dated Nov. 3, 1970.

⁵ It proposes a new part embodying financial responsibility requirements for both ITC's and BIT's and entitled "Determination and Establishment of Financial Responsibility by Tour Operators and Foreign Tour Operators Performing Inclusive Tour Charters and Contract Bulk Inclusive Tours."

eral Maritime Commission* which would require the computation of "net unearned tour receipts" for each tour or series of tours representing the maximum amount of tour participant payments that could be exposed to loss as a result of tour operator insolvency or defalcation. This computation would require a CPA to analyze and ascertain the amount of surety protection required. Under its suggested rule, CTOA claims that the tour operator would have a flexible range of options in satisfying the financial responsibility requirement comprised of one or more of the following: Surety bond, guaranty by the direct air carrier or other persons, escrow account, and self-guaranty up to 33 percent of a tour operator's net worth.

On the basis of the Board's own experience with the bonding requirements, as well as the petition of CTOA, the Board has determined that certain changes in the regulations are required to make the rule more workable from the viewpoint of tour operators and to provide better protection to the public from defalcations by tour operators or breach of the contract between the tour operator and the tour participant. The Board will therefore propose a rule to achieve a more equitable balance between protection of tour participant moneys and flexibility to the tour operator. We shall not, however, propose the rule suggested by CTOA. Its methods for calculating the "financial responsibility requirement" of the tour operator are complicated, and its rule would tend to confuse the tour operator in determining his required surety protection and require a considerable expenditure of time of the Board's staff in administering the program. In addition, the Board believes, based on its experience, that revisions are needed to give more assurance that the rules will be complied with.

The following changes will, we believe, accomplish the above intended results:

1. In the first place, the Board proposes to modify the amount of the surety bond requirement when that is selected by the tour operator as the sole source of meeting the financial responsibility requirement. Thus, instead of a bond in an amount of twice the charter price in all instances, the amount of the bond shall vary directly with the length of the tour, i.e., a bond equal to the charter price for a tour of 2 weeks or less, twice the charter price in the case of tours lasting more than 2 weeks but less than 4 weeks, and three times the charter price in the case of a tour of 4 weeks or more.

2. The Board's proposed rule also authorizes an alternative surety arrangement which is a modification of the existing bond-depository agreement option, i.e., a bond of \$10,000 per flight up to a maximum of \$100,000 for ten or more flights together with a depository agree-

ment with a bank (§ 378.16(b)). We shall provide for a surety bond of \$10,000 per flight up to a maximum bond of \$200,000 for 20 or more flights and a depository agreement with a bank; however, as outlined below, the depository agreement will contain new provisions designed to gear the required deposits more closely to the actual risk exposure, and to permit greater flexibility by providing alternative methods of establishing financial responsibility.

3. We are abandoning the requirement that tour participants make their checks for the tour payable to the bank. This requirement ran counter to the travel agents' practice of deducting their commissions prior to remitting the deposit to the principal. In view of the large number of travel agents, the fact of their resistance to this practice, and the impossibility of enforcing the requirement, it is deemed appropriate to delete it. In its place, we are substituting certain record keeping and reporting requirements, discussed below. Moreover, the tour operator and travel agents will be required to pay all customer deposits to the depository account at the bank less commissions due the travel agents.

4. The rule provides for the substitution of security by one or both of the following methods so long as the deposits in the depository account less refunds equal or exceed the amount of the substituted security: (1) An escrow with the bank of Federal, State, or municipal bonds or other negotiable securities which are publicly traded on a securities exchange, provided that such other securities shall be substituted for cash in an amount no greater than 80 percent of their market value at time of deposit; or (2) a surety bond in excess of the minimum bond required by the regulation.

5. Disbursements for the following items may be made by the bank from the depository account: (1) Directly to hotels, sightseeing enterprises, or other persons or companies furnishing land accommodations or services upon being presented with vendors' bills, subject to conditions; (2) to the direct air carrier for the cost of air transportation as provided for in the present rule (§ 378.16); and (3) refunds to tour participants as provided for in the present rule. Further, amounts may be paid to or deducted by retail travel agents for commissions prior to remitting the balance of the tour participant's deposit to the depository bank, provided that the travel agent agrees in writing with the tour operator that, in the event of cancellation of the flight by the carrier or tour operator, the full amount of the commissions pre-

* Such payment can be made only after the direct air carrier has been paid in full for the air transportation portion of the tour. It is the Board's experience that the risk of tour cancellation prior to the payment in full for air transportation is great, whereas such risk after the air transportation has been fully paid for is minimal. Also, the rule provides that the total amounts paid by the bank for air transportation and to suppliers shall not exceed 65 percent of the total deposits received by the bank less refunds paid to tour participants.

viously deducted or paid will be repaid by the travel agent into the depository account within 10 days after receipt of notification of cancellation of the flight.

6. The Board has considered permitting an alternative security method to provide a part of the security required by the rules by means of a carrier guaranty. In SPDR-16 dated June 25, 1969, in connection with the proposed new Part 378a for bulk inclusive tours by tour operators, the Board sought comments on an additional alternative arrangement in which a tour operator may enter into a contract with the direct air carrier and the latter undertake to guarantee all deposits made by the tour participant to the tour operator. However, when the rule was made final (Regulation SPR-32 adopted October 14, 1969), the Board decided not to adopt the deposit guarantee arrangement for the following reasons:

* * * In the first place, there is the danger that direct air carriers would enter into such arrangements only with favored tour operators, and it is doubtful that discrimination could be precluded effectively by regulatory provision. Secondly, we are persuaded that, as the NACA comment urges, the supplemental carriers would be under competitive pressures to enter into such arrangements to the exclusion of other surety arrangements and that they would be subject to serious financial risks by doing so. p. 16 (mimeo. *ibid.*).

These considerations may still be applicable. Moreover, since we are making the financial security arrangements more flexible, there may be less need for a carrier guaranty than when it was proposed in June 1969. Nevertheless, we shall include in this proceeding the issue of whether a limited form of carrier guaranty would be a suitable and appropriate alternative method of insuring responsibility and we request comments on this issue.²

7. To enable the Board to enforce these provisions, two monthly reports will be required to be filed with the Board on or before the 10th day of the month following the period reported: (1) A report by the depository bank showing the total amount of deposits received and disbursed during the reporting period; and (2) a report by the tour operator showing the total amount of customer deposits received by him or his agents and the amount of commissions deducted therefrom during the reporting period.

If the Board makes final the proposed amendments to Part 378, similar modifications will be made in the parallel surety bond provisions of Part 378a (Bulk Inclusive Tours by Tour Operators).

Proposed rule. The Civil Aeronautics Board proposes to amend Part 378 (14 CFR Part 378) as follows:

² If the Board were to permit a carrier guaranty, it would have to be limited in amount, e.g., to an amount not exceeding the charter price or a percentage thereof. Moreover, some protection against excessive carrier guaranty commitments might be achieved by considering the amount of a carrier guaranty as a customer deposit subject to the provisions of §§ 208.40(b) and 295.7(b) (see ER-649 and ER-650).

1. Amend the table of contents to add §§ 378.7, 378.16a, and 378.18 to read as follows:

Sec.	
378.7	Record retention.
378.16a	Reporting requirements.
378.18	Disbursements from depository account.

2. Add § 378.7 to read as follows:

§ 378.7 Record retention.*

(a) Every tour operator conducting a tour pursuant to this part shall retain for 2 years after completion of the tour or series of tours true copies of the following documents at its principal or general office in the United States:

(1) All receipts and statements of travel agents, and all other documents which evidence or reflect deposits made by each tour participant;

(2) All receipts and statements of travel agents, and all other documents which evidence or reflect commissions received by, paid to or deducted by travel agents in connection with the tour or series of tours;

(3) All statements, invoices, bills and receipts from suppliers or furnishers of goods or services in connection with the tour or series of tours.

(b) Every tour operator shall make the documents listed in this section available in the United States upon request by an authorized representative of the Board and shall permit such representative to make such notes and copies thereof as he deems appropriate.

3. Amend § 378.16 (a), (b), and (c) to read as follows:

§ 378.16 Surety bond.

(a) Except as provided in paragraph (b) of this section, the tour operator shall furnish a surety bond in one of the following amounts dependent upon the length of the tour: (1) For a tour of 2 weeks or less, a bond in an amount of not less than the charter price for the air transportation to be furnished in connection with such tour; (2) for a tour of more than 2 weeks but less than 4 weeks, a bond in an amount of not less than twice the charter price; and (3) for a tour of 4 weeks or more, a bond in an amount of not less than three times the charter price: *Provided, however*, That the liability of the surety to any tour participant shall not exceed the tour price.

(b) The supplemental air carrier and the prospective tour operator may elect,

in lieu of furnishing a surety bond as provided under paragraph (a) of this section, to comply with the requirements of subparagraphs (1) and (2) of this paragraph as follows:

(1) The tour operator shall furnish a surety bond in a minimum amount of \$10,000 per flight up to a maximum amount of \$200,000 for a series of 20 or more flights, for the protection of the tour participants, the bond to continue in effect until completion of the tour or series of tours: *Provided, however*, That the liability of the surety to any tour participant shall not exceed the tour price.

(2) The supplemental air carrier and tour operator shall enter into an agreement with a designated bank, the terms of which shall provide that all deposits by tour participants paid to tour operators and their retail travel agents shall be deposited with and maintained by the bank subject to the following conditions:

(i) On sales made to tour participants by tour operators the participant shall pay by check or money order payable to the bank; on sales made to tour participants by retail travel agents, the retail travel agent may deduct his commission and remit the balance to the designated bank by check or money order: *Provided*, That the travel agent agrees in writing with the tour operator that if the tour is canceled, the travel agent shall remit to the bank the full amount of commission previously deducted or received within 10 days after receipt of notification of cancellation of the tour;

(ii) The bank shall pay the supplemental air carrier the charter price for the transportation not earlier than 30 days (including day of departure) prior to the scheduled day of departure of the originating or returning flight, upon certification of the departure date by the supplemental air carrier;

(iii) The bank shall reimburse the tour operator for refunds made by the latter to the tour participant upon written notification from the tour operator;

(iv) If the tour operator or the supplemental air carrier notifies the bank that a tour has been canceled, the bank shall make applicable refunds directly to the tour participants;

(v) After the charter price has been paid in full to the supplemental air carrier, the bank shall pay funds from the account directly to the hotels, sightseeing enterprises, or other persons or companies furnishing land accommodations or services in connection with the tour or series of tours upon presentation to the bank of vendors' bills and upon certification by the tour operator of the amounts payable for such land accommodations or services and the persons or companies to whom payment is to be made: *Provided, however*, That the total amounts paid by the bank pursuant to subdivisions (ii) and (v) of this subparagraph shall not exceed 65 percent of the total deposits received by the bank

less any refunds made to tour participants pursuant to subdivisions (iii) and (iv) of this subparagraph;

(vi) As used in this section, the term "bank" includes a bank, savings and loan association, or other financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation;

(vii) The bank shall maintain a separate account for each tour;

(viii) Notwithstanding any provisions above, the amount of total deposits required to be maintained in the depository account of the bank may be reduced by one or both of the following: An escrow with the designated bank of Federal, State, or municipal bonds or other negotiable securities which are publicly traded on a securities exchange: *Provided*, That such other securities shall be substituted for cash in an amount no greater than 80 percent of their market value at time of deposit in escrow with the bank; or the amount of any surety bond in the form prescribed herein in excess of the minimum bond required by subparagraph (1) of this paragraph.

(ix) Except as provided in subdivisions (ii), (iii), (iv), (v), and (viii) of this subparagraph, the bank shall not pay out any funds from the account prior to 2 banking days after completion of each tour, when the balance in the account shall be paid to the tour operator, upon certification of the completion date by the supplemental air carrier.

(c) The bond required under paragraphs (a) and (b) of this section shall insure the financial responsibility of the tour operator and the supplying of the transportation and all other accommodations, services, and facilities in accordance with the contract between the tour operator and the tour participants, and shall be in the form set forth following § 378.31. Such bond shall be issued by a reputable and financially responsible bonding or surety company which is legally authorized to issue bonds of that type in the State in which the tour originates. For purposes of this section, the term "State" includes any territory or possession of the United States, or the District of Columbia. The Board will consider that a bonding or surety company is prima facie qualified under this section if such company's surety bonds are accepted by the Interstate Commerce Commission under 49 CFR 1084.6, and if such company is listed in Best's Insurance Reports (Fire and Casualty) with a general policyholders' rating of "A" or better. If the bond does not comply with the requirements of this section, or for any reason fails to provide satisfactory or adequate protection for the public, the Board will notify the supplemental air carrier and the tour operator, by registered or certified mail, stating the deficiencies of the bond. Unless such deficiencies are corrected within the time set

*Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C. § 1001.

*Filed as part of reissued document (SPR 40).

forth in such notification, the subject tour or tours shall in no event be operated.

4. Add § 378.16a entitled "Reporting requirements" to read as follows:

§ 378.16a Reporting requirements.

If a tour operator relies upon the bond-depository option of § 378.16(b) for compliance with the requirements of that section, the following monthly reports shall be filed with the Board's Bureau of Operating Rights not later than the 10th day of the month succeeding the reporting period: (a) By the depository bank showing the total amount of deposits received and disbursed during the month; and (b) by the tour operator showing, for the reporting period, the total amount of customer deposits received by him or his agents, the amount of commissions deducted therefrom by said agents, the amount of commissions repaid by said agents to the depository account, as well as the amount of refunds made by the tour operator or the bank to tour participants. The term "bank" shall have the meaning set forth in § 378.16. The reports shall be certified by the officer in charge of the bank's or the tour operator's accounts, as the case may be, and the certification shall be in the following form:

CERTIFICATION¹

I, the undersigned, -----
 (Title of officer in charge of accounts)
 of the ----- do
 (Full name of reporting company)
 certify that this report and all supporting documents which are submitted herewith, filed for the above indicated period, have been prepared by me or under my direction; that I have carefully examined them and declare that, to the best of my knowledge and belief, the information contained therein is complete and accurate.

 (Signature)

 (Bank or tour operator's post office address)
 Date -----, 19-----

¹ Title 18 U.S.C. Sec. 1001, Crimes and Criminal Procedure, makes it a criminal offense, subject to a maximum fine of \$10,000 or imprisonment for not more than 5 years or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within jurisdiction of any agency of the United States.

5. Add § 378.18 to read as follows:

§ 378.18 Disbursements from depository account.

No tour operator shall cause its agents or the depository bank to make disbursements or payments from tour-participant deposits except in accordance with the provisions of this part.

[F.R. Doc. 70-15079; Filed, Nov. 6, 1970; 8:52 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18930]

OPERATOR REQUIREMENTS FOR STANDARD (AM) AND FM BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of §§ 73.93, 73.265, and 73.565 of the Commission's rules concerning operator requirements for standard (AM) and FM broadcast stations, Docket No. 18930, RM-1576, RM-1627.

1. This proceeding was begun by notice of inquiry and notice of proposed rule making (FCC 70-825) adopted July 29, 1970, released August 5, 1970, and published in the FEDERAL REGISTER August 8, 1970, 35 F.R. 12661. The dates for filing comments and reply comments are presently November 2, and December 1, 1970, respectively.

2. On October 29, 1970, the National Association of Broadcasters (NAB) filed a request for a 90-day extension of time for filing comments in this proceeding. NAB states that in the notice of inquiry the Commission has posed some 16 detailed questions for specific comment, the answers to which may well provide the groundwork for operator standards for many years to come. It wishes to see the fullest record possible developed in this docket before final formulations for new requirements are made. NAB further states that the present inquiry and rule making was made public after the June meeting of its Engineering Advisory Committee, which is its main source of guidance throughout the research and study leading to this proceeding. It mentions that it is this Committee which would normally develop the ideas for NAB's comments and which, if NAB's participation is to be of maximum value, must be given a chance to evaluate the far-reaching proposals the FCC has made at this time. NAB further states that since the above Committee will not convene again until January 7, 1971, and since NAB, as well, may need to seek the advice and counsel of its Small Market Radio Committee which will not regularly meet again until January 1971, the additional time is necessary.

3. We are of the view that the requested extension is warranted and would serve the public interest. Accordingly, it is ordered, That the request filed by the National Association of Broadcasters is granted to and including February 2, 1971, for filing comments and March 1, 1971, for reply comments.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act

of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: October 30, 1970.

Released: November 2, 1970.

[SEAL]

FRANCIS R. WALSH,
Chief, Broadcast Bureau.

[F.R. Doc. 70-15062; Filed, Nov. 6, 1970; 8:49 a.m.]

[47 CFR Part 73]

[Docket No. 18979]

TELEVISION BROADCAST STATIONS Table of Assignments, Kerrville-Fredericksburg, Tex.; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Kerrville-Fredericksburg, Tex.), Docket No. 18979, RM-1387.

1. This proceeding was begun by notice of proposed rule making (FCC 70-927) adopted August 26, 1970, released August 31, 1970, and published in the FEDERAL REGISTER September 4, 1970, 35 F.R. 14095. The dates presently designated for filing comments and reply comments are presently November 3 and November 13, 1970, respectively.

2. On November 2, 1970, Channel Twenty-Four Corp., UHF permittee at Austin, Tex., filed a request to extend the time for filing comments and reply comments to November 10 and November 20, 1970, respectively. It is asserted therein that delays in the mail reaching Washington, D.C. have resulted in the unavailability of an engineering report on which its comments are to be based. Counsel for United-Tecon, the proponent of the rule making, and counsel for Southwest Republic Corp., the only other party which has indicated its interest in filing comments, have consented to a grant of this request for extension of time.

3. It appears that the additional time is warranted and would serve the public interest. Accordingly, it is ordered, That the request of Channel Twenty-Four Corp. is granted to and including November 10, 1970, for comments and November 20, 1970, for reply comments.

4. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: November 3, 1970.

Released: November 4, 1970.

[SEAL]

FRANCIS R. WALSH,
Chief, Broadcast Bureau.

[F.R. Doc. 70-15063; Filed, Nov. 6, 1970; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[Public Notice No. 1]

RIVERTON EXTENSION UNIT, WYO. (MISSOURI RIVER BASIN PROJECT)

Land Class Equivalents

1. Section 4 of the act of September 25, 1970, 84 Stat. 861, provides that "The limitation of lands held in beneficial ownership within the unit by any one owner, which are eligible to receive project water from, through, or by means of project works, shall be one hundred and sixty acres of class 1 land or the equivalent thereof in other land classes as determined by the Secretary."

2. Section 5 of the above-cited act provides for the sale of "Lands available for disposition on the Riverton Unit, including property acquired pursuant to the act of March 10, 1954" (78 Stat. 156), subject to the condition that no such disposition " * * * result in a total ownership within the unit by any one owner in excess of the limitation prescribed in section 4 above."

3. Accordingly, to facilitate orderly and expeditious disposition procedure, I have determined and hereby establish that, in computing the equivalent of 160 acres of class 1 land in the Riverton Extension Unit of Missouri River Basin Project, each acre of class 2 land shall be counted as sixty-seven one-hundredths of an acre, each acre of class 3 land shall be counted as fifty one-hundredths of an acre, and each acre of class 4 land shall be counted as twenty-five one-hundredths of an acre.

JAMES R. SMITH,

Assistant Secretary of the Interior.

OCTOBER 27, 1970.

[F.R. Doc. 70-15057; Filed, Nov. 6, 1970;
8:49 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce

COLUMBIA UNIVERSITY

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

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

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scien-

tific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00732-33-46500. Applicant: Columbia University, College of Physicians and Surgeons, 630 West 168th Street, New York, N.Y. 10032. Article: Ultramicrotome, Model 4800A, and accessories. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used to cut thin sections from pathological biopsies, immune precipitates, and bacteria to study under the electron microscope. The materials to be examined include pathological biopsy materials from patients with collagen diseases, blood and urine specimens, immune precipitates which are contained in agar and agarose, bacteria, and deoxyribonucleo-protein preparations.

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

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

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult."

The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-

2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of October 6, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies involving ultrastructural search for virus in pathological biopsies and immune precipitates in agar and agarose, since such speeds are required for very thin sectioning of the softer materials.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

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

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[F.R. Doc. 70-15012; Filed, Nov. 6, 1970;
8:45 a.m.]

DUKE UNIVERSITY

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

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

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

Docket No. 70-00754-33-46040. Applicant: Duke University Medical Center, Department of Pathology, Durham, N.C. 27706. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used primarily in three courses offered by the Department of Pathology. "Applied Instrumentation" will emphasize the theory and application of electron microscopy to ultrastructural pathology; "Research in Pathology" is an individual tutorial approach to independent research projects in the field of ultrastructural pathology; and "Cellular and Subcellular Pathology" is a course consisting of lectures, seminars, and demonstrations concerned with alteration in cellular structure and function.

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

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

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly being manufactured by the Radio Corp. of America (RCA), and which is currently being supplied by the Forjflo Corp. (Forjflo). The Model EMU-4B electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 25, 1970, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes.

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

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

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[P.R. Doc. 70-15013; Filed, Nov. 6, 1970;
8:45 a.m.]

HARBOR GENERAL HOSPITAL

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

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

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

Docket No. 70-00775-33-46500. Applicant: Harbor General Hospital, Attending Staff Association, 1000 West Carson Street, Torrance, Calif. 90509. Article: Ultramicrotome, Model LKB 4800. Manufacturer: LKB Produkter A B, Sweden.

Intended use of article: The article will be used for serial sectioning of the

reproductive organs of experimental animals as well as of spermatozoa and ova which are contained in the lumen of these organs. This material will be studied in order to investigate in detail the ultrastructural features of the processes of mammalian fertilization.

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

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

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high-quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult."

The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of October 6, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies which involve reconstructions of ultrastructure and the soft specimen materials plus soft embeddings encountered in the sectioning of animal reproductive organs including spermatozoa and ova. HEW cites as a precedent its prior recommendations relating to Dockets Nos. 70-00402-33-46500 and 70-00547-33-46500 which conform in many particulars to the captioned application.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign arti-

cle, for such purposes as this article is intended to be used.

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

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[P.R. Doc. 70-15014; Filed, Nov. 6, 1970;
8:45 a.m.]

HARVARD UNIVERSITY

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

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

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

Docket No. 70-00778-33-46040. Applicant: Harvard University, Purchasing Department, 75 Mount Auburn Street, Cambridge, Mass. 02138. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands.

Intended use of article: The article will be used for research and for training of selected graduate and postdoctoral students in optical techniques as applied to biological investigations concern substructures of microtubules and more especially that of the sites from which they develop; the effect of various biological substances on cell membranes of *Trypanosoma cruzi* and on its transformation the formation of surface coat of trypanosomes; and the structure of trachoma "virus" with specific reference to determining if latency of infection and resistance to host response can be attributed to the coating of infectious particles by protective layers of glycoproteins or related substances.

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

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

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly manufactured by the Radio Corp. of America (RCA), and which is presently being supplied by the Forjflo Corp. (Forjflo). The Model EMU-4B has a specified resolving capability of 5 angstroms. (The lower the numerical

rating in terms of angstrom units, the better the resolving capability.)

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 30, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used.

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

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

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[F.R. Doc. 70-15015; Filed, Nov. 6, 1970;
8:45 a.m.]

INDIANA UNIVERSITY

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

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

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

Docket No. 70-00673-01-77040. Applicant: Indiana University, Purchasing Department, 1000 East 17th Street, Bloomington, Ind. 47401. Article: Mass spectrometer, Model CH-7. Manufacturer: Varian MAT, West Germany.

Intended use of article: The article will be used to study the intramolecular isotope distribution patterns in n-alkanes isolated in low amounts from organic geochemical samples. The main experiment in these studies will consist of the careful observation of the main spectrum of the undegraded alkane molecule. Precise measurement of ratios of various pairs of peaks in the alkane spectrum will allow detection of the intramolecular isotope distribution pattern.

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

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

Reasons: For the purposes for which the foreign article is intended to be used, the applicant specified inter alia the need for an ion source cryopump and a differential pumping arrangement.

We are advised by the National Bureau of Standards (NBS) in its mem-

orandum dated July 29, 1970, that these are pertinent characteristics within the context of § 602.1(b)(7) of the above-cited regulations. We note, that the applicant requested bids from five domestic manufacturers, and, further, that the applicant received three offers to furnish a mass spectrometer. Two of these manufacturers (Perkin-Elmer Corp. and Varian Associates) offered to furnish instruments made by their respective foreign subsidiaries. The Consolidated Electrodynamics Corp. (CEC) offered to supply a modified Model 21-104 mass spectrometer, but took exception to the ion source cryopump. The Nuclide Corp. (Nuclide) did not reply to the request for a bid, although it has been confirmed that this company did receive the request and, after the date for opening the bids had passed, notified the applicant that it would require several additional weeks to prepare a quotation on a mass spectrometer that would meet the applicant's specifications. In its memorandum cited above, NBS noted that the applicant had not specified any cost ceiling, thereby indicating that the ability of the instrument to meet the technical specifications was more important than the price.

Therefore, taking exception to a pertinent characteristic indicates the inability of the domestic instrument to provide the excepted characteristic. NBS further states: "We are of the opinion, that the Nuclide Corp. instrument would not provide either the ion source cryopump or differential pumping. We know of no domestically manufactured available mass spectrometer that can provide both the ion source cryopumping and the differential pumping arrangement in their unit."

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[F.R. Doc. 70-15016; Filed, Nov. 6, 1970;
8:45 a.m.]

UNIVERSITY OF CALIFORNIA

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

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

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

Docket No. 70-00772-33-46040. Applicant: The Regents of the University of California, University of California School of Medicine, Department of Neurosciences, La Jolla, Calif. 92037. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, Inc., West Germany.

Intended use of article: The article will be used in a training program in electron microscopy for 12 students who have a total of 20 hours to achieve the goals. Because of the limited time a very small amount of it is available to familiarize each student with the operation of the electron microscope (changing specimen, turning on high voltage and filament, changing magnification, scanning the specimen grid, focusing, taking pictures and operating the vacuum system). During the course the emphasis is on specimen preparation and interpretation of electron micrographs related to specified applications.

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

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

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly being manufactured by the Radio Corp. of America (RCA), and which is currently being supplied by the Forgiio Corp. (Forgio). The Model EMU-4B electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 25, 1970, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes.

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

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

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[F.R. Doc. 70-15017; Filed, Nov. 6, 1970;
8:45 a.m.]

UNIVERSITY OF CHICAGO ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their

views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Bureau of Domestic Commerce, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00174-01-11000. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Ill. 60439. Article: Gas chromatograph, Model 8022. Manufacturer: AMBAC Industries, Inc., Holland. Intended use of article: The article will be used as an analytical tool to trace impurities occurring in gases which are used as environments during growth of high-purity crystals. The gases to be analyzed will include the inert gases, nitrogen, and several corrosive gases such as hydrogen chloride and chlorine. The impurities to be determined will be O₂, CO, CH₄, H₂, as well as other low molecular weight inorganic and organic molecules. Application received by Commissioner of Customs: September 24, 1970.

Docket No. 71-00178-01-77030. Applicant: Calvin College, 1801 East Beltline Avenue, Grand Rapids, Mich. 49506. Article: NMR spectrometer, Model MH-60. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used for the following research purposes:

1. Investigation of Diels-Adler adducts of benzyne with a variety of dienes and with partial dienes of the styrene type;
2. Study of the function of various quinones as promoters in reduction of aryl nitro compounds by formaldehyde;
3. Determination of rates of nitrogen inversion in substituted aziridine derivatives;
4. A study of stereochemistry, reaction rates, and fragmentation reactions of a B-epoxyketone derivatives.
5. A study of kinetics of the exchange reactions of mono-, di-, tri-amidophosphines as a function of temperature.

The article will also be used for instruction purposes in instrumental analysis and organic chemistry courses. Application received by Commissioner of Customs: September 29, 1970.

Docket No. 71-00179-33-90500. Applicant: Veterans Administration Hospital, Chief Supply Division, Building 222, Fort Snelling, St. Paul, Minn. 55111. Article: Vacuum press tool, Model 8. Manufacturer: Paul Weber, Masch.-

Apparatebau, West Germany. Intended use of article: The article will be used in making infrared spectra discs that are used in cancer research. Application received by Commissioner of Customs: September 29, 1970.

Docket No. 71-00180-16-61800. Applicant: St. Michaels High School, Talbot County Public Schools, St. Michaels, Md. 21663. Article: Planetarium and auxiliary projectors, Model Apollo. Manufacturer: Goto Optical Co., Japan. Intended use of article: The article, which may be operated manually, will be used for instruction in grades 1 through 12 in such subjects as astronomy, navigation, earth-space relationship, elementary science, water cycles, causes of weather, and solar system. Application received by Commissioner of Customs: September 30, 1970.

Docket No. 71-00183-33-46500. Applicant: Wagner College, 631 Howard Avenue, Staten Island, N.Y. 10301. Article: Ultramicrotome, LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used for educational and research purposes. Research projects include (a) an investigation of new embedding materials for special tissues, consisting of new polymers formed by interaction of epoxy resins and thiol rubbers, (b) an investigation of the finer structures of specific bacteria and the intracellular multiplication of microbes within certain tissues of experimental animals as well as in monolayer tissue cultures, (c) time study of tumor detection in susceptible animals, and (d) identification of an enzyme system by forming complexes with electron dense labelers. The article will also be used as a teaching instrument in courses in electron microscopy. Application received by Commissioner of Customs: September 30, 1970.

Docket No. 71-00185-65-86300. Applicant: William Marsh Rice University, Post Office Box 1892, 6100 Main Street, Houston, Tex. 77001. Article: Rheovibron, DDV II. Manufacturer: Toyo Measuring Instruments Co., Ltd., Tokyo, Japan. Intended use of article: The article will be used for the study of the dynamic mechanical properties of polymeric materials, synthetic as well as biopolymers. The purpose of these experiments is to relate the dynamic mechanical properties of the test materials with their structure and molecular organization. Application received by Commissioner of Customs: October 1, 1970.

Docket No. 71-00186-73-07795. Applicant: National Aeronautics and Space Administration, Manned Spacecraft Center, R and D Procurement Branch, Houston, Tex. 77058. Article: Hasselblad electric data camera system. Manufacturer: Goteberg Co., Sweden. Intended use of article: The article will be used for a series of Apollo lunar landing flights, photo-optical coverage will be used during the period of time the Command and Service Module (CSM) which contains the astronauts, is in Earth orbit, and during the time the CSM is en route to and returning from the Moon. Application received by Commissioner of Customs: October 1, 1970.

Docket No. 71-00188-33-46040. Applicant: University of Pennsylvania School of Medicine, 36th and Hamilton Walk, Philadelphia, Pa. 19104. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used in studying the fine structure of cartilage and bone in epiphyseal plate growth and fracture healing. The article will also be used for educational purposes in Course No. 801 Biology of Skeletal Growth and Maturation and Course No. 802 Fracture Healing and Osseous Repair. Application received by Commissioner of Customs: October 2, 1970.

Docket No. 71-00189-33-46040. Applicant: University of Pennsylvania School of Medicine, 36th and Hamilton Walk, Philadelphia, Pa. 19104. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used in studying the fine structure of cartilage and bone in epiphyseal plate growth and fracture healing. Application received by Commissioner of Customs: October 2, 1970.

Docket No. 71-00191-33-46500. Applicant: University of Maryland, 660 West Redwood Street, Baltimore, Md. 21201. Article: Ultramicrotome, Model Om U2. Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used to section arbovirus infected cells of 50-angstrom units thickness or less for electron microscopy as part of work in research involving the elucidation of developmental biology of arboviruses in vertebrate and invertebrate hosts. Application received by Commissioner of Customs: October 5, 1970.

Docket No. 71-00194-98-26000. Applicant: WallaWalla Community College, WallaWalla, Wash. 99362. Article: Theory of electricity device, Model EG ZA/ZT Ba, Bb. Manufacturer: Dr. Clemenz, West Germany. Intended use of article: The article will be used in classes of electricity for teaching the basic theory of electricity. This device teaches the student to construct electrical articles by actual practice. Application received by Commissioner of Customs: October 6, 1970.

Docket No. 71-00195-33-46040. Applicant: U.S. Agricultural Research Station, 1636 East Alisal Street, Post Office Box 5098, Salinas, Calif. 93901. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used for research on viruses of sugar beets in isolated states and in sections of infected material. Another area of research will be the study of pollen development and cytoplasmic male sterility in sugar beet. Additionally, other projects on bacterial and fungal pathogenesis and related topics may be carried out as the need arises. Application received by Commissioner of Customs: October 6, 1970.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[P.R. Doc. 70-15018; Filed, Nov. 6, 1970;
8:45 a.m.]

UNIVERSITY OF GEORGIA

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

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

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

Docket No. 70-00784-33-46500. Applicant: University of Georgia, Department of Botany, Athens, Ga. 30601. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used to produce ultrathin sections of biological material for transmitted electron microscopic examination. The primary use will be in an investigation of the development and morphology of various colonial marine microorganisms, related to the labyrinthulas, in which the spatial orientation and interrelationships of the individual cells is of utmost concern.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered October 2, 1969.

Reasons: The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument available at the time the foreign article was ordered was the Model MT-2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2 had a guaranteed minimum thickness capability of 100 angstroms.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated October 6, 1970, that a minimum thickness capability of less than 100 angstroms is pertinent to the applicant's research studies.

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

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

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[P.R. Doc. 70-15019; Filed, Nov. 6, 1970;
8:46 a.m.]

UNIVERSITY OF MIAMI

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

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

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

Docket No.: 70-00758-33-46500. Applicant: University of Miami Medical School, Bascom Palmer Eye Institute, Post Office Box 875, Biscayne Annex, Miami, Fla. 33152. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for ultrathin sectioning for electron microscopic examinations of eye tissue. Studies concern the determination of the kind of cell in the retina that causes a membrane to form in cases of retinal detachment and an investigation to determine the pathologic reactions in papilledema (a sign of brain tumor), optic atrophy, and glaucoma.

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

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

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production

of ultrathin serial sections of specimens that have great variation in physical properties is very difficult."

The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of October 6, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies involving the ultrathin sectioning of various eye tissues. HEW cites as a precedent its prior recommendation relating to Docket No. 70-00203-33-46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

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

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[P.R. Doc. 70-15020; Filed, Nov. 6, 1970;
8:46 a.m.]

VETERANS ADMINISTRATION
HOSPITAL, ATLANTA, GA.

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

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

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

Docket No. 70-00768-33-46500. Applicant: Veterans Administration Hospital, Medical Research Laboratories, Clairmont Road NE., Post Office Box 29457, Atlanta, Ga. 30329. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used to section lung, kidney, stomach, and heart. These materials are to be investigated for characteristic changes in arteries, arterioles, capillaries, muscle cells, epithelial elements, and other ultrastructural alterations incident to experimental insult or disease, in order to determine pathological changes and effects of therapeutic modalities.

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

Decision: Application approved. No instrument or apparatus of equivalent

scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.) the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult."

The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of October 6, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to obtaining satisfactory series of uniform ultrathin sections of the softer tissues and embeddings encountered in the applicant's studies of ultrastructural alterations of a variety of tissues due to experimentation or disease. HEW cites as a precedent its prior recommendation relating to Docket No. 70-00519-33-46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

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

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[F.R. Doc. 70-15021; Filed, Nov. 6, 1970;
8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration
CISSNA PARK LIVESTOCK SALES 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.

<i>Original name of stockyard, location, and date of posting</i>	<i>Current name of stockyard and date of change in name</i>
ILLINOIS	
Feller Livestock Sales, Cissna Park, Nov. 18, 1959.	Cissna Park Livestock Sales, Sept. 18, 1970.
Jefferson County Community Sale, Mount Vernon, Sept. 19, 1961.	Jefferson County Sale, Oct. 12, 1970.
INDIANA	
Wallace Investments, Incorporated, Walkerton, June 17, 1959.	Walkerton Livestock Sales, Inc., Sept. 1, 1970.
KANSAS	
El Dorado Sales Company, El Dorado, May 27, 1959.	El Dorado Livestock Auction, Inc., Sept. 21, 1970.
MINNESOTA	
Geneva Livestock Sales, Inc., Geneva, Dec. 29, 1959.	Geneva Livestock Exchange, Oct. 6, 1970.
OREGON	
Klamath Auction Yard, Inc., Klamath Falls, Sept. 25, 1959.	Klamath Livestock Auction, Oct. 8, 1970.
SOUTH DAKOTA	
Winner Livestock Auction Company, Inc., Winner, Sept. 25, 1962.	Winner Stockyards Company, Oct. 21, 1970.
TEXAS	
Farmers & Ranchers Livestock Commission Company, Inc., Paris, Aug. 28, 1957.	Farmers and Ranchers Livestock Commission Company, July 11, 1970.

Done at Washington, D.C., this 3d day of November 1970.

E. L. THOMPSON,
Acting Chief, Registrations, Bonds, and
Reports Branch, Livestock Marketing Division.

[F.R. Doc. 70-15093; Filed, Nov. 6, 1970; 8:51 a.m.]

INDIANAPOLIS STOCKYARDS-ETNA GREEN-BOURBON BRANCH ET AL.

Depositing of Stockyards

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

Name, location of stockyard, and date of posting

Indianapolis Stockyards-Etna Green-Bourbon Branch, Etna Green, Ind., June 18, 1959.
Carson Sale Co., Carson, Iowa, Oct. 23, 1969.
LaPorte City Sales Barn, LaPorte City, Iowa, May 22, 1959.
Bowman Cattle Company, Inc., Maquoketa, Iowa, Aug. 16, 1940.
English Valleys Auction & Market, North English, Iowa, June 9, 1959.
Lindsborg Livestock Commission Co., Lindsborg, Kans., June 18, 1959.
Paola Market Sale, Inc., Paola, Kans., May 25, 1959.
Meta Livestock Auction, Meta, Mo., Apr. 5, 1963.
Garden County Commission Co., Oshkosh, Nebr., June 14, 1941.

Dobler Livestock Sales Company, Ellendale, N. Dak., June 8, 1959.
Mendon Livestock Exchange, Mendon, Ohio, June 8, 1959.

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

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

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

Done at Washington, D.C., this 3d day of November 1970.

E. L. THOMPSON,
Acting Chief, Registrations,
Bonds, and Reports Branch,
Livestock Marketing Division.

[F.R. Doc. 70-15092; Filed, Nov. 6, 1970;
8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration [Docket No. FDC-D-259; Various NDAs's] NEW-DRUG APPLICATIONS

Notice is hereby given to each holder of a "deemed approved" new-drug application listed herein, 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 withdrawing approval of such applications and all approved amendments and supplements thereto on the grounds that:

The applicants have repeatedly failed to make required reports under section 505(j) of the Act (21 U.S.C. 355(j)) and 130.35 (a), (b), (e), and (f) of the new-drug regulations (21 CFR 130.35) for each new drug listed herein.

The objective of this action is to close a number of new-drug files that have been inactive for several years. Withdrawal of approval of these applications is not for the purpose of classifying the products as new drugs or of applying the efficacy provisions of the Act to drugs of the same composition marketed by other firms.

Upon request, the Commissioner will supply to any interested person directly concerned a statement of the composition of any of the drugs listed herein to the extent that such information was disclosed or required by law to be disclosed in the labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the new-drug regulations (21 CFR Part 130), the Commissioner will give the applicants named, and any interested person who would be adversely affected by an order withdrawing such approvals, an opportunity for a hearing to show cause why approval of the following new-drug applications should not be withdrawn:

Applicant's name and address	NDA No.	Name of drug
Abbott Labs, Abbott Park, North Chicago, Ill. 60064	6-592	Adrenose Capsules
American Phosphor Co., 425 Main St., Binghamton, N.Y.	8-443	Sulfathiazole Tablets
Angier Chemical Co., 384 Brighton Ave., Boston, Mass.	6-802	S-D-O (Sulfathiazole Solution)
Avant Labs (Division American Home Products), Bonnes Point, N.Y. 10017	6-334	Thalometer Injection
Avent, McKees & Harrison, 20 East 40th St., New York, N.Y.	7-486	Arthronolone Tab. and Inj.
Bard Sarcinole Laboratories, Inc., Sarasota Springs, N.Y.	10-827	Amnesia Tablets
Bauer & Black, Division Kendall Co., Box 448, Louisville Ed., Franklin, Va. 40324	9-826	Dynite Air Germicide
Bio Intraco Labs, Inc., Brooklyn, N.Y.	10-721	Vitamin B12 Activity Conc. Solution Injection
Brown & Co., Inc. (George A.), 1680 Broadway, New York 18, N.Y.	3-044	Deoxycholate Acid Tablets
British Myers Co., New York, N.Y.	6-600	Propylthiouracil Tab.
	6-606	Meprobamide Tablets
	8-606	Benastazine Tablets
	10-851	Amintocum Bromide Tabs
	10-877	Amintocum Bromide Tabs
	6-658	Quinazone Capsules
	6-084	Quinazone HCl Tablets
	1-304	Quinazone Solution
	11-671	Aethasone Injection
	7-005	Collin K Salt
	2-204	F-B-7 Compound Oint.
	5-307	F-B-7 Compound Oint.
	10-846	Cebaxamin Conc. Inj.
	7-000	Tecrasip Tablets
	10-002	Esmeripin Tablets
	4-001	Fedodrine HCl Solution
	3-337	Vitamin B12 Tablets
	3-025	Vitamin B12 Tablets
	3-025	Parona Sublingual Tablets
	3-717	Aluminum Hydroxide Tablets

Applicant's name and address	NDA No.	Name of drug
Deak Co., 2000 Shames Dr., Westbury, Long Island, N.Y. 11590	5-874	Solimidol Oint.
Dema Chemicals, Inc., 125 West End Ave., New York, N.Y.	11-787	Profluorone Tablets
Dessy Co., Smith, Division Wander Co., 233 South 16th St., Lincoln, Neb. 68501	13-082	Wilpo 24 Inlay Tablets
El Lilly & Co., 740 South Alabama St., Indianapolis, Ind. 46206	6-745	Alboline HCl Injection
Endo Products Co., 81-40 191 St., Richmond Hill 18, N.Y.	2-753	Mesquin Tablets
East Texas Chemical Manufacturing Co., Post Office Box 2826, Dallas, Tex. 75222	6-721	Veritamate Acid Tabs
	6-903	Nicotinic Acid Tabs
	3-394	Vadric Solution
	4-699	Sulfathiazole Tabs
	4-310	Morphine HCl Effr.
	6-374	Glystran Tabs
	5-035	Sulfathiazole 5 Percent Oint.
	11-879	Finakolon Oint.
Geigy Pharmaceuticals, Division Geigy Chemical Corp., Saw Mill River Rd., Arisley, N.Y. 10002	10-633	Good-Bite Beta Propylolactone
	11-304	Nitocaps
	4-601	Amplex Liquid
	3-602	Sulfathiazole Tablets
	4-746	Bourweldin Tablets
	12-369	Alcrombin K
	2-979	Digibals Capsules
	10-772	Starwala Serpentina Tablets
	11-944	Droocodol Bihartate w/AFC Tabs
	9-180	Mesopidate Injection
	10-335	Quaran Bromide Tablets
	10-633	Noloid w/Mesquin Bromide Syrup
	10-756	Romydel Capsules
	11-488	Proctogam Bromide Timespan Tab. Inj.
	4-256	Vagocool G.
	6-282	Encumant Ointment
	7-305	DMP Tooth Powder
	6-658	Silbestrol Injection
	5-311	Sulfathiazole Steriflops
	5-352	Sulfathiazole Steriflops
		Packing Dressing
	1-726	Tyro-Tri-Clin Ppd Dressing
	4-218	Kalsodol's Benzoin Solution
	10-683	Esmeripin Injection
	11-009	Vitamin B12 Activity Conc. Inj.
	11-009	Gene Cream
	12-213	New Atrascocort Acetamide Eye-Ear Drops
	5-696	Lean Lip Female Cream
	11-509	Nervex Tablets
	7-662	Nasal Tablets
	12-680	Tylenol Tabs
	12-333	Alyque Tablets
	6-788	Lonsit Iodized Granules
	11-704	Cadryn
	11-978	Benny's W/O
	12-888	Tenavrin Capsules
	12-309	Optizone Tablets
	11-029	ESM-191 Tablets
	12-002	IMF Toothpaste
	10-771	Paroxysm Buccal Tablets
	12-988	Unacalms Hydrochloride Injection
	2-870	Kaselin Turb-Past Baths Solution
	2-871	Ocien Herb Tea Liq.
	10-817	Radioactive Colloidal Gold Injection
	11-778	Sodium Iodide 1-131 Diagnostic Capsules
	11-778	Sodium Iodide 1-131 Diagnostic Solution
	11-777	S-obam Phosphate P-48 Therapy Solution
	11-778	Radio Gold 1 Colloid Injection

Applicant's name and address	NDA Nos.	Name of drug
Nuclear Corporation of America, St. Louis, Mo.	9-359	Radioactive Phosphorus.
Nyco Labs., Inc., 34-24 Vernon Blvd., Long Island City, N.Y.	8-439	Antihistamine w/APC Tabs.
	8-468	Nyscoloid Tablets.
Ortho Pharmaceutical Corp., Raritan, N.J. 08869.	11-817	Lupinus Injection.
Pausay Corp., New York, N.Y.	8-515	Hexamethonium Chloride Tab.
Parke-Davis & Co., Joseph Camp Ave., Detroit, Mich. 48207.	5-399	Pibemero Octyl Oxyc Mis.
	5-457	Cellulose Acetate Phthalate.
	5-855	Diramin Injection.
	5-964	Benzyl Benzoate Emul.
	6-289	Amulcent Gel Sus.
	7-767	Diamenodiphenyl Sufone Tab.
	9-111	Mentanol Capsules.
	9-582	Vanquin Suspension.
	10-340	Proform Capsules.
	13-303	Penta-Erythritol Tetranitrate SRC.
Pasadena Research Labs., 2107 East Villa St., Pasadena, Calif. 91107.		
Physicians Drug & Supply Co., 408 North 34 St., Philadelphia, Pa.	8-859	Cortisone AC Tablets.
Physiological Chemical Co., Inc., New York, N.Y.	7-792	Scorbacaine Inj.
Pitman-Moore Co., Dow Chemical Co., 1209 Madison Ave., Indianapolis, Ind. 46206.	5-655	Alginex Sulfathiazole Sus. Benzodol Tablets.
Promo Pharmaceutical Labs., Inc., 111 Leaning St., South Hackensack, N.J. 07096.	10-071	Tablets.
Proco Sol Chemical, 1299 Arch St., Philadelphia, Pa.	3-497	Sulfathiazole Tablets Hycortole Acetate Saline Injection.
Purdue Frederick Co., 99-101 Saw Mill River Rd., Yonkers, N.Y. 10791.	9-779	Injection.
	10-985	Magnacaine Injection.
	10-332	Somatovite Chew Tablets.
	12-668	Ethnine Simplex Tablets.
	12-722	Ethnine Simplex Syrup.
	3-531	Quikaps Capsules.
	11-010	Resnaminine Tablets.
Quikaps Products Co., 199 Broadway, Amityville, N.Y.		
Raymer Pharmaceutical Co., Jasper & Willard Sts., Philadelphia Pa. 19134.		
A. H. Robins Co., Inc., 1407 Cummings Dr., Richmond, Va. 23229.	12-799	Repose Tablets.
Wm. H. Rorer, Inc., Fort Washington, Pa.	5-983	Mekasel Powder.
Rubenstein, Helena, 655 5th Ave., New York, N.Y.	12-312	Bio-Clear Lot.
Schleifeln & Co., Apex, N.C. 27502.	4-300	Stillbestrol Tablets.
Seaboard Drug Co., 21 West 45th St., New York, N.Y.	10-657	Hydrocortisone Ointment.
Seaver & Co. S.R., North Kansas City, Mo.	0-375	Anecone Lozengs.
Sharp & Dolme Inc., Rahway, N.J. 07065.	6-678	Lucortem Inj.
	9-001	Aramine Solution.
	3-362	Dextrose 5 percent in Physiologic Sodium Chloride Sol. and Vit. B ₁ .
Sherman, G. H., Inc., 14600 East Jefferson Ave., Detroit, Mich.	7-912	Morphine Tartrate Inj.
E. R. Squibb & Sons, Georges Rd., New Brunswick, N.J. 08900.	7-921	Sodium Ascorbate Inj.
	7-922	Morphine Tartrate with Atropine Tartrate.
	7-924	Procaine HCl Inj.
	7-927	Methadone Tartrate Inj.
	7-928	Thiamine HCl Inj.
	7-929	Pyridoxine HCl Inj.
	7-930	Niacinamide Inj.
	12-780	Di-A-gemal Suspension.
Success Chemical Co., Inc., 800 Hinsdale St., Brooklyn, N.Y.	10-820	Cortisone Acetate Oint.
	10-730	Hydrocortisone Acetate Oint.
	13-205	Neo-Synalar Emollient Cream.
Syntex Chemical Co. (Labs), 701 Welch Rd., Palo Alto, Calif. 94304.	4-970	Mercolol Ointment.
Texas Pharmaceutical Co., Hicks Bldg., San Antonio, Tex.	7-114	Pyromen Injection.
Travenol, Inc., Morton Grove, Ill.	6-378	Methadon HCl Ellixir.
The Upjohn Co., 7171 Portage Rd., Kalamazoo, Mich. 49001.	11-085	Prednisolone Sodium Succinate Injection.
	10-944	Methorone Syrup.
	11-037	Tempo Tablets.
Vick Chemical Co., Division Richardson-Merrell, Inc., 122 East 42d St., New York, N.Y.	10-607	Serpivite Capsules.
Vitarine Co., Inc., 227-15 North Conduit Ave., Springfield Gardens, N.Y. 11413.	10-920	Vitamin B ₁₂ Activity Conc. Inj.
Westwood Pharmaceuticals, 468 Dewitt St., Buffalo, N.Y.	10-968	Gentia Creme.
Whittier Labs, Chicago, Ill.	8-551	Pyracarb Tab.
Wilson Labs, 4221 South Western Blvd., Chicago, Ill. 60609.	4-944	Oxidized Mixed Ox Bile Acids.
Winthrop Products, Inc., Division of Sterling Drug, Red Mill Rd., Rensselaer, N.Y.	10-873	Mauxal Injection.
	13-552	Carbecain Injection.
	11-001	Demerol w/Lotusate Tablets.
	9-380	Hyaluronidase Inj.
	11-585	Onadon Tablets.
Worthington Biochemical Corp., Freehold, N.J.	11-185	Reserpine Tablets.
Wyeth Labs., Division American Home Products, Philadelphia, Pa. 19101.	11-521	Rauwolfia Serpentina.
Zenith Labs., Inc., 33 Honick St., Englewood, N.J. 07631.	10-587	Cowiserpa Tablets.
Ziegler Pharmaceutical Co., 484 Delaware Ave., Buffalo, N.Y.		

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 the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: October 28, 1970.

SAM D. FINE,
Associate Commissioner
for Compliance.

[F.R. Doc. 70-14915; Filed, Nov. 6, 1970;
8:45 a.m.]

ANSUL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1047) has been filed by The Ansul Co., 1 Stanton Street, Marinette, Wis. 54143, proposing the establishment of tolerances (21 CFR Part 120) for negligible residues of the herbicide *N,N*-bis(2-chloroethyl)-2,6-dinitro-*p*-toluidine in or on the raw agricultural commodities cottonseed, soybeans, and soybean forage at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic technique with electron capture detection.

Dated: October 29, 1970.

SAM D. FINE,
Associate Commissioner
for Compliance.

[F.R. Doc. 70-15038; Filed, Nov. 6, 1970;
8:47 a.m.]

E. I. DU PONT DE NEMOURS & CO. Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1021) has been filed by E. I. du Pont de Nemours & Co., Wilmington, Del. 19898, proposing the establishment of tolerances (21 CFR Part 120) for residues of the insecticide methomyl in or on the raw agricultural commodities vines (forage) of beans, peas, and soybeans at 10 parts per million; lettuce, endive (escarole), Chinese cabbage, and salsify tops at 5 parts per million; and beans, peas, and soybeans (each in succulent and dry form) at 2 parts per million.

The analytical method proposed in the petition for determining residues of the insecticide is that of H. L. Pease and

Within 30 days after publication hereof in the FEDERAL REGISTER, the applicants, as well as any interested person who would be adversely affected and who wants an opportunity for a hearing, 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 the 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.

If such persons elect to avail themselves of the opportunity for a hearing, they must file within 30 days after publication of this notice in the FEDERAL REGISTER a written appearance requesting a hearing, giving the reasons why the new-drug application should not be withdrawn, together with a full-factual analysis, and setting forth specific facts showing that a genuine and substantial issue of fact requires a hearing. If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named by the Commissioner, and he shall issue a written notice of the time and place at which the hearing will commence.

J. J. Kirkland, "Journal of Agricultural and Food Chemistry," vol. 16, pages 554-557 (1968).

Dated: October 27, 1970.

SAM D. FINE,
Associate Commissioner
for Compliance.

[F.R. Doc. 70-15035; Filed, Nov. 6, 1970;
8:47 a.m.]

HERCULES, INC.

Notice of Withdrawal of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U.S.C. 346a(d) (1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide procedural regulations (21 CFR 120.8), Hercules, Inc., Wilmington, Del. 19889, has withdrawn its petition (PP 0F0930), notice of which was published in the FEDERAL REGISTER of February 26, 1970 (35 F.R. 3766), proposing the establishment of tolerances (21 CFR Part 120) for residues of the insecticide toxaphene (chlorinated camphene containing 67 to 69 percent chlorine) in or on the raw agricultural commodities range grass at 160 parts per million and alfalfa and potatoes at 0.2 part per million (negligible residue).

Dated: October 28, 1970.

SAM D. FINE,
Associate Commissioner
for Compliance.

[F.R. Doc. 70-15036; Filed, Nov. 6, 1970;
8:47 a.m.]

MONSANTO CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U.S.C. 346a(d) (1)), notice is given that a petition (PP 1F1009) has been filed by Monsanto Chemical Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing the establishment of tolerances (21 CFR Part 120) for negligible residues of the herbicide 2-chloro-2', 6'-diethyl-N-(methoxymethyl) acetanilide and its metabolites (calculated as 2-chloro-2', 6'-diethyl-N-(methoxymethyl) acetanilide) in or on the raw agricultural commodities blackeyed peas, cabbage, dry beans, lima beans, peas with pods and pea forage, snap beans, sweet corn, and sweet corn fodder and forage at 0.2 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas-liquid chromatographic technique using a hydrogen flame-ionization detector.

Dated: October 27, 1970.

SAM D. FINE,
Associate Commissioner
for Compliance.

[F.R. Doc. 70-15037; Filed, Nov. 6, 1970;
8:47 a.m.]

THOMPSON-HAYWARD CHEMICAL CO.

Notice of Withdrawal of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U.S.C. 346a(d) (1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide procedural regulations (21 CFR 120.8), Thompson-Hayward Chemical Co., Post Office Box 2383, Kansas City, Kans. 66110, has withdrawn its petition (PP 0F0951), notice of which was published in the FEDERAL REGISTER of April 11, 1970 (35 F.R. 6017), proposing the establishment of tolerances (21 CFR Part 120) for combined negligible residues of the herbicide dichlobenil and its metabolite 2,6-dichlorobenzoic acid in or on the raw agricultural commodities alfalfa and clover at 0.15 part per million.

Dated: October 28, 1970.

SAM D. FINE,
Associate Commissioner
for Compliance.

[F.R. Doc. 70-15039; Filed, Nov. 6, 1970;
8:47 a.m.]

[DESI 1403; Docket No. FDC-D-184; NDA 1-403 etc.]

CERTAIN ANTIPARKINSON DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following antiparkinson drugs:

1. Akineton Ampules; biperiden lactate, marketed by Knoll Pharmaceutical Co., 377 Crane Street, Orange, N.J. 07051 (NDA 12-418).
2. Akineton Tablets; biperiden hydrochloride, marketed by Knoll Pharmaceutical Co. (NDA 12-003).
3. Artane Tablets and Elixir, trihexyphenidyl hydrochloride, marketed by Lederle Laboratories Division, American Cyanamid Co., Pearl River, N.Y. 10965 (NDA 6-773).
4. Cogentin Mesylate Injection, benzotropine mesylate, marketed by Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, Pa. 19486 (NDA 12-015).
5. Cogentin Mesylate Tablets, benzotropine mesylate, marketed by Merck Sharp & Dohme (NDA 9-193).
6. Disipal Tablets, orphenadrine hydrochloride, marketed by Riker Laboratories, Inc., 19901 Nordhoff Street, Northridge, Calif. 91326 (NDA 10-653).
7. Kemadrin Tablets, procyclidine hydrochloride, marketed by Burroughs Wellcome & Co. (U.S.A.) Inc., Scarsdale Road, Tuckahoe, N.Y. 10707 (NDA 9-818).
8. Pagitane Hydrochloride Tablets, cyrimine hydrochloride, marketed by Eli Lilly & Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 8-951).

9. Parsidol Tablets, ethopropazine hydrochloride, marketed by Warner-Chilcott Laboratories, Division of Warner-Lambert Pharmaceutical Co., 201 Tabor Road, Morris Plains, N.J. 07950 (NDA 9-078).

10. Phenoxene Tablets, chlorphenoxamine hydrochloride, marketed by Pitman-Moore Division of The Dow Chemical Co., 1200 Madison Avenue, Post Office Box 1656, Indianapolis, Ind. 46206 (NDA 11-869).

11. Pipanol Hydrochloride Tablets, trihexyphenidyl hydrochloride, marketed by Winthrop Laboratories, Division of Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016 (NDA 7-796).

12. Rabelon Tablets, hyoscyamine hydrobromide, atropine sulfate, scopolamine hydrobromide, marketed by Merck, Sharp & Dohme (NDA 1-403).

13. Vinobel Tablets, wine extract of belladonna root, marketed by The Wm. S. Merrell Co., Division of Richardson-Merrell, Inc., Lockland Station, Cincinnati, Ohio 45215 (NDA 3-429).

The drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new-drug application is required from any person marketing such drugs without approval.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy reports as well as other available evidence, and concludes that:

1. a. All of the drugs listed above are effective for the symptomatic treatment of all forms of parkinsonism (postencephalitic, arteriosclerotic, and idiopathic).

b. Of the drugs listed above, the following are also regarded as effective in the control of extrapyramidal disorders due to central nervous system drugs such as reserpine and phenothiazines: Biperiden lactate injection, biperiden hydrochloride tablets, trihexyphenidyl hydrochloride tablets and elixir, benzotropine mesylate tablets and injection, procyclidine hydrochloride tablets, and ethopropazine hydrochloride tablets.

2. Orphenadrine hydrochloride is regarded as possibly effective for use in a wide variety of disorders characterized by skeletal muscle spasm.

3. a. There is a lack of substantial evidence that biperiden hydrochloride is effective for its recommended use in spastic disorders not related to parkinsonism (multiple sclerosis, cerebral palsy, spinal cord injury).

b. There is a lack of substantial evidence of effectiveness that biperiden lactate is effective for its recommended use for the palliation of symptoms occurring in disorders of the extrapyramidal system; e.g., spasmodic torticollis, oculogyric crises, and choreas.

B. *Form of drug* 1. Biperiden lactate preparations are in sterile aqueous solu-

tion form suitable for intramuscular or intravenous administration.

2. Benzotropine mesylate preparations are in tablet form suitable for oral administration or in sterile aqueous solution form suitable for intramuscular or intravenous administration.

3. Trihexyphenidyl hydrochloride preparations are in conventional tablet or elixir form suitable for oral administration.

4. All of the other drugs listed in this announcement are in conventional tablet form suitable for oral administration.

C. *Labeling conditions.* 1. The labels bear the statement "Caution: Federal law prohibits dispensing without prescriptions."

2. The drugs are labeled to comply with all requirements of the Act and regulations. The labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" sections are as follows:

INDICATIONS

a. For all drugs in this announcement: For use as an adjunct in the therapy of all forms of parkinsonism (postencephalitic arteriosclerotic, idiopathic).

b. For biperiden lactate injection, biperiden hydrochloride tablets, trihexyphenidyl hydrochloride tablets and elixir, benzotropine mesylate tablets and injection, procyclidine hydrochloride tablets, and ethopropazine tablets, the following additional indication:

Useful in the control of extrapyramidal disorders due to central nervous system drugs such as reserpine and phenothiazines.

D. *Indications permitted during extended period for obtaining substantial evidence.* 1. Those indications for which the drug orphenadrine hydrochloride is described in paragraph A above as possibly effective (not included in the labeling conditions in paragraph C) may continue to be used for 6 months following the date of this publication to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness.

2. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

E. *Marketing status.* Marketing of the drugs may continue under the conditions described in paragraphs F and G of this announcement except that those indica-

tions referenced in paragraph D may continue to be used as described therein.

F. *Previously approved applications.* 1. Each holder of a "deemed approved" new-drug application (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962) for such drug is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting supplements containing:

a. Revised labeling as needed to conform to the labeling conditions described herein for the drug, and complete current container labeling, unless recently submitted.

b. Adequate data to assure the biologic availability of the drug in the formulation which is marketed. If such data are already included in the application, specific reference thereto may be made.

c. Updating information as needed to make the application current in regard to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of the new-drug application form FD-356H to the extent described for abbreviated new-drug applications § 130.4(f), published in the FEDERAL REGISTER April 24, 1970 (35 F.R. 6574). (One supplement may contain all the information described in this paragraph.)

2. Such supplements should be submitted within the following periods after the date of publication of this notice in the FEDERAL REGISTER:

a. 60 days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

b. 180 days for biologic availability data.

c. 60 days for updating information.

3. Marketing of the drug may continue until the supplemental applications submitted in accord with the preceding subparagraphs 1 and 2 are acted upon, provided that within 60 days after the date of this publication, the labeling of the preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described in this announcement. (Orphenadrine hydrochloride labeling may continue to include the indications referenced in paragraph D for the period stated.)

G. *New applications.* 1. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described under paragraph A above, should submit an abbreviated new-drug application meeting the conditions specified in § 130.4(f) (1), (2), and (3), published in the FEDERAL REGISTER of April 24, 1970 (35 F.R. 6574). Such applications should include proposed labeling which is in accord with the labeling conditions described herein and adequate data to assure the biologic availability of the drug in the formulation which is marketed or proposed for marketing.

2. Distribution of any such preparation currently on the market without an

approved new-drug application may be continued provided that:

a. Within 60 days from the date of publication of this announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein. (Orphenadrine hydrochloride labeling may continue to include the indications referenced in paragraph D for the period stated.)

b. The manufacturer, packer, or distributor of such drug submits, within 180 days from the date of this publication, a new-drug application to the Food and Drug Administration.

c. The applicant submits within a reasonable time additional information that may be required for the approval of the application as specified in a written communication from the Food and Drug Administration.

d. The application has not been ruled incomplete or unapprovable.

H. *Opportunity for a hearing.* 1. 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 withdrawing approval of all new-drug applications for biperiden hydrochloride and biperiden lactate and all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in paragraph A.3 of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Promulgation of the proposed order may cause any such drug for human use offered for the indications for which substantial evidence of effectiveness is lacking to be a new drug for which an approved new-drug application is not in effect and subject to regulatory proceedings.

2. 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 holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER. 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, together with a well-organized and full-factual analysis of the clinical and other investigational data the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and

documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety. 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.

I. Unapproved use or form of drug.
1. If the article is labeled or advertised for use in any condition other than those provided for in this announcement, it may be regarded as an unapproved new drug subject to regulatory proceedings until such recommended use is approved in a new-drug application, or is otherwise in accord with this announcement.

2. If the article is proposed for marketing in another form or for a use other than the use provided for in this announcement, appropriate additional information as described in § 130.4 or § 130.9 of the regulations may be required, including results of animal and clinical tests intended to show whether the drug is safe and effective.

A copy of the NAS-NRC report has been furnished to each firm referred to above. Any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 1403, directed to the attention of the following appropriate office, and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number):
Office of Scientific Evaluation (BD-100),
Bureau of Drugs.

Original abbreviated new-drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD-5),
Bureau of Drugs.

Requests for Hearing (identify with Docket number): Hearing Clerk, Office of General Counsel (GC-1), Room 6-62, Parklawn Building.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

Requests for NAS-NRC report: Press Relations Office (CE-200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: October 20, 1970.

SAM D. FINE,
Associate Commissioner
for Compliance.

[F.R. Doc. 70-15040; Filed, Nov. 6, 1970;
8:47 a.m.]

[DESI 7278]

CERTAIN NASAL PREPARATIONS CONTAINING PHENYLEPHRINE HY- DROCHLORIDE WITH TRYPSIN OR THENYLDIAMINE HYDROCHLORIDE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Neo-Synephrine Thenfadil Nose Drops and NTZ Nasal Solution containing phenylephrine hydrochloride and thenyldiamine hydrochloride; marketed by Winthrop Laboratories, 90 Park Avenue, New York, N.Y. 10016 (NDA 7-278).

2. Trypp Nose Drops containing phenylephrine hydrochloride and trypsin; marketed by USV Pharmaceutical Corp., 800 Second Avenue, New York, N.Y. 10017 (NDA 12-149).

These drugs are regarded as new drugs. The effectiveness classification and marketing status are described below.

A. Effectiveness classification. The Food and Drug Administration has considered the Academy reports, as well as other available evidence, and concludes that these drugs are possibly effective for their recommended use for temporary relief of nasal congestion associated with the common cold, hay fever, or sinus drainage.

B. Marketing status. 1. Holders of previously approved new-drug applications and any person marketing any such drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and to submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness for those indications for which these drugs have been classified as possibly effective. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drugs will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to with-

draw approval of the new-drug applications for such drugs, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications will cause any such drugs on the market to be new drugs for which an approval is not in effect.

The above-named holders of the new-drug applications for these drugs have been mailed a copy of the NAS-NRC report. Any interested person may obtain a copy of these reports by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 7278, directed to the attention of the following appropriate office, and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number):
Office of Scientific Evaluation (BD-100),
Bureau of Drugs.

Original new-drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

Requests for NAS-NRC reports: Press Relations Office, Food and Drug Administration (CE-200), 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: October 14, 1970.

SAM D. FINE,
Associate Commissioner
for Compliance.

[F.R. Doc. 70-15041; Filed, Nov. 6, 1970;
8:47 a.m.]

[DESI 8430]

DIAGNOSTIC AGENT; DIRECT SKY BLUE INJECTION

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following diagnostic drug for injection:

Direct Sky Blue Injection marketed by Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, Pa. 19101 (NDA 8-430).

The drug is regarded as a new drug (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. Effectiveness classification. The Food and Drug Administration has considered the Academy reports, as well as other available evidence, and concludes that:

1. The drug is probably effective for the following indications: An aid in identification of regional lymph nodes for complete excision during surgery; for studies of lymphatic distribution; and to detect leakage from an injured lymphatic duct.

2. The drug is possibly effective in delineating the thoracic duct during surgery.

b. *Marketing status.* 1. The holder of the previously approved new-drug application and any person marketing such drug without approval will be allowed, from the date of publication of this announcement in the FEDERAL REGISTER, 6 months and 12 months to obtain and submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness for the indications evaluated as possibly effective and probably effective, respectively. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a) (5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. At the end of the 6-month and 12-month periods, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, proceedings will be initiated to withdraw approval of new-drug applications for such drug, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications will cause any such drug on the market to be a new drug for which an approval is not in effect.

3. Within 60 days from publication hereof in the FEDERAL REGISTER, the holder of any approved new-drug application for such drug is requested to submit a supplement to his application, as needed, to provide for revised labeling which, taking into account the comments of the Academy, furnishes adequate information for safe and effective use of the drug, is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970 (21 CFR 3.74), and recommends use of the drug for the probably effective indications as follows: (The possibly effective indications may also be included for 6 months.)

INDICATIONS

Direct Sky Blue may be indicated in selecting patients to aid in identification of re-

gional lymph nodes for complete excision during surgery, for studies of lymphatic distribution, or to detect leakage in an injured lymphatic duct.

The supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)), which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period.

4. Any person marketing such drug without an approved new-drug application should provide for labeling in accord with this notice to be put into use within 60 days from the date of publication hereof in the FEDERAL REGISTER.

A copy of the NAS-NRC report has been furnished to the firm referred to above. Any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 8430, directed to the attention of the following appropriate office, and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (Identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original new-drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

Requests for NAS-NRC reports: Press Relations Office, Food and Drug Administration (CE-200), 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: October 14, 1970.

SAM D. FINE,
Associate Commissioner
for Compliance.

[F.R. Doc. 70-15042; Filed, Nov. 6, 1970;
8:47 a.m.]

[DESI 10-986V]

PERPHENAZINE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Veterinary Drug Efficacy Study Group, on the following preparation: Trilafon Tablets, containing 4 milligrams and 8 milligrams of perphenazine per tablet, manufactured by Schering Corp., 60 Orange Street, Bloomfield, N.J. 07003.

The Academy stated that (1) the described drug is probably effective for

veterinary use as a tranquilizer, and (2) dosage levels should be documented and adjusted to ranges shown to be conclusively effective for veterinary medical purposes.

The Academy further stated that if data is furnished to establish that Trilafon Tablets are effective, the drug labeling should bear appropriate precautionary statements to the effect that:

1. Perphenazine should be administered in smaller doses and with greater care when given to animals exhibiting symptoms of debilitation, cardiac disease, sympathetic blockade, hypovolemia, shock, and when the use of general anesthesia is indicated.

2. Perphenazine is a potent central nervous system depressant and can cause marked sedation with suppression of the sympathetic nervous system.

3. Epinephrine is contraindicated for treatment of acute hypotension produced by perphenazine since further depression of blood pressure can occur. Other pressor-amines, such as norepinephrine or phenylephrine, are the drugs of choice.

4. Perphenazine can produce prolonged depression or motor restlessness when given in excessive amounts or when given to sensitive animals.

5. It is additive in action to the actions of other depressants and will potentiate general anesthesia.

The Food and Drug Administration concurs with the Academy's findings and recommendations and, in addition, concludes that the following precautionary statement should also be added where appropriate in the labeling: "Do not use this product in conjunction with organophosphates and/or procaine hydrochloride since phenothiazines may potentiate the toxicity of organophosphates and the activity of procaine hydrochloride."

Perphenazine is a prescription drug and should therefore bear the legend "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian."

This evaluation is concerned only with the drug's effectiveness and safety to the animal to which administered. It does not take into account the safety for consumption of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of the new animal drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit, in accordance with the requirements of section 512 of the act, updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, manufacturing methods, facilities, and controls.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the new animal drug application for the subject drug has been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, as amended, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: October 28, 1970.

SAM D. FINE,
Associate Commissioner
for Compliance.

[P.R. Doc. 70-15043; Filed, Nov. 6, 1970;
8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA-Petition-No. 19]

DURHAM AND SOUTHERN RAILWAY
CO.

Petition for Exemption From Hours of
Service Requirements

By notice published in the FEDERAL REGISTER on October 15, 1970, volume 35, No. 201, page 16203, interested parties and the general public were informed that a petition was pending filed by The American Short Line Railroad Association seeking exemption, for certain named carriers, from the 14 hours of service limitation in Public Law 91-169 effective December 28, 1970. The petition filed by The American Short Line Railroad Association was docketed as FRA-Petition-No. 17. The notice in that proceeding, published in the FEDERAL REGISTER on October 15, 1970, specified that comments should be filed by November 17, 1970, and that the hearing would be held November 23, 1970. The instant petition is hereby consolidated for handling and hearing with the petition of The American Short Line Railroad Association, FRA-Petition-No. 17.

Any comment on the instant petition should be addressed to the Director,

Office of Hearings and Proceedings, Federal Railroad Administration, Washington, D.C. 20591. The hearing on November 23, 1970, will begin at 9:30 a.m., e.s.t., and it will be held in conference room 5332, Nassif Building, 400 Seventh Street SW., Washington, D.C.

Interested persons may file comments whether or not they intend to participate in the hearing. However, if they intend to participate in the hearing and do not wish to rely on written comments they are requested to make clear their intention, and position, by filing the required information on or before November 17, 1970, as referred to above.

Issued this 2d day of November 1970 in Washington, D.C.

ROBERT R. BOYD,
Director, Office of Hearings
and Proceedings, and Hearing
Examiner.

[P.R. Doc. 70-15050; Filed, Nov. 6, 1970;
8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 70-11-9]

INTERNATIONAL AIR TRANSPORT
ASSOCIATION

Order Relating to Specific Commodity
Rates

Issued under delegated authority November 3, 1970.

By Order 70-10-96, dated October 20, 1970, action was deferred, with a view toward eventual approval, on an agreement adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 70-10-96 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 21753, R-31 and R-32, be and it hereby is approved, provided That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[P.R. Doc. 70-15080; Filed, Nov. 6, 1970;
8:50 a.m.]

[Docket No. 20993; Order No. 70-11-10]

INTERNATIONAL AIR TRANSPORT
ASSOCIATION

Order Relating To Specific Commodity
Rates

Issued under delegated authority November 3, 1970.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated CAB agreement number.

The agreement would amend the existing specific commodity rate structure within the Western Hemisphere by the inclusion of rates for Commodity Item 0380 (Shrimp) to be applied from Santiago on the one hand to Los Angeles and San Francisco on the other, without intermediate application, at 40 and 45 cents per kilogram, respectively, with a minimum weight requirement of 2,000 kilograms. These rates reflect significant reductions from the general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's economic regulations, 14 CFR 385.14, it is not found, on a tentative basis, that Resolution 100 (Mail 864)590 is adverse to the public interest or in violation of the Act: *Provided*, That tentative approval thereof is conditioned as hereinafter ordered. *Accordingly, it is ordered, That:*

Action on Agreement CAB 22026 be and hereby is deferred with a view toward eventual approval: *Provided*, That approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may, within 10 days after the service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[P.R. Doc. 70-15081; Filed, Nov. 6, 1970;
8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19031]

USE OF COMMUNICATION FACILITIES
IN UNITED STATES BY FOREIGN
ENTITIES

Order Granting Extension of Time

In the matter of establishment of regulatory policies pursuant to the Communications Act of 1934 with respect to the use of communication facilities in the United States by foreign entities for communication traffic transiting the United States.

1. On October 21, 1970, the American Telephone and Telegraph Co. (A.T. & T.), ITT World Communications (ITT

Worldcom), ITT Communications, Inc.-Virgin Islands (ITTCIVI), All America Cables and Radio, Inc. (AAC&R), RCA Global Communications, Inc. (RCA Globcom), Western Union International, Inc. (WUI), Hawaiian Telephone Co. (Hawaiian), Tropical Radio Telegraph Co. (Tropical), French Cable Co., and Cable & Wireless/Western Union International, Inc. (C&W/WUI) filed a motion with the Commission for an extension of time to December 2, 1970, in which to submit comments in response to the

Commission's notice of inquiry in Docket No. 19031 adopted by the Commission on September 30, 1970 (35 F.R. 15951).

2. Good cause has been shown for affording the above-mentioned carriers additional time within which to file comments in the captioned notice of inquiry.

3. Accordingly, pursuant to § 0.303(c) of the Commission's rules on delegations of authority, the motion of the above-mentioned carriers is granted, and the time for filing comments in Docket No.

19031 is extended to all parties from November 2, 1970 to December 2, 1970.

Adopted: October 27, 1970.

Released: November 4, 1970.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] A. C. ROSEMAN,
Chief, International & Satellite
Communications Division.

[F.R. Doc. 70-15064; Filed, Nov. 6, 1970;
8:49 a.m.]

[Canadian List No. 273]

CANADIAN STANDARD BROADCAST STATIONS

Notification List

OCTOBER 21, 1970.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the appendix to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power kw.	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							Number of radials	Length (feet)	
CFRY (change of site with power increase—PO: 920 kHz, 1 kw., DA-1).	Portage la Prairie, Manitoba, N. 49°58'10", W. 98°22'30".	10	920 kHz	DA-2	U	III			10-15-71.
CJTR (change of call letters from CKTR).	Three Rivers, Quebec, N. 46°14'09", W. 72°33'23".	10	1140 kHz	DA-2	U	II			
CJTR (change of call letters from CKTR).	Three Rivers, Quebec, N. 46°18'50", W. 72°31'55".	10D/IN	1150 kHz	DA-2	U	III			
CFGM (now in operation with increased power).	Richmond Hill, Ontario, N. 43°34'30", W. 79°41'09".	50	1510 kHz	DA-2	U	III			
CJLS (now in operation with increased power).	Yarmouth, Nova Scotia, N. 43°50'25", W. 66°08'50".	5D/IN	1540 kHz	DA-2	U	IV			

[SEAL]

WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau,
Federal Communications Commission.

[F.R. Doc. 70-15065; Filed, Nov. 6, 1970; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 70-43]

ATLANTIC AND GULF/WEST COAST OF SOUTH AMERICA CONFERENCE

Order To Show Cause

The Atlantic and Gulf/West Coast of South America Conference operates in the trade from U.S. Atlantic and Gulf ports to ports on the west coast of South America pursuant to Commission approved Agreement 2744. The Conference maintains a dual rate contract system also approved by the Commission.

On October 26, 1970, the Conference submitted to the Commission a telegraphic revision to its Southbound Tariff SA-12, FMC-1, to institute a bunker surcharge of 5 percent applicable to all contract, noncontract, special, charitable and industrial contract rates effective November 27, 1970. On October 26 the staff directed a telegram to the Conference stating its view that the surcharge requires 90-day tariff notice and requesting that the effective date be altered accordingly. On October 27, 1970, the Conference responded, stating that it is the view of its members that the drastic in-

crease in bunker prices in recent months goes far beyond any situation which could have been reasonably anticipated by a prudent operator and, therefore, constitutes an extraordinary condition within the meaning of Article 10(c) of the Merchants' Freighting Agreement, permitting the giving of 30 days' notice of the surcharge. The Conference requested that the matter be considered by the Commission for formal ruling. The Conference also deferred the effective date of the surcharge to November 30, 1970.

Article 10(c) of the Merchants' Freighting Agreement maintained by the Conference states in pertinent part as follows:

In the event of any extraordinary conditions not enumerated in Article 10(a), which conditions may unduly impede, obstruct, or delay the obligations of the Carriers, the Carriers may increase any rate or rates affected thereby, in order to meet such conditions: *Provided, however,* That nothing in this Article shall be construed to limit the provisions of section 18(b) of the Shipping Act, 1916, in regard to the notice provisions of rate changes.

This clause was approved by the Commission in the Dual Rate Cases, 8 FMC 16 (1964), for use by conferences and

carriers maintaining a dual rate contract system to permit continuation of such system at higher rates imposed in compliance with section 18(b) of the Shipping Act in extraordinary circumstances other than those set forth in Article 10(a) of the Merchants' Freighting Agreement which unduly impede or delay the carriers' service. In approving clauses for use in the dual rate contracts to justify rate increases on short notice, the Commission recognized the need for certain circumstances where carriers might be entitled to relief from the 90-day notice obligation as prescribed by section 14(b)(2), Shipping Act, 1916, which provides:

That whenever a tariff rate for the carriage of goods under the contract becomes effective, insofar as it is under the control of the carrier or conference of carriers, it shall not be increased before a reasonable period, but in no case less than 90 days.

The Commission is of the opinion that the increases in the cost of bunkers transpiring in the Conference trade since January 1, 1970, do not constitute an extraordinary condition within the meaning of Article 10(c) of the Merchants' Freighting Agreement. Further, it appears that such increased costs will not unduly impede, obstruct, or delay

the carriers' service within the context of said clause. It also appears that costs of this nature are fully recoverable by the carriers after the surcharge becomes effective on 90-day tariff filing notice.

It is the Commission's view that should the Conference implement its published bunker surcharge without satisfying 90-day tariff filing notice it would violate the express requirements of Article 10(c) of the Merchants' Freightage Agreement and section 14(b)(2) of the Shipping Act, 1916. Further, failure to conform with the exact terms of the Merchants' Freightage Agreement would constitute an unapproved modification to such Agreement which may be detrimental to the commerce of the United States and be contrary to the public interest in violation of section 14(b).

Now therefore, it is ordered, That the respondents, as shown in Appendix A, show cause why their bunker surcharge published to become effective November 30, 1970, should not be found to be in violation of section 14(b)(2), Shipping Act, 1916, and Article 10(c) of their Merchants' Freightage Agreement and, accordingly, why the Commission should not order the respondents to defer the effective date of their bunker surcharge a sufficient period of time to satisfy such 90-day notice requirements.

It is further ordered, That this proceeding shall be limited to the submission of affidavits and memoranda, replies, and oral argument. Should any party feel that an evidentiary hearing be required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed on or before November 13, 1970. Affidavits of fact and memoranda of law shall be filed by respondents and served upon all parties no later than the close of business November 13, 1970. Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel and intervenors, if any, no later than close of business November 20, 1970.

It is further ordered, That a notice of this order be published in the FEDERAL REGISTER and that a copy thereof be served upon all parties of record a list of whom is set forth below.

It is further ordered, That persons other than those already party to this proceeding who desire to become parties in this proceeding and to participate therein shall file a petition to intervene pursuant to Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) no later than close of business November 10, 1970.

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 in an original and 15 copies and shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

Atlantic & Gulf/West Coast of South America Conference, 11 Broadway, New York, N.Y. 10004.

Compania Peruana De Vaopres (Peruvian State Line), Camarra 676, Chucuito, Callao, Apartada 208, Callao, Peru.

Compania Sud-Americana De Vapores (Chilean Line), Agustinas 1235, Santiago, Chile. Flota Mercante Grancolombiana, S.A. (Grancolombiana), Edificio Grancolombiana Carrera 13 No. 27-75, Apartado Aereo 4482, Bogota, Colombia.

Gulf & South American Steamship Co., Inc., Commerce Building, Post Office Box 50938, New Orleans, La. 70150.

Hapag-Lloyd AG, Gustav-Deetjen-Allee 2/6, 28 Bremen 1, Germany.

Prudential-Grace Lines, Inc., 1 Whitehall Street, New York, N.Y. 10004.

[P.R. Doc. 70-15082; Filed, Nov. 6, 1970; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3573 etc.]

SOUTHERN PETROLEUM EXPLORATION, INC., ET AL.

Findings and Order

OCTOBER 5, 1970.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, substituting respondent, redesignating proceeding, and accepting related rate schedules and supplements for filing.

Each of the applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Gulf Energy & Development Corp. (Operator) et al., applicant in Dockets Nos. CI60-323 and CI63-925, proposes to continue the sales of natural gas heretofore authorized in said dockets to be made pursuant to Jonnell Gas, Inc. (Operator), et al., FPC Gas Rate Schedules Nos. 1 and 2, respectively. Said rate

schedules will be redesignated as those of applicant. Jonnell filed increased rates under its rate schedules which increases are suspended in Docket No. RI70-739. Therefore, applicant will be substituted in lieu of Jonnell as respondent in the proceeding pending in Docket No. RI70-739 and said proceeding will be redesignated accordingly.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER petitions to intervene by Long Island Lighting Co. were filed in Dockets Nos. CI70-1029 and CI70-1055 and notices of interventions by the Public Service Commission of the State of New York were filed in Dockets Nos. CI70-676, CI70-677, and CI70-1029. The petitions to intervene and the notices of intervention have been withdrawn and no other petitions to intervene, notices of intervention, or protests to the granting of any of the applications have been filed.

At a hearing held on September 29, 1970, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations herein-after granted.

(2) The sales of natural gas herein-before described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered and conditioned.

(6) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the name of the respondent, H. H. Howell (Operator) et al., in the proceedings pending in Dockets Nos. RI65-458, RI65-591, RI65-594, RI70-740, RI70-1068, and RI70-1520 should be changed to Howell Drilling, Inc. (Operator) et al., and the proceedings should be redesignated accordingly.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Gulf Energy & Development Corp. (Operator) et al., should be substituted in lieu of Jonnell Gas, Inc. (Operator) et al., as respondent in the proceeding pending in Docket No. RI70-739 and that said proceeding should be redesignated accordingly.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the

Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The rate for the sales authorized in Dockets Nos. CI66-176 and CI70-366 shall be 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement.

(b) The initial rate for sales authorized in Dockets Nos. CI70-676 and CI70-1029 shall be 17 cents per Mcf at 14.65 p.s.i.a. Within 30 days from the date of this order applicant in Docket No. CI70-676 shall file three copies of a revised billing statement reflecting the 17-cent rate as required by the regulations under the Natural Gas Act.

(c) The initial rate for the sale authorized in Docket No. CI70-677 shall be 16 cents per Mcf at 14.65 p.s.i.a. The provision contained in section 2 of article 9 of the subject contract providing for a rate increase to an applicable area rate or area settlement rate will only be applicable upon Commission approval of a just and reasonable rate or settlement rate in an applicable area rate proceeding.

(d) The initial rate for the sale authorized in Docket No. CI70-1055 shall be 20.6 cents per Mcf at 15.025 p.s.i.a.

(e) Applicants in Dockets Nos. CI70-676, CI70-677, CI70-1029, CI70-1055 shall not require buyers to take-or-pay for an annual quantity of gas well gas which is in excess of an average of 1 Mcf per day for each 7,300 Mcf of determined gas well gas reserves or the specified contract quantities, whichever are the lesser amounts.

(f) The initial rates for sales authorized in Dockets Nos. CI71-58 and CI71-59 shall be the applicable area base rates prescribed in Opinion No. 468, as modified by Opinion No. 468-A, as adjusted for quality of gas, or the contract rates, whichever are lower. If the quality of the gas delivered by Applicant deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468-A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however, That adjustments reflecting changes in B.t.u.*

content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rates.

(g) Within 45 days from the date of this order applicant in Dockets Nos. CI71-58 and CI71-59 shall file rate schedule quality statements in the form prescribed in Opinion No. 468-A.

(E) Applicants in Dockets Nos. CI64-841 and CI70-1005 shall file three copies of a billing statement covering the first month's service as required by the regulations under the Natural Gas Act.

(F) The orders issuing certificates in Dockets Nos. G-3573, G-4579, G-4790, G-5025, G-5111, G-7241, G-13299, G-13956, CI64-841, CI66-176, CI68-165, CI68-857, CI69-491,¹ CI69-1216, CI70-366, CI70-390, and CI70-1005 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(G) Sales from the added acreage in Docket No. CI64-841 (Lease No. 25357) shall be made at a rate subject to refund in Docket No. RI69-751.

(H) The orders issuing certificates in Dockets Nos. G-20472, CI60-299, CI64-1557, and CI65-931 are amended to reflect the change in name from H. H. Howell (Operator) et al., to Howell Drilling, Inc. (Operator) et al.

(I) The orders issuing certificates in Dockets Nos. CI60-323, CI63-925, and CI66-883¹ are amended to reflect the change in name from Gulf Resources, Inc., to Gulf Energy & Development Corp.

(J) The orders issuing certificates in Dockets Nos. CI60-323, CI63-925, CI64-431, CI66-883,¹ and CI70-556 are amended to reflect the successors in interest as certificate holders.

(K) Permission for and approval of the abandonment of service by applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(L) Permission for and approval of the abandonment in Docket No. CI71-39 shall not be construed to relieve applicant of any refund obligations in the rate proceedings pending in Dockets Nos. RI66-84 and RI70-985.

(M) Permission for and approval of the abandonment in Docket No. CI71-42 shall not be construed to relieve applicant of any refund obligations in the rate proceedings pending in Dockets Nos. RI65-628 and RI70-511.

(N) Permission for and approval of the abandonment of service by applicant in Docket No. CI68-1100 are granted and the temporary certificate heretofore issued in said docket is terminated. Applicant is not relieved of any refunds that may be ordered in the proceeding in Docket No. CI68-1100.

(O) The certificates heretofore issued in Dockets Nos. G-6627, G-6644, G-7108, G-13565, and CI62-896 are terminated.

(P) The name of the respondent, H. H. Howell (Operator) et al., in the proceedings pending in Dockets Nos. RI65-458, RI65-591, RI65-594, RI70-740, RI70-1068, and RI70-1520 is changed to

¹ Temporary certificate.

and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made

effective as prescribed by the Natural Gas Act.

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

(D) Notices of intervention or petitions to intervene may be filed with the

Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 15, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI71-375...	Shell Oil Co.....	249	11	El Paso Natural Gas Co. (Brown-Bassett Field, Crockett County, Tex., R.R. District No. 7-C, Permian Basin).	\$428	10-9-70	11-9-70	4-9-71	14.25	14.3178	
RI71-376...	Atlantic Richfield Co.	511	14	El Paso Natural Gas Co. (Brown-Bassett Field; Terrell County, Tex., R.R. District No. 7-C, Permian Basin Area).	47,239	10-1-70	11-1-70	4-1-71	** 17.06375	18.0250	RI70-964.
RI71-377...	Ferguson Oil Co., Inc.	5	2	Arkansas Louisiana Gas Co. (Witcherville Area, Sebastian Co., Ark.).	6,480	10-19-70	11-19-70	4-19-71	* 15.0	* 17.0	
RI71-378...	Pan American Petroleum Corp.	262	2	Texas Gas Transmission Corp. (Blackburn and East Cartwright Fields, Bossier, Webster and Claiborne).	1,812	10-12-70	11-12-70	4-12-71	** 18.25	** 19.75	
				Texas Gas Transmission Corp. (Calhoun and Carlton Fields, Ouachita Parish, North Louisiana).	900	10-12-70	11-12-70	4-12-71	** 18.25	** 19.75	
				Texas Gas Transmission Corp. (West Lisbon Field, Claiborne Parish).	5,281	10-12-70	11-12-70	4-12-71	** 18.25	** 19.75	
				Texas Gas Transmission Corp. (East Lisbon Field, Claiborne Parish).	2,111	10-12-70	11-12-70	4-12-71	** 18.25	** 19.75	
RI71-379...	Placid Oil Co.....	30	11	H. L. Hunt (North Lansing Field, Harrison County).	136	10-8-70	11-8-70	4-1-71	16.3815	16.5825	RI70-306.
RI71-380...	Cotton Petroleum Co.	2	4	Arkansas Louisiana Gas Co. (Smith No. 1 Unit, Pittsburg County).	2,292	10-9-70	11-9-70	4-9-71	15.0	16.015	
RI71-381...	Sun Oil Co. (Ramirena Field, Live Oak County, Tex., R.R. District No. 2). Sun Oil Co.....	385	6	Valley Gas Transmission Inc. (Ramirena Field, Live Oak County, Tex., R.R. District No. 2).	673	10-12-70	11-20-70	4-20-71	15.05025	16.06	RI68-444.
				United Gas Pipe Line Co. (Cabeza Creek Field, Goliad County, Tex., R.R. District No. 2).	19	10-12-70	11-12-70	Accepted (12)	16.7375	19.0	RI68-100. RI68-100.
RI71-382...	Humble Oil & Refining Co. (Armstrong Field, Jim Hogg County, Tex., R.R. District No. 4).	472	2	Natural Gas Pipeline Co. of America (Armstrong Field, Jim Hogg County, Tex., R.R. District No. 4).	32,400	10-15-70	12-1-70	5-1-71	16.0	17.8	
RI71-383...	Getty Oil Co. (Chocolate Bayou Field, Brazoria County, Tex., R.R. District No. 3).	93	5	Trunkline Gas Co. (Chocolate Bayou Field, Brazoria County, Tex., R.R. District No. 3).	2,802	10-14-70	11-2-71	6-2-71	# 19.07125	20.075	

* Unless otherwise stated, pressure base is 14.65 p.s.i.a.
 † 18-cent base rate plus 0.0675-cent tax reimbursement less 3.75-cent treating charge for removal of diluent content.
 ‡ Pertains only to gas delivered from acreage added by Supplement No. 10. (Ellenberger gas).
 § Previously reported as 13.9993 cents per Mcf. (Base rate of 17 cents per Mef minus 3.633 cents per Mef actual treating charge plus 0.0623 cents per Mef tax reimbursement on difference.)
 ¶ Exclusive of treating charge, which varies up to maximum of 4.5 cents per Mef, with resultant downward adjustment of tax reimbursement on net rate.
 ** Date file completed.
 †† Subject to deduction by buyer of 0.75 cent (single stage) and 1.5 cents (double stage) if gas requires compression.
 †‡ Includes 1.75-cent tax reimbursement.
 †‡‡ Subject to downward B.T.U. Adjustment.
 †‡‡‡ Notice dated Oct. 6, 1970, establishing the terms and conditions under which gas sales will continue in the absence of contract agreement.
 †‡‡‡‡ Suspended in Docket No. RI70-1743 until Dec. 2, 1970.
 †‡‡‡‡‡ 30 days after the date of expiration of the suspension period in Docket No. RI70-1743.
 †‡‡‡‡‡‡ Accepted, effective as of Nov. 12, 1970.
 †‡‡‡‡‡‡‡ Pressure base is 15.025 p.s.i.a.

[Docket No. RI71-384]

SOUTHERN NATURAL GAS CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

OCTOBER 30, 1970.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

resells the residue gas to Texas Eastern Transmission Corp. under his PPC Gas Rate Schedule No. 4. Hunt has filed an increase to 17.07438 cents which is currently suspended in Docket No. RI71-306 until April 1, 1971. Accordingly, Placid's proposed increase should be suspended until April 1, 1971, to coincide with the suspension period for Hunt's increase.

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

[P.R. Doc. 70-14963; Filed, Nov. 6, 1970; 8:45 a.m.]

Atlantic requests that its proposed rate increase be allowed to become effective without suspension, citing the shortage in natural gas supply and the institution of the proceedings in Docket No. AR70-1. In the alternative, Atlantic requests that the suspension period be limited to 1 day if the increase is suspended. Humble also requests a 1-day suspension period. Ferguson and Placid request effective dates prior to the expiration of the 30-day statutory notice period. Good cause has not been shown for granting any of these requests and they are denied.

Placid proposes a rate increase from 16.3815 cents to 16.5825 cents for a sale for resale to H. L. Hunt. Hunt processes the gas and

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

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

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

(B) Pending hearing and decision thereon, the rate supplement herein is

suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplement to the rate schedule filed by respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless respondent is advised to the contrary within 15 days

after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 15, 1970.

By the Commission.

[SEAL]

KENNETH F. PLUMB,
Acting Secretary.

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 ¹		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI71-384	Southern Natural Gas Co.	F-9	(9)	Sea Robin Pipeline Co. Ship Shoal Block 222 Offshore Louisiana.	\$67,500	10-2-70	11-1-70	*11-2-70	18.5	20.0	

¹ Pressure base is 15,025 p.s.i.a.

² Original Sheet No. 278-A to FPC Gas Tariff, Original Volume No. 3.

³ The proposed rate is suspended for 1 day from the expiration of the statutory notice period or 1 day from the date of initial delivery, whichever is later.

The proposed rate increase from 18.5 cents to 20 cents per Mcf which was filed pursuant to Opinion No. 546-A involves the sale of gas well gas from offshore Louisiana. This increase shall be suspended for 1 day from November 1, 1970, the expiration date of the 30-day statutory notice period, or 1 day from the date of initial delivery, whichever is later. Thereafter, the proposed rate may be placed in effect subject to refund under the provisions of section 4(e) of the Natural Gas Act pending the outcome of Docket No. AR69-1.

[P.R. Doc. 70-15024; Filed, Nov. 6, 1970; 8:45 a.m.]

[Docket No. RP71-29]

UNITED GAS PIPE LINE CO.

Notice of Filing of Petition for Declaratory Order Relating to Implementation of Curtailment Program

NOVEMBER 3, 1970.

Take notice that on October 26, 1970, United Gas Pipe Line Co. (United) filed a petition for a declaratory order by the Commission relating to the proposed implementation of section 12 of the General Terms and Conditions of United's FPC Gas Tariff First Revised Volume No. 1 pertaining to priorities in the vent of impairment of deliveries. The aforesaid tariff provisions are found in original sheet No. 71, effective August 1, 1954, and First Revised Sheet No. 72 effective December 16, 1969, covering the proration of impaired deliveries.

United States in its petition that its proposed curtailment program is in implementation of the tariff provisions and like provisions in United's direct sales contracts. United further states that "gas in volumes sufficient to alleviate the need for curtailment will not be available at

this time on a spot purchase basis and the curtailment program must therefore be made effective on November 1, the first day of the winter season".

United also states that "certain of United's customers have expressed strong objections to United's plan of curtailment" and further states that "United believes that these objections are utterly without merit, but the possible gravity of the consequence of leaving these disputes unresolved has forced United to request that the Commission declare the curtailment plan described herein [in the petition] to be in keeping with the provisions of its filed tariff".

The tariff provision establishes gas categories based on end use which determines the order of curtailment among the categories. In each category in the event curtailment is required, the curtailment will be on a ratable basis. United states that based on available data sources it has determined the portion of the gas sold to each of its customers that is used for industrial purposes, the resulting curtailable volumes for each of its customers, and the volumes to be curtailed related to various projected system shortages.

Any person desiring to be heard or make any protest with reference to said petition should on or before November 25, 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 1.18 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.

GORDON M. GRANT,
Secretary.

[P.R. Doc. 70-15025; Filed, Nov. 6, 1970; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

BANCOHIO CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of BancOhio Corp., Columbus, Ohio, for approval of acquisition of voting shares of the successor by merger to The First National Bank at East Palestine, East Palestine, Ohio.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of BancOhio Corp., Columbus, Ohio (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 100 percent (less directors' qualifying shares) of the voting shares of a new national bank into which would be merged The First National Bank at East Palestine, East Palestine, Ohio (Bank). The new national bank has significance only as a means of acquiring all of the shares of the bank to be merged into it.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views

and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on September 22, 1970 (35 F.R. 14746), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant is the second largest banking organization and the largest bank holding company in Ohio, controlling 25 banks with deposits totaling \$1.4 billion, representing 7 percent of deposits held by all banking organizations in Ohio. (All banking data are as of December 31, 1969, adjusted to reflect holding company formations and acquisitions approved by the Board to date.) Applicant's acquisition of Bank, with deposits of \$10 million, would increase its share of deposits in the State by less than 1 percent. The area served by Bank is Columbiana County, where no bank holding company is presently represented. Bank is comparable in size to the two other banks serving the same area which hold deposits of \$8 and \$7 million, respectively. Bank is the sixth largest of the 10 county banks, the largest of which holds 30 percent of county deposits, and the second and third largest hold 18 and 17 percent, respectively. The closest office of any of Applicant's subsidiary banks to Bank is located 50 miles north-east of East Palestine, and there are 54 banking offices and another county situated in the intervening area. Applicant's subsidiary banks do not compete with Bank, and it does not appear that significant future competition would be foreclosed by consummation of this proposal due to the distances separating the banks and limitations placed on branching by Ohio laws.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area. The banking factors as they pertain to Applicant, its present subsidiary banks, and Bank are consistent with approval of the application. Consummation of the proposal would enable Bank to more easily service loan requests in excess of its present lending limit and to offer specialized services (such as trust and international services) not presently available to residents of the East Palestine area. These considerations lend additional weight in favor of approval. It is the Board's judgment that the proposed transaction would be in the public

interest, and that the application should be approved.

It is hereby ordered. For the reasons set forth in the findings summarized above, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,¹
November 3, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-15066; Filed, Nov. 6, 1970;
8:49 a.m.]

FIRST NATIONAL BANCORPORATION, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of The First National Bancorporation, Inc., Denver, Colo., for approval of acquisition of 80 percent or more of the voting shares of The Security State Bank of Sterling, Sterling, Colo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)) an application by The First National Bancorporation, Inc., Denver, Colo., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The Security State Bank of Sterling, Sterling, Colo.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Colorado State Banking Commissioner, and requested his views and recommendation. The Commissioner replied on behalf of the State Banking Board that they offered no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 25, 1970 (35 F.R. 12040), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered. For the reasons set forth in the Board's statement² of

¹ Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

² Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20561, or to the Federal Reserve Bank of Kansas City.

this date that said application by and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,³
November 3, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-15066; Filed, Nov. 6, 1970;
8:49 a.m.]

HUNTINGTON BANCSHARES INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Huntington Bancshares Inc., Columbus, Ohio, for approval of acquisition of 80 percent or more of the voting shares of First National Bank of Lima, Lima, Ohio.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of Huntington Bancshares Inc., Columbus, Ohio (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of First National Bank and Trust Company of Lima, Lima, Ohio (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on September 16, 1970 (35 F.R. 14321), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant, is the State's third largest holding company and sixth largest banking organization controlling seven

³ Voting for this action: Chairman Burns and Governors Mitchell, Maisel, and Sherrill. Voting against this action: Governor Robertson. Absent and not voting: Governors Daane and Brimmer.

banks (44 offices) with total deposits of \$644 million, representing 3.2 percent of the total bank deposits in the State of Ohio. (All banking data are as of Dec. 31, 1969, adjusted to reflect holding company formations and acquisitions approved by the Board to date.) Upon acquisition of Lima Bank (\$58 million deposits), Applicant's share of deposits in the State would increase to 3.4 percent.

Bank, located in Lima, Allen County, is slightly the largest of three banks in Lima and of seven banks operating in the county with 34 percent of deposits in the county. Applicant's nearest subsidiary to Bank is an office of The Bank of Wood County Co. which is located 42 miles north of Lima, in North Baltimore, Wood County, Ohio. Wood County and Allen County are separated by an intervening county. There is no existing competition between Lima Bank and that bank or any other of Applicant's subsidiaries. Furthermore, in view of the distance separating Lima Bank and Applicant's present subsidiaries, and the Ohio law restricting branching to the county of the bank's head office, the possibility of such competition arising in the future appears remote. Consummation of the proposed acquisition, therefore, would not eliminate significant existing competition or foreclose significant potential competition, and would not have undue adverse effects on the viability or competitive effectiveness of any competing bank.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area. The banking factors, as applied to the facts of record, are consistent with approval of the application. Consummation of the proposal would likely lead to broadened lending policies, which have been conservative, and an extension of Lima Bank's services. Considerations relating to the convenience and needs of the communities to be served lend some weight in support of approval. It is the Board's judgment that the proposed transaction is in the public interest and should be approved.

It is hereby ordered, For the reasons set forth above, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,¹
November 2, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.
[F.R. Doc. 70-15026; Filed, Nov. 6, 1970;
8:46 a.m.]

¹ Voting for this action: Chairman Burns and Governors Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Governors Robertson and Sherrill.

MERCANTILE BANCORPORATION, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Mercantile Bancorporation, Inc., St. Louis, Mo., for prior approval by the Board of Governors of action whereby Applicant would become a bank holding company through the merger of Mercantile Trust Co. National Association, St. Louis, Mo., into a nonoperating bank of which Applicant will own all but directors' qualifying shares and, as an incident to the merger, acquisition of indirect ownership of 100 percent of the voting shares (less directors' qualifying shares) of Mercantile-Commerce Trust Co., St. Louis, Mo.; and through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of The Southern Missouri Trust Co., Springfield, 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 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 St. Louis.

By order of the Board of Governors,
November 3, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.
[F.R. Doc. 70-15027; Filed, Nov. 6, 1970;
8:46 a.m.]

SOUTHEAST BANCORPORATION, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Southeast Bancorporation Inc., Miami, Fla., for approval of acquisition of 80 percent or more of the voting shares of The Bank of Hollywood Hills, Hollywood, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Southeast Bancorporation, Inc., Miami, Fla., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The Bank of Hollywood Hills, Hollywood, Fla.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking for the State of Florida and requested his views and recommendation. The Deputy Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on August 12, 1970 (35 F.R. 12804), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired, and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement¹ of this date, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time shall be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta, pursuant to delegated authority.

By order of the Board of Governors,²
November 3, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.
[F.R. Doc. 70-15028; Filed, Nov. 6, 1970;
8:46 a.m.]

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta. Statement of Governors Robertson and Brimmer concurring in part and dissenting in part filed as part of the original document and available upon request.

² Voting for this action: Chairman Burns and Governors Mitchell, Daane, Maisel, and Sherrill. Voting against this action: Governors Robertson and Brimmer.

SOUTHEAST BANCORPORATION, INC.**Order Approving Acquisition of Bank Stock by Bank Holding Company**

NOVEMBER 3, 1970.

In the matter of the application of Southeast Bancorporation, Inc., Miami, Fla., for approval of acquisition of 80 percent or more of the voting shares of Bank of Miramar, Miramar, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Southeast Bancorporation, Inc., Miami, Fla., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Bank of Miramar, Miramar, Fla.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking for the State of Florida and requested his views and recommendation. The Deputy Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on August 12, 1970 (35 F.R. 12804), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement¹ of this date, that said application be and hereby is approved: *Provided* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time shall be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta, pursuant to delegated authority.

By order of the Board of Governors,² November 3, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-15029; Filed, Nov. 6, 1970;
8:46 a.m.]

SOUTHEAST BANCORPORATION, INC.**Order Denying Application for Acquisition of Bank Stock by Bank Holding Company**

In the matter of the application of Southeast Bancorporation, Inc., Miami,

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta. Statement of Governors Robertson and Brimmer concurring in part and dissenting in part filed as part of the original document and available upon request.

² Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

Fla., for approval of acquisition of 80 percent or more of the voting shares of Hollywood Bank and Trust Co., Hollywood, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Southeast Bancorporation, Inc., Miami, Fla., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Hollywood Bank and Trust Co., Hollywood, Fla.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking for the State of Florida and requested his views and recommendation. The Deputy Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on August 12, 1970 (35 F.R. 12804), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement¹ of this date, that said application be and hereby is denied.

By order of the Board of Governors,² November 3, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-15034; Filed, Nov. 6, 1970;
8:47 a.m.]

VALLEY BANCORPORATION**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 Valley Bancorporation, which is a bank holding company located in Appleton, Wis., for prior approval by the Board of Governors of the acquisition by Applicant of 80 percent or more of the voting shares of Farmers and Merchants Bank, Weyauwega, Wis.

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

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta. Statement of Governors Robertson and Brimmer concurring in part and dissenting in part filed as part of the original document and available upon request.

² Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

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 Chicago.

By order of the Board of Governors, October 30, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-15031; Filed, Nov. 6, 1970;
8:47 a.m.]

**INTERIM COMPLIANCE PANEL
(COAL MINE HEALTH AND SAFETY)****BOYD COAL CO. ET AL.****Applications for Renewal Permits;
Notice of Opportunity for Public Hearing**

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

(1) ICP Docket No. 10076, Boyd Coal Co., Mine No. 20, USBM ID No. 44 01513 0, Grundy, Buchanan County, Va., section ID No. 001 (Mine No. 20, section No. 1).

(2) ICP Docket No. 10206, Consolidation Coal Co., Shoemaker No. 9 Mine, USBM ID No. 46 01436 0, Moundsville, Marshall County, W. Va., section ID No. 006 (11 Left off 1 North).

(3) ICP Docket No. 10101, Imperial Smokeless Coal Co., Mine No. 7, USBM ID No. 46 01474 0, Quinwood, Greenbrier County, W. Va., section ID No. 001 (3d East Mains), section ID No. 002 (1st East Mains), section ID No. 003 (1st West), section ID No. 004 (2d Right), section ID No. 005 (1st Right).

(4) ICP Docket No. 10198, Consolidation Coal Co., Ireland Mine No. 8, USBM ID No. 46 01438 0, Moundsville, Marshall County, W. Va., section ID No. 001 (3 North Mains), section ID No. 017 (3 North Returns).

(5) ICP Docket No. 10732, Allied Chemical Corp. (Semet-Solvay Division), Tralee Mine, USBM ID No. 46 01530 0, Tralee, Wyoming County, W. Va., section ID No. 001 (No. 1 Chain Pillar Section), section ID No. 002 (No. 2 Chain Pillar Section).

(6) ICP Docket No. 11206, Allied Chemical Corp.—Semet-Solvay Division, Shannon Branch Mine, USBM ID No. 46 01398 0, Capels, McDowell County, W. Va., Section ID No. 001 (1 North Mains), Section ID No. 005 (2 Right 1 North Mains), Section ID No. 011 (Havaco Mains), Section ID No. 012 (8 Left Havaco), Section ID No. 014 (12 Left Havaco), Section ID No. 015 (15 Right Havaco), Section ID No. 016 (1 Right Havaco Mains).

(7) ICP Docket No. 10842, Allied Chemical Corp.—Semet-Solvay Division, Harewood Mine, USBM ID No. 46 01288 0, Longacre, Fayette County, W. Va., Section ID No. 001 (New Portal Section), Section ID No. 002 (1 Left 1 1/4 West), Section ID No. 003 (0 Right 1 East), Section ID No. 007 (1 East Chain Pillars), Section ID No. 010 (6 Right 5 North), Section ID No. 011 (1 Left 6 Right 5 North), Section ID No. 013 (1 Left H Mine), Section ID No. 014 (A Mine).

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.

NOVEMBER 4, 1970.

[F.R. Doc. 70-15053; Filed, Nov. 6, 1970;
8:48 a.m.]

MASTELLER COAL CO. ET AL.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

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

(1) ICP Docket No. 11284, Masteller Coal Co., Lynnwood No. 4 Mine, USBM ID No. 46 01878 0, Keyser, Mineral County, W. Va., Section ID No. 001 (Main entries).

(2) ICP Docket No. 10328, Eastern Associated Coal Corp., Federal No. 2 Mine, USBM ID No. 46 01456 0, Fairview, Marion County, W. Va., Section ID No. 003 (1 East Mains), Section ID No. 005 (2 Left off 1 East Mains), Section ID No. 007 (2 South Mains).

(3) ICP Docket No. 10326, Eastern Associated Coal Corp., Delmont Mine, USBM ID No. 36 00971 0, Hunker, Westmoreland County, Pa., Section ID No. 004 (1 Right, off 2 Main Dip).

(4) ICP Docket No. 10053, Mid-Continent Coal and Coke Co., L. S. Wood Mine, USBM ID No. 05 00300 0, Carbondale, Garfield County, Colo., Section ID No. 003 (4 North Entry), Section ID No. 004 (1 1/2 North Entry), Section ID No. 006 (7 South Entry).

(5) ICP Docket No. 10714, Buffalo Mining Co., 5-A Mine, USBM ID No. 46 01377 0, Lorado, Logan County, W. Va., Section ID No. 001 (1st Left Sec. No. 1), Section ID No. 002 (Rt. Main Sec.).

(6) ICP Docket No. 10157, George Coal Co., No. 9 Mine, USBM ID No. 46 00944 0, Lelvasy, Nicholas County, W. Va., Section ID No. 001 (Rooms Left Side Main Entry).

(7) ICP Docket No. 10100, Imperial Smokeless Coal Co., Imperial No. 2 Mine, USBM ID No. 46 01472 0, Quinwood, Greenbrier County, W. Va., Section ID No. 001 (3rd Left), Section ID No. 002 (4th Right), Section ID No. 003 (1st North), Section ID No. 005 (1st West), Section ID No. 004 (11 Left).

(8) ICP Docket No. 10735, Consolidation Coal Co., Blacksville No. 1, USBM ID No. 46 01867 0, Blacksville, Monongalia County, W. Va., Section ID No. 001 (1 North), Section ID No. 002 (2 North), Section ID No. 003 (2 South), Section ID No. 004 (1 South), Section ID No. 005 (3 North), Section ID No. 006 (4 North).

(9) ICP Docket No. 10136, Slab Fork Coal Co., No. 8 Mine, USBM ID No. 46 01504 0, Slab Fork, Raleigh County, W. Va., Section ID No. 803 (10 Right off No. 4 South Mains), Section ID No. 805 (16 Right off No. 2 North Mains), Section ID No. 806 (4 Right off No. 3 North 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.

NOVEMBER 3, 1970.

[F.R. Doc. 70-15054; Filed, Nov. 6, 1970;
8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2764]

AMERICAN RESEARCH AND DEVELOPMENT CORP. ET AL.

Notice and Order for Hearing on Application for Order of Exemption

OCTOBER 29, 1970.

In the matter of American Research and Development Corp., 200 Berkeley Street, Boston, Mass. 02116; American Enterprise Development Corp., 200 Berkeley Street, Boston, Mass. 02116; Miller and Fink Publishing Co., 165 West Putnam Avenue, Greenwich, Conn. 06803; and Professional Advisory Services, Inc., 165 West Putnam Avenue, Greenwich, Conn. 06803.

Notice is hereby given that American Research and Development Corp. (Research), a closed-end management investment company registered under the Investment Company Act of 1940 (Act), American Enterprise Development Corp. (Enterprise), a closed-end management investment company registered under the Act, Miller and Fink Publishing Co. (Miller), an operating company controlled by Research and Enterprise, and Professional Advisory Services, Inc. (Advisory Services) (herein collectively referred to as Applicants) have filed an application requesting an order of the Commission pursuant to section 6(c) of the Act exempting Applicants from certain provisions of section 12(d)(3) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Research owns 100 percent of the outstanding voting securities of Enterprise, which in turn owns 52 percent of the outstanding voting securities of Miller. Miller is an operating company primarily engaged directly and through its subsidiaries in the publication of medical and engineering periodicals and the development of marketing information systems for physicians. Miller recently organized Advisory Services for the purpose of providing a "broad financial planning advisory service" for high-income individuals, primarily through a publication to be entitled Money Management for Professionals and also through detailed individual assistance including investment advice. Miller presently owns 84 percent of the outstanding voting securities of Advisory Services and the remaining 16 percent is owned by Advisory Services' vice president and general manager.

Due to the nature of its proposed activities, Advisory Services will be required to register as an investment adviser under section 203 of the Investment Advisers Act of 1940. At the time of such registration, Research, Enterprise and Miller will be considered to have acquired an interest in a registered investment adviser in contravention of the prohibition contained in section 12(d)(3) of the

Act. Accordingly, Applicants request an exemption from the provisions of that section so as to permit them to retain their respective interests in Advisory Services when and if such registration occurs.

Section 12(d) (3) of the Act, in pertinent part, makes it 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 any person who is an investment adviser registered under the Investment Advisers Act of 1940. Miller is a company controlled by a registered investment company by virtue of section 2(a) (9) of the Act.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person or transaction from any provision or provisions of the Act, if and to the extent 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.

It appears to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to said application.

It is ordered. Pursuant to section 40(a) of the Act, that a hearing on the application under the applicable provisions of the Act and rules of the Commission thereunder be held on November 23, 1970 (11 a.m.), in the offices of the Commission, 500 North Capitol Street NW., Washington, D.C. 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person, other than Applicants, desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission on or before November 19, 1970, his application pursuant to Rule 9(c) of the Commission's rules of practice. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address noted above, and proof of service (by affidavit, or, in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered. That any officer or officers of the Commission to be designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Act and to a hearing officer under the Commission's rules and practice.

The Division of Corporate Regulation has advised the Commission that it has made a preliminary examination of the application, and that upon the basis

thereof the following matters are presented for consideration without prejudice to the Division specifying additional matters upon further examination: Whether the requested 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.

It is further ordered. That at the aforesaid hearing attention be given to the foregoing matters.

It is further ordered. That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this order by certified mail to the Applicants, and that notice to all persons shall be given by publication of this order in the FEDERAL REGISTER; and that a general release of the Commission in respect of this order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 70-15070; Filed, Nov. 6, 1970;
8:50 a.m.]

[70-4936]

CONSOLIDATED NATURAL GAS CO. Notice of Proposed Issue and Sale of Debentures

NOVEMBER 2, 1970.

Notice is hereby given that Consolidated Natural Gas Co. (Consolidated), 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Consolidated proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, \$45 million principal amount of ---- percent Debentures due December 1, 1995. The interest rate (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest (which will be not less than 99 percent nor more than 102 percent of the principal amount thereof) will be determined by the competitive bidding. The debentures will be issued as a new series under an Indenture dated as of December 1, 1970, between Consolidated and First National City Bank, New York, N.Y., as Trustee. The Indenture includes a prohibition until December 1, 1975, against refunding the issue with the proceeds of funds borrowed at a lower annual cost of money.

Of the proceeds from the sale of the debentures \$10 million will be used to replenish the general corporate funds for the repayment of a construction bank loan due October 25, 1970, and the balance will be used to finance, in part, the

1970 capital expenditures of Consolidated's subsidiary companies, presently estimated at \$106,000,000.

It is stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated at \$104,000, including service charges of Consolidated Natural Gas Service Co., Inc., an associate company, at cost of \$28,000, Trustee's charges of \$17,000 and accountants' fees and expenses of \$10,000. The fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 25, 1970, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules and regulations 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 postponement thereof.

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

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 70-15068; Filed, Nov. 6, 1970;
8:50 a.m.]

[File Nos. 7-3515-7-3521]

NEWMONT MINING CORP. ET AL. Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 2, 1970.

In the matter of applications of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission

pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Newmont Mining Corp.....	7-3515
New York State Electric & Gas Corp.....	7-3516
Northeast Utilities.....	7-3517
Oklahoma Gas & Electric Co.....	7-3518
Pet, Inc.....	7-3519
Philadelphia Electric Co.....	7-3520
Phillips Industries, Inc. (Ohio).....	7-3521

Upon receipt of a request, on or before November 17, 1970, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-15073; Filed, Nov. 6, 1970;
8:50 a.m.]

[File Nos. 7-3522-7-3527]

PITNEY-BOWES, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 2, 1970.

In the matter of applications of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Pitney-Bowes, Inc.....	7-3522
Pittston Co.....	7-3523
Plessey Co., Ltd. (ADR).....	7-3524
Ordinary Shares (10s Par).....	7-3525
Potomac Electric Power Co.....	7-3526
Ramada Inns, Inc.....	7-3527
R. J. Reynolds Industries, Inc. (Delaware).....	7-3528

Upon receipt of a request, on or before November 17, 1970, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-15071; Filed, Nov. 6, 1970;
8:50 a.m.]

[811-1245]

PYRAMID INVESTORS, INC.

Notice of Proposal to Terminate Registration

NOVEMBER 2, 1970.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 (Act) to declare by order upon its own motion that Pyramid Investors, Inc. (Pyramid), c/o Parker, Hoover & Roush, Strauss Building, Fort Wayne, Ind. 46802, formerly an Indiana corporation, registered under the Act as an open-end diversified management company, has ceased to be an investment company.

Pyramid registered under the Act on January 6, 1964. A registration statement under the Securities Act on Form S-4 was made effective on June 24, 1964. A registration statement on Form S-5 was made effective on April 1, 1966.

Information available to the Commission indicates that a special meeting of shareholders was held on February 13, 1968, and adjourned to March 12, 1968, at which time shareholders voted to adopt a resolution authorizing dissolution of Pyramid in accordance with required procedures of Indiana law. Such dissolution was completed on August 12, 1968, with the issuance of a certificate of dissolution from the Secretary of State of Indiana. A precondition to the issuance of such certificate was final clearance from the Indiana Gross Income Tax Division, Indiana Employment Security Division and other state agencies. At the date of dissolution the corporation had 7,288 shares of common capital stock issued and outstanding among 46 shareholders.

The Commission has further been informed that Pyramid's assets at the time

of dissolution were deposited with the Lincoln National Bank and Trust Company of Fort Wayne, Ind., as liquidating agent for distribution to the shareholders, at which time there were no undischarged liabilities. Distributions of Pyramid's cash assets to all shareholders was substantially completed on or about April 30, 1968.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order, the registration of such company shall cease to be in effect, and that, if necessary for the protection of investors, such order may be made upon appropriate conditions.

Notice is further given that any interested person may, not later than November 23, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Pyramid Investors, Inc., at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in this notice, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-15069; Filed, Nov. 6, 1970;
8:50 a.m.]

[File Nos. 7-3528-7-3535]

SCHLUMBERGER, N.V., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 2, 1970.

In the matter of applications of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	<i>File No.</i>
Schlumberger, N.V.....	7-3528
Seatrains Lines, Inc.....	7-3529
Skyline Corp.....	7-3530
Tampa Electric Co.....	7-3531
Telex Corp.....	7-3532
United Brands Co.....	7-3533

University Computing Co.....	7-3534
Zurn Industries, Inc.....	7-3535

Upon receipt of a request, on or before November 17, 1970, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary,

Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL]

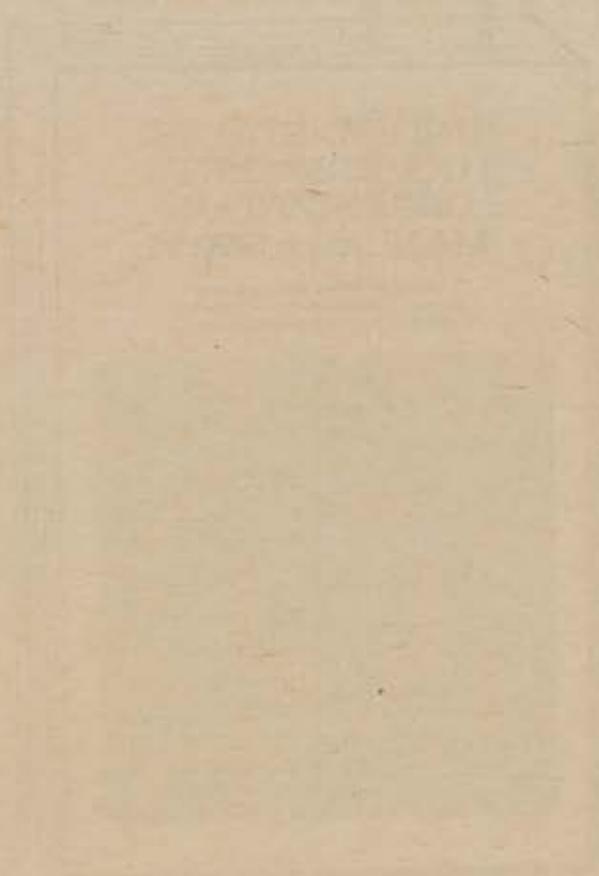
ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 70-15072; Filed, Nov. 6, 1970;
8:50 a.m.]

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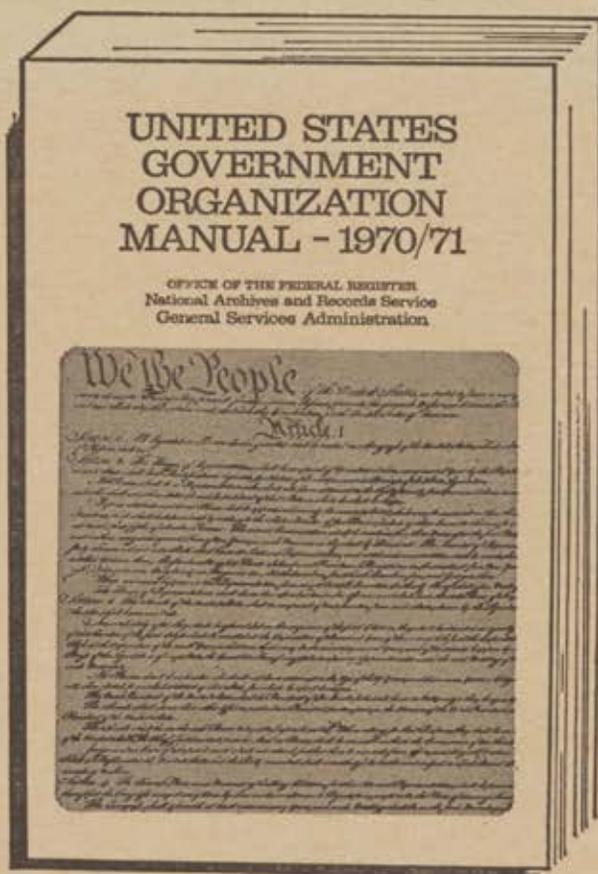


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