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Agencies in this issue—

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Civil Aeronautics Board
Civil Service Commission
Coast Guard
Consumer and Marketing Service
Delaware River Basin Commission
Federal Aviation Administration
Federal Communications Commission
Federal Crop Insurance Corporation
Federal Power Commission
Federal Trade Commission
Fish and Wildlife Service
General Services Administration
Hazardous Materials Regulations Board
Housing and Urban Development Department
Immigration and Naturalization Service
Internal Revenue Service
Interstate Commerce Commission
Land Management Bureau
National Park Service
Public Health Service
Veterans Administration

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PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3184 is amended to show that the position of Director, Office of Investigations, Office of Audits and Investigations, Office of the Assistant Secretary for Administration, is excepted under Schedule A in lieu of the position of Director, Inspection Division, Office of the Secretary. Effective on publication in the FEDERAL REGISTER, paragraph (a) is revoked and paragraph (d) is added to § 213.3184 as set out below.

§ 213.3184 Department of Housing and Urban Development.

(a) [Revoked]

* * * * *

(d) *Office of the Assistant Secretary for Administration.* (1) Director, Office of Investigations, Office of Audits and Investigations.

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

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

[F.R. Doc. 70-15718; Filed, Nov. 20, 1970; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one additional position of Confidential Assistant to the Chief, Children's Bureau, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (o) of § 213.3316 is amended as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(o) *Social and Rehabilitation Service.* * * *

(2) Two Confidential Assistants to the Chief, Children's Bureau.

* * * * *

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

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

[F.R. Doc. 70-15717; Filed Nov. 20, 1970; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

Deletion of Wasty Staple Definition

Pursuant to the authority vested in the Secretary of Agriculture under section 4863 of the cotton futures provisions in the Internal Revenue Code of 1954 (26 U.S.C. 4863), § 27.38 of the regulations (7 CFR 27.38) made by the Secretary of Agriculture for classification of cotton under such provisions is hereby amended by deleting paragraph (b) thereof.

Paragraph (b) of § 27.38 of the regulations contained a definition of "Cotton of Wasty Staple," to denote cotton of weak, irregular or immature staple. This term is no longer used in such cotton classification because staple fineness is now indicated under the regulations by the use of micronaire readings. Therefore this term is obsolete. The sole purpose of this amendment is to delete the obsolete definition from the regulations. Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure on this amendment are unnecessary, and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective on publication in the FEDERAL REGISTER.

(Sec. 4863 of Act of Aug. 16, 1954, c. 736, 68A Stat. 582, 26 U.S.C. 4863; 29 F.R. 16210, as amended; 33 F.R. 10750)

Issued: November 17, 1970.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 70-15702; Filed, Nov. 20, 1970; 8:46 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. No. 36]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

CORN ENDORSEMENT; GRAIN AND SILAGE

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1971 crop year in the following respects:

Section 1 and subsections 4 (d) and (e) of the corn endorsement (grain and silage) shown in § 401.142(a) of this chapter are amended effective beginning with the 1971 crop year to read as follows:

§ 401.142 The corn endorsement ((grain and silage) provides insurance on corn planted for harvest as grain or for silage and is applicable only in those counties where a production guarantee in bushels of corn per acre is shown on the county actuarial table).

(a) * * *

1. *Insured crop.* The crop insured shall be corn normally regarded as field corn planted for harvest as grain, including any such corn planted in the same manner for harvest as silage, as determined by the Corporation: *Provided*, That in counties where a conversion factor for converting tons of silage to bushels of corn is shown on the county actuarial table, field corn or silage corn planted for harvest as grain or silage shall be insured. Insurance shall not attach on any acreage on which it is determined by the Corporation that the corn was planted for the development or production of hybrid seed.

* * * * *

(4) * * *

(d) For the purpose of determining the production of corn to be counted in counties where a conversion factor for converting tons of silage to bushels of corn is shown on the actuarial table, the Corporation shall (1) determine the tonnage of silage harvested and appraise the production of unharvested silage corn or corn thick planted for silage, as determined by the Corporation, and (2) convert such silage to bushels of corn using the number of bushels per ton shown on the actuarial table or the number of bushels of corn for grain appraised (adjusted in accordance with the applicable provisions of subsection (e) of this section) for such acreage, whichever the Corporation elects.

For the purpose of determining the production of corn to be counted in counties where a conversion factor for converting tons of silage to bushels of corn is not shown on the actuarial table, the production to be counted from any acreage of corn which is harvested for silage shall be the greater of the following items (1) and (2): (1) 20 percent of the harvested production guarantee in bushels for such acreage; or (2) the gross number of bushels of corn for grain appraised by the Corporation for such acreage without any adjustment (the provisions of subsection (e) of this section shall not be applicable with respect to this appraisal).

Notwithstanding section 8(a) of the policy, if the insured desires to harvest the crop on any insured acreage for silage, and an insured loss is probable, he shall give notice in writing to the Corporation at the office for the county before harvest is commenced. The Corporation shall, pursuant to such notice, appraise the production on the insured acreage but if unable to do so prior to harvest, the insured may harvest the crop on the condition that representative rows

are left for Corporation production appraisals including at least three separate areas of three rows each running the entire length of the field (excluding the first four rows on the sides of the field). The Corporation reserves the right to reject any claim for loss if any of the requirements of this section are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined: *Provided, further,* That such appraisals of production made hereunder shall be made on the basis of the most favorable conditions prevailing and shall not be reduced because of any damage to representative rows, or areas, after the crop was harvested.

(e) The following provisions are applicable to corn crop insurance contracts:

The provisions of this paragraph shall be applicable to corn crop insurance contracts in all States except Minnesota and Wisconsin. Notwithstanding the provisions of subsection (c) of this section, in determining the production of corn, other than the corn harvested for silage (except in appraising the number of bushels of corn for grain from acreage cut for silage in counties where a conversion factor is shown on the actuarial table as provided in the first item (2) of subsection (d) of this section), or appraised for silage referred to in subsection (d) of this section to be counted, the Corporation shall, where appropriate when due to insurable causes occurring within the insurance period, first adjust such production as follows: The production shall be reduced 1.2 percent for each full 1 percent of moisture in excess of 16 percent up to and including 30 percent, and for each full 1 percent of moisture in excess of 30 percent up to and including 40 percent the production shall be reduced 2 percent. If the Corporation determines that the moisture content is over 40 percent or if the test weight of shelled corn is below 40 pounds per bushel, the percent of the production to be counted shall be that as agreed upon by the Corporation and the insured, or in the absence of agreement as appraised by the Corporation: *Provided however,* That the percent of the gross production of corn harvested for grain to be counted shall not be less than 35 percent.

The provisions of this paragraph shall be applicable only to corn crop insurance contracts in Minnesota (except Dakota, Douglas, Fillmore, Goodhue, Grant, Houston, Olmsted, Pope, Scott, Stearns, Todd, Wabasha, Washington, Winona, and Wright Counties), and in Wisconsin (except those counties in which a production guarantee in tons of silage per acre is shown on the actuarial table). Notwithstanding the provisions of subsection (c) of this section, in determining the production of corn with a moisture content of 17 percent or more, other than corn harvested for silage (except in appraising the number of bushels of corn for grain from acreage cut for silage as provided in the first item (2) of subsection (d) of this section), or appraised for silage referred to in subsection (d) of this section, to be counted, the Corporation shall, where appropriate when due to insurable causes occurring within the insurance period, first reduce such production 1 percent for each full 1 percent of moisture in excess of 16 percent up to and including 40 percent. If the Corporation determines that the moisture content is over 40 percent or if the test weight of shelled corn is below 40 pounds per bushel, the percent of the production to be counted shall be that as agreed upon by the Corporation and the insured, or in the absence of agreement as appraised by the Corporation: *Provided, however,* That the percent of the gross production of corn harvested for grain to be counted shall not be less than 35 percent.

The provisions of this paragraph shall be applicable only to corn crop insurance contracts in Dakota, Douglas, Fillmore, Goodhue, Grant, Houston, Olmsted, Pope, Scott, Stearns, Todd, Wabasha, Washington, Winona, and Wright Counties, Minnesota. Notwithstanding the provisions of subsection (c) of this section, in determining the production of corn with a moisture content of 26 percent or more, other than the corn harvested for silage or appraised for silage referred to in subsection (d) of this section, to be counted, the Corporation shall, where appropriate when due to insurable causes occurring within the insurance period, first adjust such production as follows: The production of any such corn with a moisture content of: (1) 26 percent through 30 percent shall be adjusted by multiplying the number of bushels by 95 percent, (2) 30.1 percent through 35 percent shall be adjusted by multiplying the number of bushels by 90 percent, (3) 35.1 percent through 40 percent shall be adjusted by multiplying the number of bushels by 85 percent. If the Corporation determines that the moisture content is over 40 percent or if the test weight of shelled corn is below 40 pounds per bushel, the percent of the production to be counted shall be that as agreed upon by the Corporation and the insured, or in the absence of agreement as appraised by the Corporation: *Provided, however,* That the percent of the gross production of corn harvested for grain to be counted shall not be less than 35 percent.

* * * * *

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on November 5, 1970.

[SEAL] MORRIE S. HILL,
Acting Secretary,
Federal Crop Insurance Corporation.

Approved: November 17, 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-15700; Filed, Nov. 20, 1970; 8:46 a.m.]

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

[Orange Reg. 66, Amdt. 2]

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 the 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 oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the committees reflects their appraisal of the potential marketing situation during the week in which Thanksgiving Day occurs and for the period immediately following. Historically, there has been heavy purchasing of fresh oranges in the terminal markets prior to Thanksgiving Day followed by a period of slow movement immediately following the holiday. Inordinate shipments in the period of slow movement tend to depress market prices and returns to growers. Hence, the curtailment of orange shipments, as hereinafter specified, is necessary to prevent a buildup of orange supplies in the markets during and immediately following the Thanksgiving Day week in order to prevent unduly depressed market prices and returns to growers.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that 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 24, 1970. Domestic shipments of Florida oranges are currently regulated pursuant to Orange Regulation 66 (35 F.R. 14499, 16909) and, unless sooner terminated or modified, will continue to be so regulated through September 12, 1971; determinations as to need for, and extent of, regulation under § 905.52(a)(3) of the order must await the development of the crop and the availability of information about the demand for such fruit; the recommendation and supporting information for limiting the total quantity of fresh oranges by prohibiting the shipment thereof, pursuant to said section, during the period November 24 through November 26, 1970, as herein provided, were promptly submitted to the Department after an open meeting on November 12, 1970, to consider recommendations for such regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; supplemental information was submitted to the Department on November 16, 1970; information regarding the provisions of the regulation recommended by the committee has been disseminated among shippers of oranges grown in the production area, and this regulation, including the effective time thereof, is identical with the recommendation of the committees; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

(a) *Order.* In paragraph (a) of § 905.524 (Orange Regulation 66; 35 F.R. 14499, 16909) the provisions of paragraph (a)(1) preceding subdivision (i) thereof are revised, and a new

paragraph (a)(2) is added reading as follows:

§ 905.524 Orange Regulation 66.

(a) * * *

(1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period September 16, 1970, through September 12, 1971, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * *

(2) During the period November 24 through November 26, 1970, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any oranges grown in the production area.

* * * * *

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

Dated, November 18, 1970, to become effective November 24, 1970.

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

[F.R. Doc. 70–15761; Filed, Nov. 20, 1970; 8:50 a.m.]

[Grapefruit Reg. 69, 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 the 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 grapefruit, 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 potential marketing situation during the week in which Thanksgiving Day occurs and for the period immediately following. Historically, there has been heavy purchasing of fresh grapefruit in the terminal markets prior to Thanksgiving Day followed by a period of slow movement immediately following the holiday. Inordinate shipments in the period of slow movement tend to depress market prices and returns to growers. Hence, the curtailment of grapefruit shipments, as hereinafter specified, is necessary to prevent a buildup of grapefruit supplies in the markets during and immediately following the Thanksgiving Day week in order to prevent unduly depressed market prices and returns to growers.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that 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 24, 1970. Domestic shipments of Florida grapefruit are currently regulated pursuant to Grapefruit Regulation 69 (35 F.R. 14499) and, unless sooner terminated or modified, will continue to be so regulated through September 12, 1971; determinations as to need for, and extent of, regulation under § 905.52(a)(3) of the order must await the development of the crop and the availability of information about the demand for such fruit; the recommendation and supporting information for limiting the total quantity of fresh grapefruit by prohibiting the shipment thereof, pursuant to said section, during the period November 24 through November 26, 1970, as herein provided, were promptly submitted to the Department after an open meeting on November 12, 1970, to consider recommendations for such regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; supplemental information was submitted to the Department on November 16, 1970; information regarding the provisions of the regulation recommended by the committees has been disseminated among shippers of grapefruit grown in the production area, and this regulation, including the effective time thereof, is identical with the recommendation of the committees; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

(a) *Order.* In paragraph (a) of § 905.525 (Grapefruit Regulation 69, 35 F.R. 14499) the provisions of paragraph (a)(1) preceding subdivision (i) thereof are revised and a new paragraph (a)(2) is added to read as follows:

§ 905.525 Grapefruit Regulation 69.

(a) * * *

(1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period September 16, 1970, through September 12, 1971, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * *

(2) During the period November 24 through November 26, 1970, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any grapefruit grown in the production area.

* * * * *

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

Dated, November 18, 1970, to become effective November 24, 1970.

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

[F.R. Doc. 70–15760; Filed, Nov. 20, 1970; 8:50 a.m.]

[Tangelo 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 the 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 tangelos, 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 potential marketing situation during the week in which Thanksgiving Day occurs and for the period immediately following. Historically, there has been heavy purchasing of fresh tangelos in the terminal markets prior to Thanksgiving Day followed by a period of slow movement immediately following the holiday. Inordinate shipments in the period of slow movement tend to depress market prices and returns to growers. Hence, the curtailment of tangelo shipments, as hereinafter specified, is necessary to prevent a buildup of tangelo supplies in the markets during and immediately following the Thanksgiving Day week in order to prevent unduly depressed market prices and returns to growers.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation 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 24, 1970. Domestic shipments of Florida tangelos are currently regulated by grade and size pursuant to Tangelo Regulation 40 (35 F.R. 14500), and, unless sooner terminated or modified, will continue to be so regulated through September 12, 1971; determinations as to the need for, and extent of, regulation under § 905.52 (a)(3) of the order must await the development of the crop and the availability of information about the demand for such fruit; the recommendation and supporting information for limiting the total quantity of fresh tangelos by prohibiting the shipment thereof pursuant to § 905.52(a)(3) during the period November 24 through November 26, 1970, as herein provided, were promptly submitted to the Department after an open meeting on November 12, 1970, to consider recommendations for such regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; supplemental information was submitted to the Department on November 16, 1970; information regarding the provisions of the regulation recommended by the committees has been disseminated among shippers of tangelos grown in the production area, and this regulation, including the effective time thereof, is identical with the recommendation of the committees; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(a) *Order.* In paragraph (a) of § 905.526 (Tangelo Regulation 40; 35 F.R. 14500) the provisions of paragraph (a)(1) preceding subdivision (i) thereof are revised and a new paragraph (a)(2) is added to read as follows:

§ 905.526 Tangelo regulation 40.

(a) * * *

(1) Except as otherwise provided in paragraph (a)(2) of this section, during the period September 16, 1970, through September 12, 1971, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * *

(2) During the period November 24 through November 26, 1970, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any tangelos grown in the production area.

* * * * *

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

Dated, November 19, 1970, to become effective November 24, 1970.

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

[F.R. Doc. 70-15798; Filed, Nov. 20, 1970; 8:50 a.m.]

[Tangerine Reg. 40, Amdt. 2]

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 the 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 potential marketing situation during the week in which Thanksgiving Day occurs and for the period immediately following. Historically, there has been heavy purchasing of fresh tangerines in the terminal markets prior to Thanksgiving Day followed by a period of slow movement immediately following the holiday. Inordinate shipments in the period of slow movement tend to depress market prices and returns to growers. Hence, the curtailment of tangerine shipments, as hereinafter specified, is necessary to prevent a buildup of tangerine supplies in the markets during and immediately following the Thanksgiving Day week in order to prevent unduly depressed market prices and returns to growers.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation 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 provision hereof effective not later than November 24, 1970. Domestic shipments of Florida tangerines are currently regulated by grade and size pursuant to Tangerine Regulation 40 (35 F.R. 16075, 17167), and, unless sooner terminated or modified, will continue to be so regulated through September 12, 1971; determinations as to the need for, and extent of, regulation under § 905.52 (a)(3) of the order must await the development of the crop and the availability of information about the demand for such fruit; the recommendation and supporting information for limiting the total quantity of fresh tangerines by prohibiting the shipment thereof pursuant to § 905.52(a)(3) during the period November 24 through November 26, 1970, as herein provided, were promptly submitted to the Department after an open meeting on November 12, 1970, to consider recommendations for such regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; supplemental information was submitted to the Department on November 16, 1970; information regarding the provisions of the regulation recommended by the committees has been disseminated among shippers of tangerines, grown in the production area, and this regulation, including the effective time thereof, is identical with the recommendation of the committees; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(a) *Order.* In paragraph (a) of § 905.528 (Tangerine Regulation 40; 35 F.R. 16075, 17167) the provisions of paragraph (a)(1) preceding subdivision (i) thereof are revised and a new paragraph (a)(2) is added to read as follows:

§ 905.528 Tangerine regulation 40.

(a) * * *

(1) Except as otherwise provided in paragraph (a)(2) of this section, during the period October 19, 1970, through September 12, 1971, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * *

(2) During the period November 24 through November 26, 1970, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any tangerines grown in the production area.

* * * * *

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

Dated, November 19, 1970, to become effective November 24, 1970.

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

[F.R. Doc. 70-15799; Filed, Nov. 20, 1970; 8:50 a.m.]

[Lemon Reg. 455]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.755 Lemon Regulation 455.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein where promptly submitted to the Department after such meeting was held; the provisions of this section, including its effectve time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation 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 17, 1970.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period November 22, 1970, through November 28, 1970, are hereby fixed as follows:

(i) District 1: 21,000 cartons;
(ii) District 2: 46,000 cartons;
(iii) District 3: 108,000 cartons.

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

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

Dated: November 19, 1970.

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

[F.R. Doc. 70-15800; Filed, Nov. 20, 1970; 8:50 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 214—NONIMMIGRANT CLASSES

Intracompany Transferees

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on October 21, 1970 (35 F.R. 16410), pursuant to section 553 of title 5 of the United States Code (80 Stat. 383) and in which there were set out the terms of the proposed amendments pertaining to intracompany transferees. The representations which were received concerning the proposed rules of October 21, 1970, have been considered. The only change made in the proposed rules has been in § 214.2 (l)(3) by deleting the sentence which provided that approval of the beneficiary's employment was automatically suspended while a strike or other labor dispute involving a work stoppage or layoff of employees was in progress in the occupation and at the place the alien was being employed. The proposed rules, as modified, are hereby adopted:

1. The first and fourth sentences of subparagraph (1) *Petitions* of paragraph (h) *Temporary employees* of § 214.2 *Special requirements for admission, extension, and maintenance of status* are amended to read as follows: "An alien defined in section 101(a)(15)(H) of the Act must be the beneficiary of an approved visa petition filed on Form I–129B. * * * The spouse and minor children of the beneficiary are entitled to nonimmigrant H classification if accompanying or following to join him."

2. Subdivision (iv) *Petition for intracompany transferee* of subparagraph (2) *Supporting evidence* of paragraph (h) *Temporary employees* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is revoked.

3. Section 214.2 is amended by redesignating paragraph (l) *NATO aliens* as paragraph (m) and by adding a new paragraph (l) to read as follows:

(l) *Intracompany transferees*—(1) *Petition.* An alien defined in section 101(a)(15)(L) of the Act must be the beneficiary of an approved visa petition filed on Form I–129B. A separate petition for each such alien, with supporting documents, shall be filed by the petitioner with the district director having administrative jurisdiction over the place in the United States where the beneficiary will perform the services. The approval of a petition under this paragraph shall be valid for the period of established need for the beneficiary's temporary services not to exceed 1 year. The spouse and minor children of the beneficiary are entitled to the same nonimmigrant classification if accompanying or following to join him. However, neither the spouse nor a child may accept employment unless such spouse or child is the beneficiary of an approved petition filed in his behalf. The petitioner, who need not be a U.S. resident, shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

(2) *Supporting evidence.* A petitioner seeking to accord an alien classification under section 101(a)(15)(L) of the Act shall attach to the petition a statement describing the capacity in which the beneficiary has been employed abroad and the capacity in which he is to be employed in the United States. If the services to be rendered by the beneficiary are not managerial or executive in nature but involve specialized knowledge, the statement shall describe the nature of the specialized knowledge possessed by the beneficiary which makes his presence in the United States necessary.

(3) *Admission, employment, and extension.* A beneficiary may apply for admission to the United States only during the period of validity of the petition, and the period of his initial authorized stay shall not exceed the date of validity of that petition. The approval of any petition is automatically terminated when the petitioner dies, goes out of business, or files a written withdrawal of the petition before the beneficiary arrives in the United States. Upon application on Form I–539, extensions of stay may be authorized in increments of not more than 12 months under the same terms and conditions as apply to an admission, except that a new petition will not be required to continue previously authorized temporary employment. The beneficiary's spouse and children admitted in his nonimmigrant classification may be included in his extension application and given extension of stay coextensive with his.

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

The basis and purpose of the above-prescribed regulations are to clarify and to separately state those rules pertaining to intracompany transferees.

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of

section 553 of title 5 of the United States Code (80 Stat. 383), as to delayed effective date, is unnecessary in this instance and would serve no useful purpose because the persons affected thereby will not require additional time to prepare for the effective date of the regulations.

Dated: November 17, 1970.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 70-15698; Filed, Nov. 20, 1970; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1807]

PART 13—PROHIBITED TRADE PRACTICES

Henry Gold and Quality Crafts of Arlington

Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act; § 13.1760 *Terms and conditions:* 13.1760-50 Sales contract. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905-50 Sales contract; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Henry Gold et al., Alexandria, Va., Docket C-1807, Oct. 7, 1970]

In the Matter of Henry Gold, an Individual Trading as Quality Crafts of Arlington

Consent order requiring an individual of Alexandria, Va., seller of crystal, flatware, china, and other merchandise at retail, to cease violating the Truth in Lending Act by failing to use on installment contracts the terms "cash price," "cash downpayment," "unpaid balance of cash price," "amount financed," "financed charge," "total of payments," and "deferred payment price" as prescribed by Regulation Z of the Act; inducing customers to sign blank or partially completed promissory notes and failing to furnish a copy of the executed notes; failing to disclose to customers the right-to-cancel the sale with 3 days, on sales made in the home; and preserving credit customers' rights or defenses if their notes are turned over to third parties.

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

It is ordered, That respondent Henry Gold, an individual trading as Quality Crafts of Arlington, or trading or doing business under any other name or form of business, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the consumer credit sale of crystal, china, flatware, or any other merchandise or services, as "credit sale" is defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to use the term "cash price," as defined in § 226.2(i) of Regulation Z, to describe the price of the merchandise or services purchased, as required by § 226.8(c)(1) of Regulation Z.

2. Failing to use the term "cash downpayment" to describe the downpayment in money, as required by § 226.8(c)(2) of Regulation Z.

3. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the cash downpayment, as required by § 226.8(c)(3) of Regulation Z.

4. Failing to use the term "amount financed" to describe the amount of credit extended, as required by § 226.8(c)(7) of Regulation Z.

5. Failing to use the term "finance charge" to describe the total cost of credit determined in accordance with § 226.4 of Regulation Z, as required by § 226.8(c)(8)(i) of Regulation Z.

6. Failing to disclose the finance charge expressed as an annual percentage rate, computed in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

7. Failing to disclose the terms "annual percentage rate" and "finance charge" more conspicuously than other required terminology, as required by § 226.6(a) of Regulation Z.

8. Failing to use the term "total of payments" to describe the sum of payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

9. Failing to use the term "deferred payment price" to describe the sum of the cash price, other charges, and the finance charge, as required by § 226.8(c)(8)(ii) of Regulation Z.

10. Failing to identify the method of computing any unearned portion of the finance charge in the event of prepayment of an obligation, as required by § 226.8(b)(7) of Regulation Z.

11. Failing to disclose the date on which the finance charge begins to accrue, when that date is different from the date of the transaction, as required by § 226.8(b)(1) of Regulation Z.

12. Engaging in any credit sale without making all disclosures that are required to be made in connection with that credit sale in the manner and form prescribed by §§ 226.6 and 226.8 of Regulation Z.

It is further ordered, That Henry Gold, an individual trading as Quality Crafts of Arlington, or under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of crystal, china, flatware or any other merchandise or services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Inducing or causing purchasers or prospective purchasers of respondent's merchandise to sign blank or partially completed promissory notes or any other contractual instruments.

2. Failing or refusing to provide purchasers of respondent's merchandise with a copy of the executed promissory note and any other document evidencing the purchaser's transaction or obligation at the time of execution by the purchaser.

3. Assigning, selling or otherwise transferring respondent's notes, contracts or other documents evidencing a purchaser's indebtedness, unless any rights or defenses which the purchaser has and may assert against respondent are preserved and may be asserted against any assignee or subsequent holder of such note, contract or other such documents evidencing the indebtedness.

4. Failing to include the following statement clearly and conspicuously on the face of any note, contract or other evidence of indebtedness executed by or on behalf of respondent's customers:

NOTICE

Any holder of this instrument takes it subject to all rights and defenses which would be available to the purchaser in any action arising out of the contract or transaction which gave rise to the debt evidenced hereby, notwithstanding any contractual provisions or other agreement waiving said rights or defenses.

5. In connection with any sale made in the buyer's home,

(a) Contracting for any sale which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after the date of consummation of the transaction.

(b) Failing to disclose, orally prior to the time of sale, and in writing on any conditional sales contract, promissory note or other instrument executed by the buyer with such conspicuousness and clarity as likely to be observed and read by such buyer, that the buyer may rescind or cancel the sale by directing or mailing a notice of cancellation to respondent's address prior to midnight of the third day, excluding Sundays and legal holidays, after the date of the sale. Upon such cancellation the burden shall be on respondent to collect any goods left in buyer's home and to return any payments received from the buyer. Nothing contained in this right-to-cancel provision shall relieve buyers of the responsibility for taking reasonable care of the goods prior to cancellation and during a reasonable period following cancellation.

(c) Failing to provide a separate and clearly understandable form which the buyer may use as a notice of cancellation.

(d) Negotiating any conditional sales contract, promissory note, or other instrument of indebtedness to a finance company or other third party prior to midnight of the fifth day, excluding

Sundays and legal holidays, after the date of execution by the buyer.

(e) *Provided, however,* That nothing contained in paragraph 5 of this order shall relieve respondent of any additional obligations respecting contracts made in the home required by Federal law or the law of the State in which the contract is made. When such obligations are inconsistent respondent can apply to the Commission for relief from this provision with respect to contracts executed in the State in which such different obligations are required. The Commission, upon proper showing, shall make such modifications as may be warranted in the premises.

It is further ordered, That respondent shall forthwith deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondent's products or services, and shall secure from each such salesman or other person a signed statement acknowledging receipt of said order.

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

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in respondent's business such as assignment or sale, resulting in the emergence of a successor business, corporate or otherwise, the creation of subsidiaries, or any other change which may affect compliance obligations arising out of the order.

Issued: October 7, 1970.

By the Commission.

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

[F.R. Doc. 70-15684; Filed, Nov. 20, 1970; 8:45 a.m.]

[Docket No. C-1810]

PART 13—PROHIBITED TRADE PRACTICES

William A. Jones and Illinois Collection Service

Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1390 *Concealed subsidiary, fictitious collection agency, etc.;* § 13.1425 *Government connection.* Subpart—Using misleading name—Vendor: § 13.2365 *Concealed subsidiary, fictitious collection agency, etc.;* § 13.2380 *Government connection.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, William A. Jones et al., Joliet, Ill., Docket C-1810, Oct. 20, 1970]

In the Matter of William A. Jones, an Individual Doing Business as Illinois Collection Service

Consent order requiring a Joliet, Ill., individual engaged in the business of operating a debt collection agency to cease using debt collection forms which simulates a Government document or inaccurately states the rights of a creditor against a debtor, using any envelope which appears governmental or has a Washington, D.C., return address without indicating that it is not from the U.S. Government, threatening legal action, and threatening to contact delinquent debtor's employer.

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

It is ordered, That respondent William A. Jones, an individual doing business as Illinois Collection Service, or under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the solicitation of accounts for collection or the collection of, or attempts to collect, alleged delinquent accounts or the obtaining of, or attempts to obtain, information concerning alleged delinquent debtors, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using any debt collection form or other material:

a. Which appears to be, or simulates, an official or governmental form or document;

b. Which bears the name "Payment Demand" or any other name which creates the false impression that a party other than respondent is attempting to collect an alleged debt;

c. Which misrepresents or inaccurately states the right of a creditor under State law to attach the real or personal property, income, wages, or other property of an alleged delinquent debtor;

d. Which contains a statement of the rights of a creditor to attach after judgment the real or personal property, income, wages, or other property of an alleged delinquent debtor without disclosing that judgment may not be entered against the debtor unless he has first had an opportunity to appear and defend himself in a court of law: *Provided, however,* That it shall be a defense hereunder for respondent to establish that a form containing a statement prohibited by this paragraph (d) is sent only to debtors against whom final judgments have been obtained.

2. Using any envelope for debt collection purposes:

a. Which appears to be, or simulates, an official or governmental envelope;

b. Which purports to come from a party other than respondent;

c. Which contains a Washington, D.C., return address without disclosing in a prominent place, in clear language, and in type at least as large as the largest type used on said envelope, respondent's name and the fact that the enclosed forms do not come from the U.S. Government;

d. Which contains the statement "The Form Enclosed Is Confidential No One Else May Open" or any statement of similar import.

3. Representing directly or by implication, that legal action will be instituted against an alleged delinquent debtor unless such legal action will in fact be instituted as represented if the debtor fails to make payment or otherwise settle his account.

4. Representing, directly or by implication, that an alleged delinquent debtor's employer will be contacted unless such action will in fact be taken as represented if the debtor fails to make payment or otherwise settle his account.

5. Falsely representing that a form or notice used for debt collection purposes is a draft or similar instrument.

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

Issued: October 20, 1970.

By the Commission.

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

[F.R. Doc. 70-15685; Filed, Nov. 20, 1970; 8:45 a.m.]

[Docket No. C-1812]

PART 13—PROHIBITED TRADE PRACTICES

Mars, Inc., and M&M/Mars

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170-64 Nutritive. Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising:* 13.2275-70 Television depictions.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Mars, Inc. et al., Hackettstown, N.J., Docket C-1812, Oct. 22, 1970]

In the Matter of Mars, Inc., Doing Business as M&M/Mars

Consent order requiring a Hackettstown, N.J., candy manufacturer to cease using any advertisement which represents that its "Milky Way" milk chocolate bar will have a nutritional value equivalent to that of the ingredients used in its preparation or that said candy bar can or should be substituted for milk or milk products.

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

It is ordered, That respondent Mars, Inc., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of "Milky Way" milk chocolate bar, or any other candy preparation of similar composition or possessing substantially similar properties, do forthwith cease and desist from directly or indirectly:

I. Disseminating, or causing the dissemination of any advertisement by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which:

1. Represents directly or by implication:

(a) That the said candy, at the time it is consumed, will have a nutritional value equivalent to that of the ingredients used in its preparation, or that the specific nutritional value of any ingredient remains available in the candy at the time it is consumed.

(b) That the said candy can or should be substituted for milk or milk products in the diet by reason of the use of milk or milk products as ingredients in said candy.

2. Misrepresents:

(a) The quantity or quality of whole milk or milk products used as an ingredient in said candy;

(b) The nutritional value of said candy in any manner whatsoever.

II. Disseminating, or causing the dissemination of any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of respondent's preparation, in commerce, as "commerce" is defined in the Federal Trade Commission Act, which contains any of the representations or misrepresentations prohibited in paragraph I hereof.

III. It is understood by Mars, Inc., that truthful and nondeceptive statements of the actual nutritive value when consumed of the "Milky Way" milk chocolate bar, or any other candy preparation of similar composition or possessing substantially similar properties, would not be prohibited by this agreement.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

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

Issued: October 22, 1970.

By the Commission.

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

[F.R. Doc. 70-15686; Filed, Nov. 20, 1970; 8:45 a.m.]

[Docket No. C-1811]

PART 13—PROHIBITED TRADE PRACTICES

Murray Glick and Raynard Watch Co.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Murray Glick et al., New York, N.Y., Docket C-1811, Oct. 21, 1970]

In the Matter of Murray Glick, an Individual Doing Business as Raynard Watch Co.

Consent order requiring a New York City individual engaged in the watch repair business to cease misrepresenting that his repair work is fully guaranteed, that his charge includes insurance, making charges higher than the amounts specified in the guarantee, and placing in the hands of others means to deceive the consuming public.

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

It is ordered, That respondent Murray Glick, an individual doing business as Raynard Watch Co., or under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, or sale of watch repair services or the dissemination by any means of guarantees on watches or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

a. That a product is guaranteed when any provision of the guarantee is not fully complied with;

b. That repair work will be performed by skilled factory experts or otherwise misrepresenting in any manner the nature and scope of respondent's business;

c. That a charge for repair work includes the cost of insurance or any other item of cost, when such insurance or other item of cost is not provided;

d. That repair work will be performed within a stated period of time, when such is not the case.

2. Making a charge for repair work which is more than the amount specified for such work under the terms of a guarantee.

3. Placing in the hands of retailers or others the means and instrumentalities by and through which they may deceive or mislead the purchasing public as to the things hereinabove prohibited.

It is further ordered, That respondent shall deliver a copy of this order to cease and desist to all corporations, firms, or individuals who now or in the future are parties to any agreement under which respondent performs repair work for their customers.

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

Issued: October 21, 1970.

By the Commission.

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

[F.R. Doc. 70-15687; Filed, Nov. 20, 1970; 8:45 a.m.]

[Docket No. C-1808]

PART 13—PROHIBITED TRADE PRACTICES

Pinros and Gar Corp.

Subpart—Advertising falsely or misleadingly: § 13.245 *Specifications or standards conformance.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1680 *Manufacture or preparation.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Pinros and Gar Corp., New York, N.Y., Docket C-1808, Oct. 14, 1970]

Consent order requiring a New York City importer and distributor of transistorized radios from foreign manufacturers to cease and desist from misrepresenting in any manner the number of transistors or other components in respondent's products or the functions of any such component.

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

It is ordered, That respondent Pinros and Gar Corp., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the manufacturing, advertising, offering for sale, sale or distribution of radio receiving sets, including transceivers, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, through the use of the terms transistor or "Solid State" or any other word or phrase that any radio set contains a specified number of transistors when one or more such transistors: (1) Are dummy transistors; (2) do not perform the recognized and customary functions of radio set transistors in the detection, amplification and reception of radio signals; or (3) are used in parallel or cascade applications which do not improve the performance capabilities of such sets in the reception, detection and amplification of radio signals: *Provided however*, That nothing herein shall be construed to prohibit in connection with a statement as to the actual transistor count (computed without inclusion of transistors which do not perform the functions of detection, amplification and reception of radio signals), a further statement to the effect that the sets in addition contain one or more transistors acting as diodes or performing auxiliary or other functions when such is the fact.

2. Misrepresenting, in any manner, the number of transistors or other components in respondent's products or the functions of any such component.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

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

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

Issued: October 14, 1970.

By the Commission.[1]

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

[F.R. Doc. 70-15688; Filed, Nov. 20, 1970; 8:45 a.m.]

[Docket No. C-1809]

PART 13—PROHIBITED TRADE PRACTICES

Voltaire Time, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-75 Foreign branches, operations, etc.; 13.15-235 Producer status of dealer or seller: 13.15-235(m) Manufacturer; 13.15-255 Reputation, success, or standing; § 13.30 *Composition of goods;* § 13.70 *Fictitious or misleading guarantees;* § 13.105 *Individual's special selection or situation;* § 13.125 *Limited offers or supply;* § 13.155 *Prices:* 13.155-100 Usual as reduced, special, etc. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1420 *Foreign status, branches, operations, etc.;* § 13.1530 *Producer status of dealer;* § 13.1540 *Reputation, success or standing;* Misrepresenting oneself and goods—Goods: § 13.1590 *Composition;* § 13.1647 *Guarantees;* § 13.1663 *Individual's special selection or situation;* § 13.1747 *Special or limited offers;* Misrepresenting oneself and goods—Prices: § 13.1825 *Usual as reduced or to be increased.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Voltaire Time, Inc. et al., New York, N.Y., Docket C-1809, Oct. 16, 1970]

In the Matter of Voltaire Time, Inc., a Corporation, Doing Business as Germinal and Germinal Voltaire and Maurice Elk, Individually and as an Officer of Said Corporation

Consent order requiring a New York City distributor of watches to cease misrepresenting that it operates a factory in Switzerland, that its prospective customers have been especially selected or that it intends to sell watches through stores in the United States, that its watches are in limited supply and will be sold in the future at higher prices, falsely representing savings available to purchasers or that watches have been in continuous manufacture since 1848 or have been purchased by Americans in Europe, falsely guaranteeing the watches, and failing to disclose the true metal composition of the watches.

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

It is ordered, That respondents Voltaire Time, Inc., a corporation, trading as Germinal or Germinal Voltaire or under any other name or names, and its officers, and Maurice Elk, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of watches or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication:

(a) That respondents have business headquarters or a factory located in Switzerland with offices located in the United States; or

(b) That letters, advertising, or promotional or other printed material are distributed or caused to be distributed by a business based in Switzerland.

2. Misrepresenting, in any manner, the location or domicile of respondents' business or the source or origin of respondents' solicitation, advertisements, goods, products or services.

3. Representing, directly or by implication, that respondents own or operate a factory or manufacture the products offered for sale and sold by them.

4. Representing, directly or by implication, that persons to whom advertising, promotional or other material is sent or offers of sale are made are specially selected; or misrepresenting, in any manner, the class or category of persons to whom such material is sent or to whom offers are made.

5. Representing, directly or by implication, that the purpose of solicitations or inquiries is to obtain advertising or marketing information for use in connection with the offering for sale of watches or other products through stores in the United States; or misrepresenting, in any manner, the intent or purpose for which any solicitation, survey or inquiry is made.

6. Representing, directly or by implication, that said products are to be offered in stores in the United States.

7. Representing, directly or by implication, that said watches or any other products are being offered at a reduced price in return for the recipient completing a questionnaire.

8. Representing, directly or by implication, that said watches or any other products are in limited supply or that the offer is limited or restricted as to time or in any other manner unless any represented limitation or restriction in fact existed and was in good faith imposed and adhered to.

9. Representing, directly or by implication, that any amount is the price at which watches or any other product will be sold at a future time unless said watches or other products were, within the represented future time, put on the market in substantial numbers and in good faith offered to the public at the represented prices, in the usual course of business, and for a substantial period of time.

10. Representing, directly or by implication, that any retail price for watches or any other product is a reduced price unless such price constitutes a significant reduction from an established selling price at which said watches or other products have been sold in substantial quantities by respondents at retail in the recent regular course of business.

11. Falsely representing, in any manner, that savings are available to purchasers or prospective purchasers of respondents' products or misrepresenting, in any manner, the amount of savings available to purchasers or prospective purchasers of respondents' products.

12. Representing, directly or by implication, that watches offered for sale and sold by respondents:

(a) Are world famous or,

(b) Have been manufactured continuously since 1848 or,

(c) Have been previously purchased by Americans in Europe or,

(d) Have never before been sold in the United States.

13. Misrepresenting, in any manner, the reputation of watches or products or the places where or the length of time during which they have been manufactured or sold.

14. Representing, directly or by implication, that watches or products or the services in connection therewith are guaranteed unless the extent and nature of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

15. Offering for sale or selling watches, the cases or the attached wristbands of which are in whole or in part composed of base metal which has been treated with an electrolytically applied flashing or coating of precious metal of less than one and one-half one thousandths of an inch over all exposed surfaces after completion of all finishing operations, without clearly and conspicuously disclosing respectively on both such cases and attached wristbands or parts that they are base metal which have been flashed or coated with a thin and unsubstantial coating.

16. Offering for sale or selling watches, the cases or the attached wristbands of which are in whole or in part composed of base metal which have been treated to simulate precious metal, without clearly and conspicuously disclosing on both such cases and wristbands the true

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[1] Commissioner Elman not participating.

respective metal composition of such cases, wristbands or parts thereof.

17. Misrepresenting, in any manner, the metal content or composition of any of respondents' products.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

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

Issued: October 16, 1970.

By the Commission.[1]

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

[F.R. Doc. 70-15689; Filed, Nov. 20, 1970; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER O—POLLUTION

[CGFR 70-126]

PART 153—CONTROL OF POLLUTION BY OIL AND HAZARDOUS SUBSTANCES, DISCHARGE REMOVAL

1. Section 102 of the Water Quality Improvement Act of 1970 (84 Stat. 91) amended certain sections of the Federal Water Pollution Control Act (62 Stat. 1155, as amended; 33 U.S.C. 466) including the insertion of a new section 11. This new section provides for prevention measures, cleanup procedures, enforcement authority, and penalties relating to the discharge of harmful amounts of oil into or upon the navigable waters of the United States, adjoining shorelines, or the contiguous zone.

2. Subsection 11(b)(4) of the Act requires that any person in charge of a vessel or of an onshore or offshore facility, as soon as he has knowledge of any discharge of oil in harmful quantities from such vessel or facility into or upon the waters designated by the Act or the adjoining shorelines, shall immediately notify the appropriate agency of the United States Government of such discharge. Pursuant to delegated authority, the Secretary of the Interior has by regulation established what constitutes under the Act the discharge of oil in harmful quantities. These regulations are contained in Title 18, Code of Federal Regulations, Part 610 and were published in the FEDERAL REGISTER of September 11, 1970 (35 F.R. 14306). By Executive Order 11548 (35 F.R. 11677), dated July 20, 1970, the President designated the Coast Guard as the "appropriate agency" to which notice of the discharge of oil shall be given and authorized the issuance of regulations to implement this designation.

3. Subsection 11(b)(5) of the Act authorizes the assessment of a civil penalty when oil is knowingly discharged into or upon the waters and land areas specified in the Act. Subsection 11(j)(2) additionally authorizes the assessment of a civil penalty for violation of any regulation issued pursuant to subsection 11(j)(1) of the Act. Both civil penalty authorities together with certain specified authority under subsection 11(j)(1) relating to the issuance of regulations for prevention of discharge of oil from vessels and facilities and relating to the inspection of vessels and their oil cargoes have been delegated to the Commandant by the President and the Secretary of Transportation respectively in Executive Order 11548 (35 F.R. 11677) and 49 CFR 1.46 (l) and (m) (35 F.R. 14509). In addition, Executive Order 11548 delegated to the Commandant the responsibility and authority to carry out the provisions of subsection 11(m) relating to the enforcement of section 11 of the Act.

4. Pursuant to these authorizations, this document amends Subchapter O of Title 33, Code of Federal Regulations by adding a new Part 153—Control of Pollution by Oil and Hazardous Substances, Discharge Removal. At the present time, it is contemplated that Part 153 will consist of four subparts. This document only includes two subparts, A and B. Subpart A—General, is concerned with regulations of general application. Subpart A contains definitions of terms used in Part 153 and delegations of authority from the Commandant, U.S. Coast Guard to the Coast Guard District Commanders. Subpart B is concerned with the notice of the discharge of oil. It provides the details concerning the manner in which and the persons to whom the notice required by subsection 11(b)(4) is to be given.

5. The addition of Subpart A involves a delegation of authority and relates to the internal management of the Coast Guard and notice and public procedures thereon are not required. Since it is imperative that the public be informed without delay as to the manner in which the notice required by the statute is to be given, it is found that notice and public procedure on Subpart B are not required. Accordingly, this amendment can be made effective in less than 30 days.

6. Based on the preceding, Subchapter O is amended by adding Part 153 to read as follows:

Subpart A—General

Sec.
153.01 Definitions.
153.03 Delegations of authority.

Subpart B—Notice of the Discharge of Oil

Sec.
153.100 Purpose.
153.105 Procedure for notice of the discharge of oil.

Subpart A—General

AUTHORITY: The provisions of this Subpart A issued under subsections 11(b)(5), 11(j)(2), and 11(m) of the Federal Water Pollution Control Act (62 Stat. 1155; 33 U.S.C. 466), as amended by the Water Quality Improvement Act of 1970 (84 Stat. 91), E.O. 11548 (35 F.R. 11677), 49 CFR 1.45(b) (35 F.R. 4959), 49 CFR 1.46 (l) and (m) (35 F.R. 14509).

§ 153.01 Definitions.

As used in this part, the following terms shall have the meanings indicated below.

(a) "Oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

(b) "Discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping.

(c) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel.

(d) "Public vessel" means a vessel owned or bare-boat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce.

(e) "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(f) "Person" includes an individual, firm, corporation, association, and a partnership.

(g) "Person in charge" refers to supervisory personnel who have operational responsibility for the particular vessel or facility at the time of the discharge.

(h) "Contiguous zone" means the entire zone established or to be established by the United States under Article 24 of the Convention on the Territorial Sea and the Contiguous Zone.

(i) "Onshore facility" means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land.

(j) "Offshore facility" means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than a vessel or a public vessel.

§ 153.03 Delegations of authority.

(a) The Secretary of Transportation by 49 CFR 1.45(b), 1.46 (l) and (m) delegated to the Commandant, U.S. Coast Guard, with the authority to redelegate and authorize successive redelegations of that authority, the functions vested in him by subsection 11(b)(5) of the Federal Water Pollution Control Act (62 Stat. 1155; 33 U.S.C. 466), as

[1] Commissioner Elman not participating.

amended by the Water Quality Improvement Act of 1970 (84 Stat. 91), and by sections 2 (b) and (d) of Executive Order 11548, 3 CFR, July 20, 1970.

(b) Each District Commander is delegated authority within his assigned District to:

(1) Assess the civil penalty prescribed by subsection 11(b)(5) of the Federal Water Pollution Control Act, as amended by the Water Quality Improvement Act of 1970, for the discharge of oil in harmful quantities into or upon the navigable waters of the United States, adjoining shorelines or the contiguous zone in violation of the Act, and

(2) Assess the civil penalty prescribed by subsection 11(j)(2) of the Act for violation of any regulation issued by the Commandant pursuant to subsections 11(j)(1) (C) and (D) of the Act.

(c) The District Commander may by specific order in writing redelegate to appropriate staff officers of his command the authority to assess civil penalties contained in paragraph (b) (1) and (2) of this section.

(d) Any Coast Guard commissioned, warrant, and petty officer is authorized to enforce the provisions of section 11 of the Federal Water Pollution Control Act.

Subpart B—Notice of the Discharge of Oil

AUTHORITY: The provisions of this Subpart B issued under Subsection 11(b)(4) of the Federal Water Pollution Control Act (62 Stat. 1155; 33 U.S.C. 466), as amended by the Water Quality Improvement Act of 1970 (84 Stat. 91), and E.O. 11548, 3 CFR, July 20, 1970.

§ 153.100 Purpose.

(a) Subsection 11(b)(4) of the Federal Water Pollution Control Act (62 Stat. 1155; 33 U.S.C. 466), as amended by the Water Quality Improvement Act of 1970 (84 Stat. 91), requires that any person in charge of a vessel or of an onshore or offshore facility shall, as soon as he has knowledge of the discharge of oil from such vessel or facility into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in harmful quantities, as determined in accordance with the provisions of 18 CFR Part 610, immediately notify the appropriate agency of the U.S. Government of such discharge. By Executive Order 11548 (3 CFR, July 20, 1970), the President designated the Coast Guard as the "appropriate agency" for the purpose of receiving the notice of discharge of oil.

(b) The purpose of this subpart is to prescribe the manner in which the notice required by subsection 11(b)(4) of the Federal Water Pollution Control Act, as amended, is to be given and to list the appropriate Coast Guard officers and other government officials to receive such notice.

§ 153.105 Procedure for notice of the discharge of oil.

(a) Any person in charge of a vessel or an onshore or offshore facility, as soon as he has knowledge of any discharge of oil from the vessel or facility into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in harmful quantities as determined in accordance with the provisions of 18 CFR Part 610, shall give immediate notice of such discharge by the most expeditious means available which includes the use, in order of priority, of telephone, radiotelephone, radio telecommunications, or other means of rapid communication.

(b) The notice required by paragraph (a) of this section shall be given to one of the following officials:

(1) The Commanding Officer or Officer-in-Charge of any Coast Guard unit in the vicinity of the discharge;

(2) The Commander of the Coast Guard District in which the discharge occurs. See the table in paragraph (d) of this section for a listing of States and their corresponding Coast Guard districts and the table in paragraph (e) of this section for the addresses and telephone numbers of each Coast Guard district office.

(3) The Federal Official designated in the applicable Regional Oil and Hazardous Materials Pollution Contingency Plan as the On-Scene Commander (OSC) for spill response purposes. A Regional Oil and Hazardous Material Pollution Contingency Plan is available at each Coast Guard district office and at the regional offices of the Federal Water Quality Administration (FWQA). See the table in paragraph (e) of this section for the location and addresses of the regional offices of the Federal Water Quality Administration.

(c) If, after reasonable effort, notice to one of the officials designated in paragraph (b) of this section cannot be given, the notice required by paragraph (a) of this section shall be given to one of the following officials:

(1) The Commandant, U.S. Coast Guard, 400 Seventh Street SW., Washington, D.C. 20591 (Telephone 202-426-1830);

(2) The Regional Director of the Federal Water Quality Administration for the region in which the discharge occurs. See paragraph (e) of this section.

(d) Table 153.105(d)(1) lists the Standard Administrative Regions of the States under the National Oil and Hazardous Materials Pollution Contingency Plan and the corresponding Coast Guard Districts and Federal Water Quality Administration Regions.

TABLE 153.105(d)(1)

States	Coast Guard district	FWQA region
Region I:		
Maine	1st	Northeast.
New Hampshire	1st	Do.
Vermont	1st	Do.
Massachusetts	1st	Do.
Connecticut	3d	Do.
Rhode Island	1st	Do.
Region II:		
New York:		
(Coastal Area)	3d	Do.
(Great Lakes Area)	9th	Do.
New Jersey	3d	Do.
Region III:		
Pennsylvania:		
(East Coast)	3d	Middle Atlantic.
(Lakeside)	9th	Do.
Maryland	5th	Do.
Delaware	3d	Northeast.
West Virginia	2d	Ohio Basin.
Virginia	5th	Middle Atlantic.
Puerto Rico	7th	Southeast.
Virgin Islands	7th	Do.
Region IV:		
Kentucky	2d	Ohio Basin.
Tennessee	2d	Do.
North Carolina	5th	Middle Atlantic.
South Carolina	7th	Do.
Georgia	7th	Southeast.
Florida:		
(Atlantic and Gulf Coasts)	7th	Do.
(Panhandle)	8th	Do.
Alabama	8th	Do.
Mississippi	8th	Do.
Canal Zone	7th	Do.
Region V:		
Minnesota	9th	Great Lakes.
Wisconsin	9th	Do.
Michigan	9th	Do.
Illinois	9th	Do.
Indiana	9th	Do.
Ohio	9th	Do.
Region VI:		
New Mexico	8th	South Central.
Texas	8th	Do.
Oklahoma	2d	Do.
Arkansas	2d	Do.
Louisiana	8th	Do.
Region VII:		
Nebraska	2d	Missouri Basin.
Iowa	2d	Great Lakes.
Kansas	2d	Missouri Basin.
Missouri	2d	Do.
Region VIII:		
Montana	13th	Missouri Basin.
Wyoming	2d	Do.
Utah	11th/12th	Southwest.
Colorado	2d	Missouri Basin.
Region IX:		
California:		
(Northern)	12th	Southwest.
(Southern)	11th	Do.
Nevada	12th	Do.
(Clark County)	11th	Do.
Arizona	11th	Do.
New Mexico	8th	South Central.
Hawaiian Islands	14th	Southwest.
Region X:		
Washington	13th	Northwest.
Oregon	13th	Do.
Idaho	13th	Do.
Alaska	17th	Do.

(e) Table 153.105(e)(1) shows the current address and the telephone number of each Coast Guard district and each regional office of the Federal Water Quality Administration.

TABLE 153.105(e)(1)

Coast Guard			Federal Water Quality Administration		
District	Address	Telephone	Regional office	Address	Telephone
1st	J. F. Kennedy Federal Bldg., Government Center, Boston, Mass. 02203.	Duty Officer: 617-223-3645.	Northeast	J. F. Kennedy Federal Bldg., Room 2303, Boston, Mass. 02203.	617-223-7210
2d	Federal Bldg., 1520 Market St., St. Louis, Mo. 63103.	Duty Officer: 314-622-4614.	Mid-Atlantic	918 Emmet St., Charlottesville, Va. 22901.	703-296-1376
3d	Governors Island, New York, N.Y. 10004	Duty Officer: 212-264-4800.	Southeast	Suite 300, 1421 Peachtree St. NE., Atlanta, Ga. 30309.	404-526-5737
5th	Federal Bldg., 431 Crawford St., Portsmouth, Va. 23705	Duty Officer: 703-393-6081.	Ohio Basin	4676 Columbia Parkway, Cincinnati, Ohio 45226.	513-871-6200
7th	Room 1018, Federal Bldg., 51 Southwest First Ave., Miami, Fla. 33130.	Duty Officer: 305-350-5611.	Northwest	Room 570, Pittock Block, Portland, Oreg. 97205.	503-226-3915
8th	Customhouse, New Orleans, La. 70130.	Duty Officer: 504-527-6225.	Great Lakes	Room 410, 33 East Congress Parkway, Chicago, Ill. 60605.	312-828-5250
9th	1240 East Ninth St., Cleveland, Ohio 44199.	Duty Officer: 216-522-3983.	Missouri Basin.	911 Walnut St., Room 702, Kansas City, Mo. 64106.	816-374-5493
11th	Heartwell Bldg., 19 Pine Ave., Long Beach, Calif. 90802.	Duty Officer: 213-590-2225.	South Central.	Third Floor, 1402 Elm St., Dallas, Tex. 75202.	214-749-2161
12th	630 Sansome St., San Francisco, Calif. 94126.	Duty Officer: 415-556-5500.	Southwest	760 Market St., San Francisco, Calif. 94102.	415-556-5870
13th	618 Second Ave., Seattle, Wash. 98104.	Duty Officer: 206-624-2902.			
14th	677 Ala Moana Blvd., Honolulu, Hawaii 96813.	Duty Officer: (Honolulu) 533-1215.			
17th	Post Office Box 3-5000, Juneau, Alaska 99801.	Duty Officer: 907-586-7340.			

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

Dated: November 18, 1970.

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

[F.R. Doc. 70-15706; Filed, Nov. 20, 1970; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Shenandoah National Park, Va.; Fishing Season on Staunton and Rapidan Rivers

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), and section 3 of the Act of May 22, 1926 (44 Stat. 616, as amended; 16 U.S.C. 403), and the Act of August 19, 1937, as amended; 16 U.S.C. 403c-1), 245 DM-1 (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director Southeast Region Order No. 4 (31 F.R. 8135, as amended), § 7.15 of Title 36 of the Code of Federal Regulations is amended as set forth below.

The purpose of these regulations is to amend the fishing season regulations on the Staunton and Rapidan Rivers to conform to the State regulations on the adjoining sections of the rivers.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. However, since this revision will not impose any additional restrictions on the public, comment thereon is deemed to be unnecessary and not in the public interest.

This amendment will thus take effect upon its publication in the FEDERAL REGISTER.

Section 7.15 (a) (3) is amended to read as follows:

§ 7.15 Shenandoah National Park.

(a) *Fishing.* * * *

(3) *Season.* The opening date of the trout fishing season and the permissible hours of fishing shall conform with those of the State of Virginia and shall close on the same date as the State, or October 15, whichever is earlier; except on the Staunton and Rapidan Rivers where the season will be open all year.

* * * * *

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3)

R. TAYLOR HOSKINS,
Superintendent
Shenandoah National Park.

[F.R. Doc. 70-15692; Filed, Nov. 20, 1970; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

Miscellaneous Amendments

1. In § 17.47, paragraphs (d) and (e) are amended and paragraph (f) is added so that the amended and added material reads as follows:

§ 17.47 Eligibility for hospital, domiciliary or nursing home care of persons discharged or released from active military, naval, or air service.

* * * * *

(d) Hospital or domiciliary care for veterans of any war, or of service after January 31, 1955, or any veteran awarded the Medal of Honor, who swear they are unable to defray the expense of hospital or domiciliary care except veterans in receipt of pension shall not have to state under oath that they are unable to defray the expense of hospital or domiciliary care, and who are suffering from a disability, disease, or defect which, being susceptible to cure or decided improvement, indicates need for hospital care, or which, being essentially chronic in type, is producing disablement of such degree and of such probable persistency as will incapacitate from earning a living for a prospective period, and thereby indicates need for domiciliary care. Transportation at Government expense will not be provided to such veterans unless they make the statement under oath that they are unable to defray the expenses of transportation. An additional requirement for eligibility for domiciliary care is the ability of the veteran to perform all of the following:

(1) Perform without assistance daily ablutions, such as brushing teeth; bathing; combing hair; body eliminations.

(2) Dress himself with a minimum of assistance.

(3) Proceed to and return from the dining hall without aid.

(4) Feed himself.

(5) Secure medical attention on an ambulatory basis or by use of personally propelled wheelchair.

(6) Have voluntary control over body eliminations or control by use of an appropriate prosthesis.

(7) Share, by his personal efforts, in some measure, however slight, in the maintenance and operation of the station.

(8) Make rational and competent decisions as to his desires to remain or leave the station.

Except for applicants presenting emergent conditions, consideration in admissions under this paragraph may be given to the length or character of service.

(e) Nursing home care for veterans hospitalized under paragraph (a), (b), (c), (d), or (f) of this section who have attained maximum hospital benefit, or veterans domiciled under paragraph (c) or (d) of this section, when they require a period of nursing home care.

(f) Hospital care for any veteran for a non-service-connected disability if such veteran is 65 years of age or older.

2. In § 17.48, paragraph (c) (2) and that portion of paragraph (d) preceding subparagraph (1) are amended to read as follows:

§ 17.48 Considerations applicable in determining eligibility for hospital or domiciliary care.

* * * * *

(c) Under paragraph (d) of § 17.47:

* * * * *

(2) "Unable to defray the expense of hospital or domiciliary care"—the affidavit of the applicant on VA Form 10–P–10 that he is unable to defray the expenses of hospital or domiciliary care or that he is unable to defray the expenses of transportation to and from a VA facility will constitute sufficient warrant to furnish hospitalization or domiciliary care or Government transportation.

(d) Persons hospitalized pursuant to paragraph (c)(1), (d) or (f) of § 17.47, who it is believed may be entitled to hospital care or medical or surgical treatment or to reimbursement for all or part of the cost thereof by reason of any one or more of the following:

* * * * *

3. In § 17.49(a)(3), subdivisions (iii)(a), (v), (vi), and (ix) and paragraph (b)(2) are amended to read as follows:

§ 17.49 Veterans Administration policy on priorities for hospital and domiciliary care.

(a) *Priorities for hospital care.* Eligible persons will be admitted or transferred to a Veterans Administration hospital in the following order:

* * * * *

(3) *Priority groups.* * * *

(iii) Group III includes:

(*a*) Veterans receiving hospital or domiciliary care from the Veterans Administration pursuant to § 17.47 (c), (d), or (f), as applicable, whose transfer to a Veterans Administration hospital has been requested for medical reasons except as follows: Veterans eligible under § 17.47 (d) or (f), admitted to general medical and surgical hospitals who subsequently are determined to require psychiatric care for more than 6 months will not be accorded priority for transfer under this group. (See Group V.)

* * * * *

(v) Group V includes:

(*a*) Veterans eligible under § 17.47 (d) or (f) admitted to general medical and surgical hospitals who subsequently are determined to require psychiatric care for more than 6 months and transfer to a neuropsychiatric hospital has been requested.

(*b*) Patients eligible under § 17.47 (c), (d), or (f) who on application were admitted to a hospital other than the appropriate one nearest to the point of application. These veterans may be transferred to the appropriate hospital which is nearest to the point of application provided the clinical findings indicate that they will require 90 days or more of inpatient care in the latter hospital.

(*c*) Patients eligible under § 17.47 (c), (d), or (f) currently hospitalized in an appropriate Veterans Administration hospital nearest the point of application who have requested a transfer at their own expense to an appropriate Veterans Administration hospital nearer their home, provided clinical findings indicate that such patients will require hospital care for a period of 90 days or more in the latter hospital.

(vi) Group VI includes veterans eligible under § 17.47 (d) or (f) not hospitalized by the Veterans Administration. (Are not in hospitals or are in non-Veterans Administration hospitals but not under Veterans Administration authorization.)

* * * * *

(ix) Group IX includes veterans eligible under § 17.47 (d) or (f) requiring hospital care (*a*) for an occupational injury or disease incurred in or as a result of their employment who are entitled to necessary medical and hospital treatment elsewhere at no expense to themselves by means of some form of industrial coverage provided by their employer or under a workmen's compensation statute or law or (*b*) who are entitled to necessary medical and hospital treatment elsewhere at no expense to themselves by reason of some other form of insurance. An applicant will be classified in (*a*) or (*b*) of this priority group only when an employer or insurer has admitted liability and advised the Veterans Administration in writing that the veteran is eligible for the necessary medical and hospital care at no expense to himself. If such information is not available, the application will be placed in Group VI and no action will be taken to ascertain liability prior to admission of the veteran.

* * * * *

(b) *Priorities for domiciliary care.* Each person who applies and qualifies for domiciliary care will be classified in one of the applicable priority groups listed in this paragraph.

* * * * *

(2) Priority for admission to domiciliary care (except as noted in subparagraph (1) of this paragraph).

(i) Group I includes patients eligible under § 17.47(c)(3), who are not absent sick in hospital from domicile status, awaiting admission from Veterans Administration hospitals.

(ii) Group II includes applicants eligible under § 17.47(c)(3).

(iii) Group III includes patients eligible under § 17.47 (d) or (f), who are not absent sick in hospital from domicile status, awaiting admission from Veterans Administration hospitals.

(iv) Group IV includes applicants eligible under § 17.47(d) who are in receipt of less than $265 income a month for their own use.

(v) Group V includes applicants eligible under § 17.47(d) who are in receipt of $265 or more income a month for their own use.

(vi) Group VI includes members awaiting transfer for personal reasons from other Veterans Administration domiciliaries and domiciliary sections of centers.

NOTE: The provisions of § 17.48(b)(1) will apply in determining whether the veteran has $265 income available for his own use.

4. Section 17.50 is revised to read as follows:

§ 17.50 Use of Department of Defense, Public Health Service or other Federal hospitals with beds allocated to the Veterans Administration.

Hospital facilities operated by the Department of Defense or the Public Health Service (or any other agency of the U.S. Government) may be used for the care of Veterans Administration patients pursuant to agreements between the Veterans Administration and the department or agency operating the facilities. When such an agreement has been entered into and a bed allocation for Veterans Administration patients has been provided for in a specific hospital covered by the agreement, care may be authorized within the bed allocation for any veteran eligible under § 17.47. Care in a Federal facility not operated by the Veterans Administration, however, shall not be authorized for any military retiree whose sole basis for eligibility is under § 17.46 (b)(2), or, except in Alaska and Hawaii, for any retiree of the uniformed services suffering from a chronic disability whose entitlement is under §§ 17.46b, 17.47(b)(2), or 17.47(c)(2) regardless of whether he may have dual eligibility under other provisions of § 17.47.

5. In § 17.51, that portion preceding paragraph (a) is amended to read as follows:

§ 17.51 Transfers to community nursing homes from Veterans' Administration facilities.

Nursing home care in a contract public or private nursing home care facility may be authorized for any veteran eligible for hospital care under § 17.47 (a), (b), (c), (d), or (f), who has attained the maximum hospital benefit and for whom a protracted period of nursing home care will be required, provided:

* * * * *

6. In § 17.60, paragraph (f) is amended and paragraph (i) is added so that the added and amended material reads as follows:

§ 17.60 Outpatient care for veterans.

* * * * *

(f) *For post hospital care.* Persons eligible for hospital care under § 17.47 who have been granted hospital care and outpatient care is reasonably necessary to complete treatment incident to such hospital care. (38 U.S.C. 612(f)(2))

* * * * *

(i) *For veterans who are housebound or in need of aid and attendance.* Any veteran who is in receipt of increased pension or additional compensation or allowance based on the need of regular aid and attendance or by reason of being permanently housebound, or who, but for the receipt of retired pay, would be in receipt of such pension, compensation or allowance. (38 U.S.C. 612(g))

7. In § 17.60d, paragraph (a) is amended to read as follows:

§ 17.60d Prescriptions filled.

* * * * *

(a) The prescription is for a person who is receiving housebound benefits or

who, based on the need for regular aid and attendance, is receiving additional compensation or allowance (wartime or peacetime) under 38 U.S.C. ch. 11, or increased pension as a veteran of World War I, World War II, the Korean conflict, or the Vietnam era (or who is receiving a greater compensation benefit rather than such aid and attendance pension to which he has been adjudicated to be presently eligible), and

* * * * *

8. In § 17.100, the headnote and subparagraphs (1) and (2) of paragraph (a) and paragraphs (c) and (g) are amended to read as follows:

§ 17.100 Transportation of claimants and beneficiaries.

Transportation at Government expense will be authorized eligible claimants and beneficiaries of the Veterans Administration for these purposes:

(a) *Admission.* (1) Hospital admission of applicants under § 17.47 (a) and (b), for treatment of service-connected conditions.

(2) Hospital admission of applicants under § 17.47 (c), (d), or (f) for treatment of non-service-connected conditions, provided such applicants, except those whose admission is arranged to avoid interruption of training authorized under 38 U.S.C. ch. 31, have made sworn statement upon application—VA Form 10–P–10—that they are unable to defray expense of transportation.

* * * * *

(c) *Preparatory and posthospital care.* When necessary to the provision of medical services furnished veterans under § 17.60 (e) and (f), provided veterans who are eligible for hospital care under the provisions of § 17.47 (c), (d), or (f) indicate that transportation is required and they have made sworn statement that they are unable to defray such expense.

* * * * *

(g) *Outpatient services.* (1) Outpatient physical examination, subject to exception defined in paragraph (h) of this section.

(2) Outpatient treatment for service-connected conditions, including adjunct treatment thereof; for veterans under §17.60 (h) and (i) and for non-service-connected conditions to avoid interruption of training authorized under 38 U.S.C. ch. 31, subject to exception defined in paragraph (h) of this section.

* * * * *

9. In § 17.115, paragraph (a) is amended to read as follows:

§ 17.115 Prosthetic and similar appliances.

* * * * *

(a) *As part of outpatient care.* The appliances or repairs are a necessary part of outpatient care for which the veteran is eligible under § 17.60 (a) through (d) and (f) through (i) (or a necessary part of outpatient care authorized under § 17.60a) or

* * * * *

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

These VA regulations are effective October 22, 1970.

Approved: November 17, 1970.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 70-15705; Filed, Nov. 20, 1970; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4942]

[Oregon 6484]

OREGON

Partial Revocation of National Forest Reserve and Recreation Withdrawals; Transfer of Administrative Jurisdiction Over Land in the Rogue River National Wild and Scenic Rivers Area

By virtue of the authority vested in the President by the Act of June 4, 1897, 30 Stat. 34, 36, 16 U.S.C. 473 (1964), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and the authority contained in section 6 of the Act of October 2, 1968, 82 Stat. 912, 16 U.S.C. 1277, it is ordered as follows:

1. The Presidential Proclamation of October 5, 1906, withdrawing lands for Siskiyou Forest Reserve and Public Land Order No. 1726 of September 3, 1958, withdrawing lands under the jurisdiction of the Secretary of Agriculture for preservation of the scenic and recreation areas, are hereby revoked so far as they affect the following described land:

WILLAMETTE MERIDIAN

T. 34 S., R. 8 W.,
Sec. 24, portions of lots 5 and 8 described as beginning at a point on the east section line which lies 15 chains north of the southeast corner of said section; thence west 10 chains; thence north 20 chains; thence east to west bank of the Rogue River; thence south along west bank of said river to east section line; thence south along east section line to point of beginning.

The area described aggregates 20.66 acres in Josephine County.

2. The jurisdiction over the land described above is hereby transferred to the Secretary of the Interior to be administered by the Bureau of Land Management as part of the Rogue River National Wild and Scenic Rivers Area, Oreg., as established by the National Wild and Scenic Rivers Act of October 2, 1968, supra.

3. At 10 a.m. on December 23, 1970, the land shall be open to such forms of disposition as may by law be made of National Wild and Scenic Rivers lands as provided by sections 8 and 9 of the Act of October 2, 1968, supra.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 17, 1970.

[F.R. Doc. 70-15738; Filed, Nov. 20, 1970; 8:49 a.m.]

[Public Land Order 4943]

[Utah 8417]

UTAH

Powersite Restoration No. 689; Revocation of Powersite Reserve No. 378; Opening of National Forest Lands

By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. 818 (1964), and pursuant to a determination of the Federal Power Commission of April 15, 1969, notice of which was published in 34 F.R. 7622 of May 13, 1969, it is ordered as follows:

1. The Executive Order of July 1, 1913, withdrawing the following described land as Powersite Reserve No. 378, is hereby revoked:

SALT LAKE MERIDIAN

UINTA NATIONAL FOREST

T. 4 S., R. 2 E.,
Sec. 8, NE¼SW¼.

The area described aggregates 40 acres in Utah County.

2. In its notice of April 15, 1969, the Federal Power Commission vacated the withdrawal created by the filing on November 9, 1925, of an application for license for Project No. 671 for the following described lands:

SALT LAKE MERIDIAN

T. 4 S., R. 2 E.,
Sec. 4, SW¼NE¼, NE¼SW¼, S½SW¼, W½SE¼;
Sec. 8, lots 1, 2, 3, 5, 6, SE¼NW¼, NE¼SW¼;
Sec. 9, lots 1 to 6, inclusive, W½NE¼, SE¼NW¼.

All portions of the following described tracts lying within 25 feet of the centerline of the 110-volt control line location shown on a map designated "Exhibits K & L" and entitled "Detailed Map of Alpine Project of Utah Power & Light Company, Showing Location of Dam, Powerhouse, Lands, Centerline of Pipe and Powerlines and General Design Drawings," and filed in the office of the Federal Power Commission on November 9, 1925:

T. 4 S., R. 2 E.,
Sec. 4, NW¼SW¼;
Sec. 5, lot 5.

The portion of the following described tract lying within 50 feet of the centerline of the pipeline location shown on the above described map:

T. 4 S., R. 2 E.,
Sec. 9, NE¼NW¼.

The areas described aggregate a total of approximately 810 acres in Utah County.

The lands are located about 15 miles south-southeast of Salt Lake City, along or near Dry Creek (also known as Alpine Creek), a tributary of the Jordan River which is a tributary to great Salt Lake.

3. At 10 a.m. on December 23, 1970, all of the above described lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 17, 1970.

[F.R. Doc. 70-15739; Filed, Nov. 20, 1970; 8:49 a.m.]

[Public Land Order 4944]

[New Mexico 12053]

NEW MEXICO

Partial Revocation of Air Navigation Site Withdrawal

By virtue of the authority contained in section 4 of the Act of May 24, 1928, 45 Stat. 729, 49 U.S.C. 214 (1964), it is ordered as follows:

1. Secretary's Order No. 238 of July 17, 1947, withdrawing lands for an air navigation site, is hereby revoked so far as it affects the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 29 S., R. 7 W.,
Sec. 5, W½NW¼NE¼, NW¼SW¼NE¼, S½NE¼SW¼NE¼, and S½NW¼SE¼NE¼.

The area described aggregates 40 acres in Luna County.

The land is located approximately 3½ miles east of the village of Columbus, N. Mex. The vegetal cover consists of mesquite, creosote, and a sparse stand of grass.

2. At 10 a.m. on December 23, 1970, the lands shall be open to operation of the public land laws, including the U.S. mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on December 23, 1970, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been and continue to be open to the filing of applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, N. Mex.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 17, 1970.

[F.R. Doc. 70-15737; Filed, Nov. 20, 1970; 8:49 a.m.]

[Public Land Order 4945]

[Idaho 2930]

IDAHO

Powersite Classification No. 460

By virtue of the authority contained in the Act of March 3, 1879, 20 Stat. 394, 43 U.S.C. 31 (1964), as amended, subject to valid existing rights, the following described land which is under jurisdiction of the Secretary of the Interior, is hereby classified for powersite purposes so far as title to such land and interests therein remain in the United States:

BOISE MERIDIAN

T. 6 S., R. 12 E.,
Sec. 12, lot 11.

The area described is an island in the Snake River containing 4.96 acres between Gooding and Twin Falls Counties.

This classification is subject to the provisions of section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. 818 (1964).

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 17, 1970.

[F.R. Doc. 70-15736; Filed, Nov. 20, 1970; 8:49 a.m.]

[Public Land Order 4946]

[Sacramento 3721]

CALIFORNIA

Withdrawal for National Forest Campground Sites

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

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

MOUNT DIABLO MERIDIAN

TOIYABE NATIONAL FOREST

Bootleg Campground

T. 7 N., R. 23 E.,
Sec. 28, N½SE¼, SE¼SE¼.

Twin Creeks Campground

T. 9 N., R. 20 E.,
Sec. 28, lot 3, SE¼NE¼SW¼, NE¼SE¼SW¼, NW¼SW¼SE¼.

Silver Creek Campground

T. 9 N., R. 20 E.,
A tract of land described by metes and bounds:
Beginning at a point at the southwest corner of the Raymond Meadows bridge on California State Highway 4 in the SW¼ of sec. 28, T. 9 N., R. 20 E., thence due west 9 chains; thence due south 19.43 chains; thence due east 10 chains; thence north 16° east 20.12 chains; thence due west 6.50 chains to the southwest corner of the Raymond Meadows bridge, the place of beginning; unsurveyed but what probably will be when surveyed, as shown by approved California Protraction Diagram No. 125, Zone III, of May 29, 1969, within the S½SE¼SW¼ sec. 28, and within the NE¼NW¼ sec. 33, containing approximately 24.80 acres.

The areas described aggregate approximately 214.18 acres in Mono and Alpine Counties.

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

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 17, 1970.

[F.R. Doc. 70-15734; Filed, Nov. 20, 1970; 8:49 a.m.]

[Public Land Order 4947]

[Sacramento 3734]

CALIFORNIA

Withdrawal for National Forest Recreation Area

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

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

MOUNT DIABLO MERIDIAN

TAHOE NATIONAL FOREST

Convict Flat Recreation Site

T. 19 N., R. 9 E.,
Sec. 10, SE¼NE¼SW¼, N½NE¼SE¼SW¼, SW¼NW¼SE¼, N½NW¼SW¼SE¼.

The area described aggregates approximately 30 acres in Sierra 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 17, 1970.

[F.R. Doc. 70-15735; Filed, Nov. 20, 1970; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5A-2.2—Solicitation of Bids

BIDDERS MAILING LISTS

Section 5A-2.205 is revised and §§ 5A-2.205-1 through 5A-2.205-3 are added as follows:

§ 5A-2.205 **Bidders mailing lists.**

§ 5A-2.205-1 **Establishment of lists.**

Policy concerning the establishment and maintenance of bidders mailing lists

is set forth in § 1–2.205 of this title and § 5–2.205. Bidders mailing list operational procedures are set forth in Volume 2, Chapter 9, Supply Operations Handbook (FSS P 2900.2).

§ 5A–2.205–2 Removal of names from bidders mailing lists.

Concerns which have been debarred or otherwise determined to be ineligible pursuant to Subpart 1–1.6 of this title and Subpart 5–1.6, shall be removed from the FSS bidders mailing lists. This action will be taken by the Centralized Mailing List Services in Region 8. Debarred and ineligible concerns shall also be removed from any locally maintained bidders mailing lists (hand lists), and this should be accomplished upon receipt of interim notices issued by the Office of Audits and Compliance.

§ 5A–2.205–3 Reinstatement on bidders mailing lists.

The reinstatement of concerns on Federal Supply Service bidders mailing lists shall be in accordance with the procedures set forth in Volume 2, Chapter 9, Supply Operations Handbook (FSS P 2900.2). With reference to § 1–2.205–3 of this title, all reinstatements to the FSS bidders mailing list system of previously debarred or suspended firms shall be made only upon filing a new bidders mailing list application on SF 129 and related GSA forms.

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

Effective date. These regulations are effective 30 days after the date shown below.

Dated: November 9, 1970.

H. A. ABERSFELLER,
Commissioner, FSS.

[F.R. Doc. 70–15690; Filed, Nov. 20, 1970; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Necedah National Wildlife Refuge, Wis.

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

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Necedah National Wildlife Refuge, Necedah, Wis., is permitted from December 15, 1970, through December 31, 1970, but only on that area designated as open to fishing. The open area, comprising approximately 38,000 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing on the entire Necedah National Wildlife Refuge, Necedah, Wis., is permitted from January 1, 1971 through March 15, 1971. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through March 15, 1971.

GERALD H. UPDIKE,
Refuge Manager, Necedah National Wildlife Refuge, Necedah, Wis.

NOVEMBER 13, 1970.

[F.R. Doc. 70–15727; Filed, Nov. 20, 1970; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 73—RADIO BROADCAST SERVICES

Noncommercial, Educational FM and Television Broadcast Service; Correction

In the matter of amendment of those provisions of Part 73 of the Commission's rules which describe and delimit the nature of noncommercial, educational FM and television broadcast service, and related matters (§§ 73.503 and 73.621, 35 F.R. 17549).

The memorandum opinion and order (FCC 70–1196) in the above-entitled matter, adopted November 4, 1970, and released November 10, 1970, is corrected by adding the explanation for footnote 2 (the indicator [2] appears in paragraph 8) to read as follows:

[2] In some other requests to the Commission in past years, the matter has been put the other way, that identification of a corporate division should be permitted where the contribution has been made by the division rather than the corporation.

Released: November 13, 1970.

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

[F.R. Doc. 70–15707; Filed, Nov. 20, 1970; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM–45; Amdt. No. 174–8]

PART 174—CARRIERS BY RAIL FREIGHT

Cargo Tanks in Trailer-on-Flat-Car Service

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to make transportation of cargo tanks containing hazardous materials in trailer-on-flat-car service (TOFC) subject to conditions approved by the Federal Railroad Administrator. Such approval authority is presently exercised by the Bureau of Explosives (AAR).

On April 15, 1970, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM–45; Notice No. 70–6 (35 F.R. 6151), proposing the amendment described above. In addition, the notice expressed certain of the Board's views regarding the hazards involved in transportation of cargo tanks in trailer-on-flat-car service.

Interested persons were invited to give their views on the proposal and on the opinions expressed by the Board. Comments generally favored the proposed vesting of approval authority in the Federal Railroad Administrator. Many helpful comments and data were received relating to the hazards involved in TOFC service. These will be given full consideration by the Federal Railroad Administrator in the development of criteria for conditions under which TOFC service for transportation of hazardous materials may be approved.

It should be emphasized that the proposed amendment does no more at this time than change the approving authority from that of a non-governmental agency to a designated official of the cognizant Federal agency. In evaluating conditions submitted for approval, the Federal Railroad Administrator will avail himself of the information and advice of the Bureau of Explosives (AAR), and will take into consideration the Bureau of Explosives' criteria in granting approvals heretofore.

The Board concludes that it is in the public interest to adopt the amendment as proposed. In order to facilitate compliance with the amendment, it is suggested that during the 90-day period preceding the effective date, shippers and railroad carriers presently conducting this type of operation under existing Bureau of Explosives' approval apply to the Federal Railroad Administrator for his approval of their continued operations.

In consideration of the foregoing, 49 CFR Part 174 is amended as follows:

In § 174.533 paragraph (c) is amended as follows:

§ 174.533 Truck bodies or trailers on flat cars.

* * * * *

(c) Cargo tanks containing hazardous materials may not be transported in trailer-on-flat-car service except under conditions approved by the Federal Railroad Administrator.

(Secs. 831–835, 18 U.S.C., sec. 9, Department of Transportation Act, 49 U.S.C. 1657)

This amendment is effective January 20, 1971.

Issued in Washington, D.C., on November 17, 1970.

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

[F.R. Doc. 70–15697; Filed, Nov. 20, 1970; 8:46 a.m.]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1053, Amdt. 2]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 17th day of November 1970.

Upon further consideration of Service Order No. 1053 (35 F.R. 16934, 17552), and good cause appearing therefor:

It is ordered, That: Service Order No. 1053 be, and it is hereby, amended by substituting the following paragraph (a), subparagraph (1) thereof:

§ 1033.1053 Service Order No. 1053.

(a) Distribution of boxcars: Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owners empty, except as otherwise authorized in subparagraphs (2) and (4) of this paragraph, all plain boxcars which are listed in the registration of the specific railroads named herein in the Official Railway Equipment Register, ICC R.E.R. 377, issued by E. J. McFarland, or successive issues thereof, as having mechanical designation XM, with inside length 44 feet 6 inches or less and equipped with doors less than 9 feet wide and bearing the identification marks shown:

The Atchison, Topeka and Santa Fe Railway Co., Identification marks—ATSF.
Chicago & Eastern Illinois Railroad Co., Identification marks—C&EI, CEI.
Chicago, Rock Island and Pacific Railroad Co., Identification marks—RI.
Missouri-Kansas-Texas Railroad Co., Identification marks—MKT.
Missouri-Illinois Railroad Co., Identification marks—MI.
Missouri Pacific Railroad Co., Identification marks—MP.
St. Louis-San Francisco Railway Co., Indentification marks—SLSF.
St. Louis Southwestern Railway Co., Indentification marks—SSW.
The Texas and Pacific Railway Co., Indentification marks—T&P, TP.

* * * * *

Effective date. This amendment shall become effective at 11:59 p.m., November 17, 1970.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70-15733; Filed, Nov. 20, 1970; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 245]

BEER

Proposal Regarding Meters

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol, Tobacco and Firearms Division, Internal Revenue Service, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director, Alcohol, Tobacco and Firearms Division, within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

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

In order to discontinue the testing of brewers' beer meters by internal revenue officers and to place the responsibility on the brewer for maintenance of accuracy and reliability of his meters in a manner acceptable to the assistant regional commissioner (alcohol, tobacco and firearms), the regulations in 26 CFR Part 245 are amended as follows:

§ 245.18 [Deleted]

PARAGRAPH 1. Section 245.18 and the center heading preceding § 245.19 are deleted.

PAR. 2. Section 245.19 is amended to remove the requirement that pipelines in a brewery must be unbroken. As amended, § 245.19 reads as follows:

§ 245.19 Pipelines.

All beer and cereal beverage transferred to the brewery bottling house must pass through authorized pipelines which must be fixed and of permanent character and be exposed to view throughout the entire length.

(72 Stat. 1395; 26 U.S.C. 5552)

§ 245.20 [Deleted]

PAR. 3. Section 245.20 is deleted.

PAR. 4. Subpart F is revised to read as follows:

Subpart F—Beer Meters

Sec.

245.30 Metering systems required.
245.31 Notice of acquisition of meter.
245.32 Location and installation.
245.33 Meter test approval.
245.34 Meter tests.
245.35 Report of meter tests.
245.36 Emergency procedures.

Subpart F—Beer Meters

§ 245.30 Metering systems required.

Brewers shall be required to provide, at their own expense, approved meters for measuring beer to be packaged or bottled.

(72 Stat. 1395; 26 U.S.C. 5552)

§ 245.31 Notice of acquisition of meter.

When the brewer receives a meter from the manufacturer or from another source he shall notify the assistant regional commissioner of the region wherein the brewery is located. The notice shall be submitted in duplicate, and shall state the make, model, and serial number of the meter, and the source and date of acquisition. The meter shall not be used for measuring beer to be placed in packages, bottles, or other marketable containers until it has been tested for accuracy and proper functioning.

(72 Stat. 1395; 26 U.S.C. 5552)

§ 245.32 Location and installation.

Beer meters shall be located and installed so that all beer to be placed in packages, bottles, or other marketable containers shall, except as provided in § 245.36, pass through the meters and that they will be readily accessible for examination by internal revenue officers. The meter installations, including piping, valves, and electrical circuitry (where required) shall be so arranged that the testing equipment and procedures approved by the assistant regional commissioner may be readily accommodated.

(72 Stat. 1395; 26 U.S.C. 5552)

§ 245.33 Meter test approval.

Brewers shall provide such tests, adjustments, and repairs as may be required to maintain meters in such a manner that they accurately and reliably measure and record beer metered for packaging and bottling. The frequency of meter tests, and the equipment used and procedures employed in testing meters, shall be subject to approval by the assistant regional commissioner. The brewer shall submit a letterhead application, in triplicate, which shall describe, in detail, the method by which he proposes to maintain the accuracy and reliability of each metering system to be used for the measurement of beer to be packaged or bottled or placed in other marketable containers and list the make, model, and serial number of each meter to be used by him for such purpose. The assistant regional commissioner shall, after satisfying himself as to the adequacy of the proposed method, indicate his approval on all copies of the application and return the original to the brewer who shall keep it on file on the brewery premises available for examination by internal revenue officers.

(72 Stat. 1395; 26 U.S.C. 5552)

§ 245.34 Meter tests.

(a) *General requirements.* The allowable variation of beer meters, as established by approved tests, shall not exceed 0.5 percent (plus or minus). If a meter test discloses an error in excess of the allowable variation, it shall be corrected immediately by suitable adjustment. Adjustments shall reduce the error to as near zero as practicable. If the meter or counter does not function properly or record accurately after adjustment or repair, the use of such meter or counter shall be discontinued and a suitable replacement installed. The brewer shall record on Form 138 the counter reading at the time a counter or meter is placed in service for measuring beer or removed therefrom.

(b) *Authority to require tests.* When the assistant regional commissioner has reason to believe the accuracy and reliability of a meter is not being properly maintained, he may require the brewer to have the meter tested and, if necessary, adjusted. The assistant regional commissioner may require that such testing and adjustment be supervised by an internal revenue officer.

(72 Stat. 1395; 26 U.S.C. 5552)

§ 245.35 Report of meter tests.

When a meter is tested, the brewer shall prepare Form 138, Brewer's Report of Meter Test. He shall submit the original and one copy of the form to the assistant regional commissioner and file the remaining copy on the brewery premises where it will be available for examination by internal revenue officers.

§ 245.36 Emergency procedures.

Where a meter becomes inaccurate or inoperative, the brewer shall make such adjustment or repair as is necessary or replace it with another meter. If such corrective action is not possible, the brewer shall report the condition to the assistant regional commissioner who may authorize the temporary measurement of beer by methods other than by

metering. If the brewer is unable to contact the assistant regional commissioner when such an emergency arises, he may temporarily measure beer by methods other than metering. When a brewer operates under emergency procedures as provided in this section, he shall terminate the emergency procedures as soon as practical. If emergency procedures are used without prior approval, the assistant regional commissioner shall be notified of the action and the circumstances thereof as soon as possible. The assistant regional commissioner may, if the emergency procedures have not been terminated, either authorize the continuation of the emergency procedures or require that such procedures be terminated until the meter malfunction has been corrected or the meter replaced. The brewer shall determine and record the quantities of unmetered beer, and retain this information for examination by an internal revenue officer.

(72 Stat. 1395; 26 U.S.C. 5552)

[F.R. Doc. 70-15703; Filed, Nov. 20, 1970; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 814]

1971 SUGAR QUOTA FOR THE MAINLAND CANE SUGAR AREA

Notice of Hearing on Proposed Allotment

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922), and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.) and on the basis of information before me, I do hereby find that the allotment of the 1971 sugar quota for the Mainland Cane Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that a public hearing will be held at Washington, D.C., in Room 4711, South Building, U.S. Department of Agriculture, on December 3, 1970, at 9:30 a.m., e.s.t.

The preliminary finding made above is based on the best information now available. It will be appropriate to present evidence at the hearing on the basis of which the Administrator, Agricultural Stabilization and Conservation Service may affirm, modify, or revoke such preliminary finding.

The purpose of such hearing is to receive evidence to enable the Administrator, Agricultural Stabilization and Conservation Service to establish fair, efficient, and equitable allotments of a portion of the quota for the Mainland Cane Sugar Area which will enable persons who process sugar and liquid sugar from sugarcane grown in the continental United States to market such sugar and liquid sugar in an orderly manner during the period January 1, 1971, to the date the Administrator prescribes a method for allotting the entire 1971 quota for the area on the basis of the record of another hearing to be held subsequently.

To avoid disorderly marketing by any allottee who might market early in 1971 a quantity of sugar larger than its allotment of the entire 1971 sugar quota for the area, it is necessary to make allotments effective on January 1, 1971. Part of the evidence necessary to provide an adequate basis for establishing allotments of the entire 1971 quota for the area for the full calendar year cannot be adduced on the date for which the hearing is called. Therefore, the testimony on that date will be limited to data, views and arguments regarding the identity of the allottees and consideration of the factors cited in section 205 (a) of the act pertinent to establishing allotments of a portion of the quota for the area to be in effect from January 1, 1971, until an order establishing the method for allotting the entire quota for the area for the calendar year 1971 is made effective.

Upon notice hereafter to be given in accordance with applicable rules of practice and procedure, a public hearing for the area will be held early in 1971 for the purpose of receiving evidence to enable the Administrator, Agricultural Stabilization and Conservation Service to establish allotments of the entire 1971 quota for the area for the calendar year 1971 under the provisions of the Sugar Act of 1948, as amended.

Signed at Washington, D.C., on November 18, 1970.

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

[F.R. Doc. 70-15776; Filed, Nov. 20, 1970; 8:50 a.m.]

Consumer and Marketing Service

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

Proposed Handling

Notice is hereby given of a proposal to amend § 993.165(c) of the administrative rules and regulations (Subpart—Administrative Rules and Regulations; 7 CFR 993.101-993.174; 35 F.R. 5108; 11380; 12323). The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California (hereinafter collectively referred to as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). Recommendations on the proposal were received from the Prune Administrative Committee.

The California dried prune industry is seeking new uses and outlets for dried prunes. The industry recently developed a new product referred to as diced prunes. Diced prunes are adaptable for use as an ingredient in, or the manufacture of, food products for human consumption. The Committee is of the view that some of these food product outlets are noncompetitive with normal outlets for salable prunes in accordance with § 993.65(a) of the order.

Section 993.65(a) authorizes the Committee to sell or dispose of reserve prunes for use in any outlet, defined in rules and procedures, established by the Secretary, after recommendation of the Committee, noncompetitive with normal outlets for salable prunes. Current noncompetitive outlets for reserve prunes are set forth in paragraph (c) of § 993.165. Such outlets should include diced prunes for use as an ingredient in, or the manufacture of, food products for human consumption, other than for use in the manufacture of prune juice, prune concentrate, baby food, puree, butter, jam, chocolate coated prune pieces, and low moisture nuggets, granules, and powder.

One of the noncompetitive outlets defined in § 993.165(c) is "botanicals". According to the Committee, prune concentrate manufactured from salable prunes is being used to supply the needs of users of botanicals and hence botanicals no longer appear to be a salvage use for prunes. The Committee, therefore, recommended that botanicals be deleted from the definition of "noncompetitive outlets".

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than December 21, 1970. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to amend § 993.165(c) by revising subparagraphs (4) through (6) to include diced prunes for use in certain outlets among the "noncompetitive outlets" and to delete "botanicals" from the "noncompetitive outlets."

As so amended, § 993.165(c) would read as follows:

§ 993.165 Disposition of reserve prunes.

* * * * *

(c) *Noncompetitive outlets.* "Noncompetitive outlets" means (1) the U.S. Government or any agency thereof and any State or local government, except when such outlets are normally serviced through regular commercial trade channels, (2) any foreign government or any agency thereof, except any which normally is serviced through regular commercial trade channels, (3) any foreign country with an average of annual commercial imports of California prunes of less than 5 tons, based on imports during the most recent 5 years, (4) diced prunes for use as an ingredient in, or the manufacture of, food products for human consumption, other than for use in the

manufacture of prune juice, prune concentrate, baby food, puree, butter, jam, chocolate coated prune pieces, and low moisture nuggets, granules, and powder, (5) charities, (6) research or educational activities, and (7) animal feed, distillation, and other salvage use.

Dated: November 17, 1970.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 70-15701; Filed, Nov. 20, 1970; 8:46 a.m.]

[7 CFR Part 1126]

MILK IN NORTH TEXAS MARKETING AREA

Notice of Proposed Suspension 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 of a certain provision of the order regulating the handling of milk in the North Texas marketing area is being considered for the period beginning December 1, 1970, pending full review of the provision in hearing.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension 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 5 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 is in the second sentence of § 1126.7 *Plant*, and reads as follows: "* * * if the milk transferred at such facilities can be identified as receipts from specific farmers until the milk is received at a plant."

The definition of "Plant" would then read as follows:

"Plant" means the land, building, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed, and/or packaged. Separate facilities used only as a reload point for transferring bulk milk from one tank truck to another shall not be a plant under this definition. Facilities used only as a distribution point for storing fluid milk products in transit on routes shall not be a plant under this definition."

Statement of consideration. The suspension is requested by a cooperative association of which members supply milk to the North Texas marketing area. The cooperative states that the present definition of the term "plant," including the provision in question, may be interpreted to regulate as a handler a person whose principal operation is that of a milk hauler who uses a reload point as a means of assembling milk for long-distance shipment to a processing plant. The cooperative contends that payments to producers may be jeopardized since the order requires payment by a pool plant operator for the receipt of milk from another handler only when the selling handler is a cooperative association.

Signed at Washington, D.C., on November 19, 1970.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70-15812; Filed, Nov. 20, 1970; 9:16 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 73]

BIOLOGICAL PRODUCTS

Additional Standards for Diagnostic Reagents

Notice is hereby given that the Director, National Institutes of Health, proposes to amend Part 73 of the Public Health Service Regulations by assigning the designation "Additional Standards for Diagnostic Reagents" to Subpart F and by prescribing specific standards of safety, purity and potency for Hepatitis Associated Antibody (Anti-Australia Antigen).

Inquiries may be addressed, and data, views and arguments may be presented by interested parties, in writing, in triplicate, to the Director, National Institutes of Health, Public Health Service, 9000 Rockville Pike, Bethesda, Md. 20014. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

Notice is also given that it is proposed to make any amendments that are adopted effective upon publication in the FEDERAL REGISTER.

It is therefore proposed to amend Part 73 as follows:

1. Amend the table of contents by designating Subpart F and adding thereunder a new entry, as follows:

Subpart F—Additional Standards for Diagnostic Reagents

HEPATITIS ASSOCIATED ANTIBODY (ANTI-AUSTRALIA ANTIGEN)

Sec.
73.5000 The product.
73.5001 Reference panel.
73.5002 Potency test.
73.5003 Specificity.
73.5004 General requirements.

AUTHORITY: The provisions of this Subpart F issued under sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216, sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262.

2. Amend § 73.870 by inserting immediately after the listing *"Haemophilus influenzae* Typing Serum ---------- One year." the following new listing:

Hepatitis Associated Antibody (Anti-Australia Antigen).	Six months. § 73.850 does not apply.

3. Amend Part 73 by assigning the designation "Additional Standards for Diagnostic Reagents" to Subpart F and by adding immediately after such subpart designation, the following:

Subpart F—Additional Standards for Diagnostic Reagents

HEPATITIS ASSOCIATED ANTIBODY (ANTI-AUSTRALIA ANTIGEN)

§ 73.5000 The product.

(a) *Proper name and definition.* The proper name of this product shall be Hepatitis Associated Antibody (Anti-Australia Antigen) which shall consist of a preparation of serum containing the hepatitis associated antibody.

(b) *Source.* The source of this product shall be plasma or blood, obtained aseptically from animals immunized with hepatitis associated (Australia) antigen which have met the applicable requirements of § 73.501 or from human donors who at the time of donation were in good health as determined by a medical history and such physical examination and clinical tests as appear necessary.

§ 73.5001 Reference panel.

A Reference Hepatitis Associated Antigen (Australia Antigen) Panel shall be obtained from the Division of Biologics Standards and shall be used for determining the potency and specificity of Hepatitis Associated Antibody (Anti-Australia Antigen).

§ 73.5002 Potency test.

To be satisfactory for release each filling of Hepatitis Associated Antibody (Anti-Australia Antigen) shall be tested against the Reference Hepatitis Associated Antigen (Australia Antigen) Panel and shall be sufficiently potent to be able to detect the antigen in the reference panel by all test methods recommended by the manufacturer in the package enclosure.

§ 73.5003 Specificity.

Each filling of the product shall be specific for hepatitis associated antibody as determined by specificity tests found acceptable to the Director, Division of Biologics Standards.

§ 73.5004 General requirements.

(a) *Processing.* The processing method shall be one that has been shown to consistently yield a specific and potent final product free of properties which would adversely affect the test results when the product is tested by the methods recommended by the manufacturer in the package enclosure.

(b) *Ancillary reagents and materials.* All ancillary reagents and materials supplied in the package with the product shall meet generally accepted standards

of purity and quality and shall be effectively segregated and otherwise manufactured in a manner that will reduce the risk of contaminating the product and other biological products. Ancillary reagents and materials that come in contact with the product in the performance of the test shall have been shown not to adversely affect the product within the prescribed dating period.

(c) *Labeling.* In addition to the items required by other applicable labeling provisions of this part, the following shall also be included:

(1) Indication of the source of the product immediately following the proper name on both the final container and package label, e.g., human, guinea pig.

(2) Name of the test method(s) recommended for the product on both the final container and package label.

(3) If the product is dried, the final container label shall indicate "Reconstitution date: _____" and a statement indicating the period within which the product may be used after reconstitution.

(4) The package shall include a package enclosure providing (i) adequate instructions for use, (ii) a description of all recommended test methods and (iii) warnings as to possible hazards, including hepatitis, in handling the product and any ancillary reagents and materials supplied with the product.

(d) *Final container.* Final containers shall be sterile, colorless and transparent.

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

(1) A sample of each filling packaged as for distribution including all ancillary reagents and materials.

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

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

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

Dated: November 2, 1970.

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

Approved: November 18, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-15811; Filed, Nov. 20, 1970; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-WA-10]

WASHINGTON, D.C., TERMINAL CONTROL AREA

Extension of Comment Period

In a notice of proposed rule making published in the FEDERAL REGISTER on October 1, 1970 (35 F.R. 15303) it was stated that the Federal Aviation Administration is considering the adoption of a revised airspace configuration for the Washington, D.C., terminal control area.

Prior to submitting their comments, all interested pilots were urged to voluntarily conduct their operations in the Washington/Andrews terminal area on the basis that the TCA proposal was a reality, instead of a proposal. Due primarily to adverse weather conditions, VFR participation in this voluntary program has been less than desired to properly evaluate the plan. An extension of the comment period and voluntary participation period would provide an opportunity to evaluate the TCA with a more desirable ratio of VFR/IFR traffic. Accordingly, notice is hereby given that all comments received on Airspace Docket No. 70-WA-10 (35 F.R. 15303) on or before December 30, 1970, will be considered by the Federal Aviation Administration before action is taken on the proposal contained therein. Pilots are again urged to participate in this program to the maximum extent possible.

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

Issued in Washington, D.C., on November 17, 1970.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 70-15746; Filed, Nov. 20, 1970; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Ch. II]

[Docket No. 22771]

MINIMUM INSURANCE REQUIREMENTS FOR FOREIGN AIR CARRIERS

Advance Notice of Proposed Rule Making

NOVEMBER 17, 1970.

Notice is hereby given that the Civil Aeronautics Board is considered an addition to its economic regulations which would require foreign air carriers serving the United States to maintain certain minimum levels of insurance. This proposal is discussed in the attached explanatory statement.

This notice is issued pursuant to the authority of sections 204(a) and 402 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757; 49 U.S.C. 1324, 1372.

Interested persons may participate in the rule making proceeding through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before January 22, 1971, will be reviewed and considered by the Board. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

It is requested that each party making comment address itself to all questions raised in the attached explanation.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

Explanatory statement. In 1952 the Board declined to adopt a proposed economic regulation which would have required all carriers to maintain a certain minimum level of insurance. Since 1952, international civil aviation has grown from an "infant industry" into a large and vigorous business enterprise. The number of international air travelers has increased enormously and the capacity of a single aircraft has grown from a maximum of 60 to many times that number. The last two decades have also witnessed a marked increase in the monetary recoveries by individuals injured in the course of air travel and in the death recoveries for those who have perished. It is thus increasingly possible that a carrier of limited financial resources will be unable to satisfy substantial passenger and third-party liability claims against it in the absence of adequate insurance.

Recognizing this problem, the Civil Aeronautics Board has, since August 1969, imposed insurance requirements on carriers with limited financial resources on a case-by-case basis. The Statement of International Air Transportation Policy of the United States, approved by the President in June 1970, calls upon the Board to "adopt and implement expeditiously" a policy that would require all such foreign air carriers to maintain satisfactory minimum amounts of liability insurance.

It has been suggested, however, that it would not be feasible to limit a regulation requiring insurance solely to carriers having limited financial resources. First, there are administrative difficulties in establishing and applying standards which distinguish between the carriers whose financial resources are

adequate to meet all liability claims and those whose resources are not. Second, although the Board can review the financial resources of a particular foreign carrier when it issues a new permit, it is presently unable to monitor the continuing fitness of the carrier thereafter because no periodic financial information is now filed with the Board.

If all foreign air carriers are required to provide proof of financial responsibility, it has also been suggested that some carriers may be able to assure the adequacy of their financial resources by a method other than insurance.

The Board is therefore considering the adoption of a regulation requiring all foreign air carriers to maintain sufficient minimum levels of insurance or, possibly, to provide an alternative proof of financial responsibility. The Board therefore invites comments on the questions set forth below. All persons responding—including those who oppose any insurance requirement, or one that covers all foreign carriers rather than only those with limited financial resources—should nonetheless file comments on all the following issues:

1. Should the regulation cover all foreign carriers or only those with limited financial resources?

(a) If the regulation is to include only the latter group, what standards should be adopted to differentiate between the two groups?

(b) What information, reports or statistics should be required to enable the Board to determine whether individual carriers meet those standards, and to monitor each individual carrier to assure continuing compliance with such standards?

2. If the regulation covers all foreign carriers, should some carriers be allowed to offer proof of their financial responsibility in lieu of furnishing proof of sufficient levels of insurance coverage?

(a) If so, what proof of financial responsibility should be deemed acceptable?

(b) What information, reports or statistics should be required to enable the Board to determine whether these proofs are sufficient and to further enable it to determine the continuing eligibility of the carriers?

[F.R. Doc. 70-15744; Filed, Nov. 20, 1970; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 25]

[Docket No. 16495; FCC 70-1207]

ESTABLISHMENT OF DOMESTIC COMMUNICATION-SATELLITE FACILITIES BY NONGOVERNMENTAL ENTITIES

Extension of Time for Filing Application

Order. 1. On October 26, 1970, the CBS Television Network Affiliates Association, the NBC Television Network Affiliates Association and the ABC Television Network Affiliates Association (herein collectively referred to as "Affiliates Associations") filed a request for an extension of time within which to file an application for a "prototype" receive-only earth station using frequencies in the 4 and 6 GHz bands.[1] The cutoff date for applications for domestic satellite facilities in the 4 and 6 GHz bands is December 1, 1970, for all potential applicants except the television broadcast networks. Affiliates Associations seek an extension until January 5, 1971, for the filing of a prototype earth station application.

2. As grounds for this request, Affiliates Associations state that they have an interest in owning the receive-only earth facilities providing television interconnection to the broadcast stations via any domestic satellite system. It is further asserted that it would be helpful to the Commission in considering the various applications for domestic communications satellite systems to see, by means of a concrete "prototype" receive-only station application, how such affiliate-owned ground facilities would interface with the overall satellite system. They point out that the Commission's Public Notice of September 3, 1970 (FCC 70-953) permitted the ABC, NBC, and CBS networks 15 days following the December 1, 1970, cutoff date within which to apprise the Commission as to whether they intend to apply for a domestic satellite system. The Affiliates Association claim that it would be helpful to them to see all of the applications filed for frequencies in the 4 and 6 GHz band, as well as the statement of the networks, before the prototype application is submitted. They further note that a grant of their request would not delay the proceeding in Docket No. 16495, since comments on the proposed rule making are due on the requested January 5 date, and reply comments are not due until February 3, 1971.

3. In light of the foregoing, we think that the request of the Affiliates Association is a reasonable one. Considering the nature of the proposed application, the circumstance that a decision herein would not be delayed, and our desire for full assistance from all concerned in this important proceeding, we conclude that the public interest would be served by a grant of their request.

4. *Accordingly, it is ordered,* That the request of the Affiliates Associations for an extension of time until January 5, 1971, for the filing of a prototype receive-only earth station application is granted.

Adopted: November 10, 1970.

Released: November 17, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[2]

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

[F.R. Doc. 70-15708; Filed, Nov. 20, 1970; 8:47 a.m.]

[1] It is contemplated that the Affiliates Associations, together with certain television stations in Phoenix, Ariz., would either be the applicant or establish a separate entity to be the applicant.

[2] Commissioner Bartley absent.

[47 CFR Part 73]

[Docket No. 19045]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS, CLARKSVILLE, TENN.

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.606, table of assignments, Television Broadcast Stations (Clarksville, Tenn.), Docket No. 19045, RM-1637.

1. This proceeding was begun by notice of proposed rule making (FCC 70-1099) adopted October 7, 1970, released October 12, 1970, and published in the FEDERAL REGISTER October 15, 1970, 35 F.R. 16181. The dates presently designated for filing comments and reply comments are November 16, 1970, and November 27, 1970.

2. On November 13, 1970, Tennessee Televentures (Tennessee) filed a request to extend the time for filing comments to and including December 7, 1970. Tennessee states that the additional time is requested in order for its counsel to complete the investigation necessary to comment on the several matters raised by the Commission in the notice of proposed rule making. Both Mid-Continent Television Corp. and Maximum Service Telecasters, Inc., the only parties who filed pleadings responsive to the Commission's initial notice in this matter, have consented to the extension of time requested herein.

3. It appears that the additional time is warranted and would serve the public interest: *Accordingly, it is ordered,* That the request of Tennessee Televentures is granted to and including December 7, 1970, for comments and December 17, 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 16, 1970.

Released: November 17, 1970.

[SEAL] FRANCIS R. WALSH, *Chief, Broadcast Bureau.*

[F.R. Doc. 70-15709; Filed, Nov. 20, 1970; 8:47 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 101, 104, 141, 201, 204, 260]

[Docket No. R-401]

UNIFORM SYSTEM OF ACCOUNTS FOR CLASSES A, B, AND C PUBLIC UTILITIES AND LICENSEES AND NATURAL GAS COMPANIES AND ANNUAL REPORT FORMS

Accumulating Deferred Income Taxes Relating to Pollution Control Facilities; Notice of Extension of Time

NOVEMBER 13, 1970.

Amendments to the Uniform System of Accounts for Classes A, B, and C public utilities and licensees and natural

gas companies and Annual Report Forms No. 1 and No. 2 to provide for accumulating deferred income taxes relating to pollution control facilities, Docket No. R-401.

On November 9, 1970, the Edison Electric Institute filed a request for an extension of time to and including December 16, 1970, within which to file comments in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including December 16, 1970, within which any interested person may submit data, views, comments, and suggestions, in writing to the notice of proposed rule making issued September 30, 1970, in the above-designated matter (35 F.R. 15648).

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-15693; Filed, Nov. 20, 1970; 8:46 a.m.]

[18 CFR Part 154]

[Docket No. R-406]

PURCHASED GAS COST ADJUSTMENT PROVISIONS IN NATURAL GAS PIPELINE COMPANIES' FPC GAS TARIFF

Notice of Extension of Time

NOVEMBER 13, 1970.

On November 9, 1970, the Independent Natural Gas Association of America filed a request for an extension of time to and including January 15, 1971, within which to file comments in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including December 17, 1970, within which any interested person may submit data, views, comments, and suggestions in writing to the notice of proposed rulemaking issued October 22, 1970, in the above-designated matter (35 F.R. 16743).

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-15694; Filed, Nov. 20, 1970; 8:46 a.m.]

[18 CFR Part 157]

[Docket No. R-404]

EXEMPTION OF EMERGENCY SALES BY INDEPENDENT PRODUCERS OF NATURAL GAS IN INTERSTATE COMMERCE

Notice of Proposed Rule Making

OCTOBER 6, 1970.

1. Notice is given, pursuant to section 553 of title 5 of the United States Code and sections 4, 5, 7, and 16 of the Natural Gas Act (15 U.S.C. 717c, 717d, 717f, 717o), that the Commission proposes to amend §§ 157.22 and 157.29 of the regulations under the Natural Gas Act (18 CFR 157.22, 157.29) in order to expand the scope of exempt acts by pipelines and independent producers to allow sales for 60 days without independent producers first having to obtain a certificate of public convenience and necessity under circumstances described in the proposed regulation and for other purposes.

2. Section 157.29 of the regulations presently exempts, from the certificate provisions of the Natural Gas Act, emergency sales or transportation of natural gas in interstate commerce for a single period of not more than 60 days by an independent producer where imminent danger to life and property can be eliminated.

Section 157.22(d) of the regulations presently provides that emergency operations undertaken without certificate authorization shall be discontinued upon expiration of the 60-day period and facilities installed for such temporary acts or operations removed.

3. Natural gas pipeline companies, subject to the jurisdiction of the Commission, can interconnect and engage in certain stated emergency operations for a 60-day period without prior Commission approval under § 157.22 of the regulations. Section 157.29 of the regulations provides for emergency sales by independent producers where the emergency relates to the latter's operations. In order to permit emergency purchases of natural gas by pipelines directly from independent producers where the emergency exists on the pipeline's system and to make clear that facilities constructed under the emergency provisions of the regulations may, upon proper application to the Commission, be retained, the Commission proposes to amend, and bring into harmony, §§ 157.22 and 157.29, in Part 157, Subchapter E, Chapter I of the Title 18 of the Code of Federal Regulations, by revising paragraph (d) of § 157.22 and § 157.29 to read as follows:

§ 157.22 Exemption of temporary acts and operations.

* * * * *

(d) Emergency operations undertaken without certificate authorization pursuant to paragraph (a) of this section shall be discontinued upon the expiration of the 60-day period. In the national emergency, emergency operations shall be discontinued upon the expiration of the six months' period or any extension thereof ordered by the Commission. All facilities installed for such temporary acts or operations shall be promptly removed after expiration of the exempt period of operation. Every person shall advise the Commission in writing and under oath within ten (10) days following the removal of facilities constructed for emergency operations pursuant to this section. Every person undertaking any such construction or operation, pursuant to this section desiring to retain such facilities in place shall file applications for certificates of public convenience and necessity pursuant to the regulations under the Natural Gas Act with the Commission prior to the expiration of the exempt period provided herein.

§ 157.29 Exemption of emergency sales or transportation.

Public interest does not require the issuance of a certificate authorizing the sale or transportation of natural gas by an independent producer where imminent danger to life and property can be eliminated by such sale or transportation or where the sale or transportation of natural gas is necessary to assure maintenance of adequate natural gas service on the purchaser's pipeline system or where serious curtailment of service exists or is threatened on purchaser's system because of failure of facilities or failure or curtailment of supply or unusual and unexpected demand on such facilities or supply, and where such sale or transportation is limited to a single period of not more than sixty (60) days: *Provided, however,* That:

(a) Every person undertaking such sale, transportation, or purchase shall so advise the Commission immediately by telegram or letter stating briefly the circumstances and shall within ten (10) days file a statement in writing and under oath, together with four (4) conformed copies thereof, setting forth the purpose and character of the sale, transportation, or purchase, the rate being charged, the facts warranting invocation of this section, and the anticipated period of the stated emergency.

(b) Emergency operations undertaken without certificate authorizations pursuant to paragraph (a) of this section shall be discontinued upon the expiration of the 60-day period. In the national emergency operations initiated pursuant to these provisions shall be discontinued upon the expiration of the 6 months' period or any extension thereof ordered by the Commission. All facilities installed for such temporary acts or operations shall be promptly removed after expiration of the exempt period of operation. Every person shall advise the Commission in writing and under oath within ten (10) days following the removal of facilities constructed for emergency operations pursuant to this section. Every person undertaking any such construction or operation, pursuant to this section desiring to retain such facilities in place shall file applications for certificates of public convenience and necessity pursuant to the regulations under the Natural Gas Act with the Commission prior to the expiration of the exempt period provided herein.

4. These amendments to the Commission's regulations under the Natural Gas Act are proposed to be issued under the authority granted by the Natural Gas Act, as amended, particularly sections 4, 5, 7, and 16 thereof (52 Stat. 822, 823, 824, 825, and 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, and 717o).

5. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426 on or before November 30, 1970 data, views, and comments in writing concerning the amendments proposed herein. Submittals to the Commission should indicate the name, title, and mailing address of the person to whom communications concerning the proposed amendments

should be addressed. Interested persons should state whether a conference is desired. An original and fourteen (14) copies of any such submittals shall be filed with the Secretary of the Commission. The Commission will consider all such submittals before acting on the proposed amendments.

6. The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-15778; Filed, Nov. 20, 1970; 8:50 a.m.]

Notices

CIVIL AERONAUTICS BOARD

[Dockets Nos. 22374, 22375; Order 70-11-72]

PIEDMONT AVIATION, INC.

Order Denying Temporary Suspension and Setting Application for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of November 1970.

Application of Piedmont Aviation, Inc., for amendment of its certificate of public convenience and necessity for route 87, Docket 22374; application of Piedmont Aviation, Inc., for authority to suspend service temporarily at Elizabeth City, N.C., Docket 22375.

On July 20, 1970, Piedmont Aviation, Inc. (Piedmont), filed an application [1] to delete Elizabeth City, N.C.,[2] from its certificate of public convenience and necessity for route 87.

On the same date Piedmont also filed an application [3] requesting authority to suspend service temporarily at Elizabeth City, N.C., pending final Board decision on its application in Docket 22374.

In support of its applications, Piedmont alleges, inter alia, that Elizabeth City enplanements in the last 5 years have ranged between 5.3 and 7.3 passengers per day; that Elizabeth City has not responded to the carrier's efforts to develop traffic by equipment improvement; that much of the Elizabeth City traffic is diverted to the nearby airport (53 miles) at Norfolk which offers superior and more frequent services; and that elimination of Elizabeth City from its system will reduce Piedmont's need for subsidy by $130,000.[4]

An answer in opposition to the application was filed by Elizabeth City, supported by the Board of Commissioners of the surrounding counties and towns and by various economic, civic, and educational institutions (Elizabeth parties), alleging, inter alia, that the traffic deficiency at Elizabeth City is due to Piedmont's inadequate scheduling and lack of advertising, promotion, adequate facilities, and suitable equipment; that a substantial traffic potential exists at Elizabeth City due to the industry and population in the surrounding communities; and that substantial sums of money have been expended by local and Federal agencies on improvements at the Elizabeth City airport in anticipation of Piedmont's continued service to the area.

[1] Docket 22374.

[2] Elizabeth City is an intermediate point between Rocky Mount, N.C., and Norfolk, Va., on segments 5 and 8 of Piedmont's route 87. Piedmont was originally certificated to serve Elizabeth City in 1961 (Order E-16297, dated Jan. 23, 1961).

[3] Docket 22375.

[4] Piedmont offers the only air service at Elizabeth City.

Upon consideration of the pleadings and all the relevant facts, we have decided to deny Piedmont's request for temporary suspension of service and set for hearing Piedmont's application to delete Elizabeth City from its certificate.

We note that, in the absence of a replacement service, Elizabeth City will, for the first time since 1961, be without air service. As indicated above, the community opposes suspension of service by Piedmont, and we believe that under all the circumstances, it is appropriate to consider, on an evidentiary record, the Elizabeth parties' contentions that its low traffic generation has been the result of poor scheduling and lack of advertising, promotion, adequate facilities and suitable equipment by the carrier.

Accordingly, it is ordered, That:

1. The application of Piedmont Aviation, Inc., in Docket 22375, be and it hereby is denied;

2. The application of Piedmont Aviation, Inc., in Docket 22374, be and it hereby is set for hearing at a time and place to be hereafter designated; and

3. A copy of this order shall be served upon Allegheny Airlines, Inc., National Airlines, Inc., Piedmont Aviation, Inc., United Air Lines, Inc., Mayor of the City of Elizabeth City, Governor of State of North Carolina, Postmaster General, and Commanding Officer, Coast Guard Air Station, Elizabeth City, N.C.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-15745; Filed, Nov. 20, 1970; 8:50 a.m.]

[Docket No. 22098]

UNIVERSAL AIRLINES, INC.

Notice of Prehearing Conference Regarding Cargo Charter Charges

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 2, 1970, at 10 a.m., e.s.t., in Room 503, Universal Building, 1825 Connecticut Ave. NW., Washington, D.C., before Examiner John E. Faulk.

Statements of proposed issues, proposed procedural dates, and requests for information and evidence, shall be filed with the Examiner, Bureau Counsel, and the parties named in order 70-4-51 on or before November 27, 1970.

Dated at Washington, D.C., November 17, 1970.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 70-15743; Filed, Nov. 20, 1970; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-2345]

IDAHO

Notice of Classification of Public Lands in Jarbidge Upland for Multiple-Use Management

Correction

In F.R. Doc. 70-14846 appearing at page 17066 in the issue of Thursday, November 5, 1970, the following changes should be made:

1. Under "T. 15 S., R. 15 E.," the entry for sec. 19 should read "NW¼, N½ SW¼."

2. Under "T. 7 S., R. 12 E.," the entry for sec. 8 should read "S½NW¼, SW¼, E½."

[A 5480]

ARIZONA

Notice of Classification of Public Lands for Multiple-Use Management

NOVEMBER 4, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2400, 2460, and 2430, the following public lands are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the public land described below from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). All the described lands shall remain open to all other forms of appropriation, including the mining and mineral leasing laws. As used in this order, the term "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The notice of proposed classification of these lands was published September 3, 1970, in 35 F.R. 14004 and 14005. A public hearing was held in Yuma, Ariz., on September 29, 1970. The proposal was endorsed by local governmental officials on the basis that lands could, when needed, be reclassified and made available for future urban or community development. Letters received and statements made at the hearing supported the proposed classification. At the request of an adjoining landowner, two isolated tracts, N½N½ of sec. 27 and W½NE¼ and NW¼ of sec. 29, T. 11 N., R. 16 W., have been deleted from the classification so public sale petition-

applications can be filed. The segregative effect of the proposed classification is hereby removed from this 400 acres. Otherwise the classification is made as proposed.

3. The lands involved are located in Yuma and Mohave Counties and are described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZ.

T. 19 N., R. 22 W.,
Secs. 12 and 24;
Sec. 34, lots 1 and 2, and E½NE¼.
T. 20 N., R. 21 W.,
Sec. 4, lots 1 to 4, inclusive, and S½;
Secs. 10 and 16;
Sec. 18, lots 1 to 4, inclusive, E½W½, and E½;
Secs. 20, 22, and 28;
Sec. 30, lots 1 to 4, inclusive, E½W½, and E½;
Secs. 32 and 34.
T. 19 N., R. 21 W.,
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, and SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1 to 4, inclusive, E½W½, and E½;
Secs. 8, 9, 10, 15, and 17;
Sec. 18, lots 1 to 4, inclusive, E½W½, and E½;
Sec. 19, lots 1 to 4, inclusive, E½W½, and E½;
Secs. 20, 21, 22, 27, 28, and 29;
Sec. 30, lots 1 to 4, inclusive, E½W½, and E½;
Sec. 31, lots 1 to 4, inclusive, E½W½, and E½.
T. 18 N., R. 21 W.,
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, E½;
Sec. 18, E½;
Sec. 19, NE¼ and E½SE¼.
T. 17 N., R. 21 W.,
Secs. 26 and 35.
T. 16 N., R. 21 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 3, lots 1 and 2, S½NE¼, and SE¼;
Sec. 10, W½NE¼ and NW¼SE¼;
Secs. 12, 13, 24, and 25;
Sec. 26, N½ and SE¼.
T. 15 N., R. 21 W.,
Sec. 1, N½.
T. 16½ N., R. 20½ W.,
Sec. 22, lots 1 to 5, inclusive, SE¼NE¼, and E½SE¼;
Sec. 23, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 24, lots 1 to 4, inclusive, S½N½, and S½;
Secs. 25 and 26;
Sec. 27, lots 1 to 4, inclusive, and E½E½;
Sec. 34, lots 1 to 4, inclusive, and E½E½;
Sec. 35.
T. 16 N., R. 20½ W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 3, lots 1 to 5, inclusive, SE¼NE¼, and E½SE¼;
Sec. 10, lots 1 to 4, inclusive, and E½E½;
Sec. 11, N½, N½SW¼, SE¼SW¼, and SE¼;
Secs. 12 and 13;
Sec. 14, NE¼, E½NW¼, and S½;
Sec. 15, lots 1 to 4, inclusive, and E½E½;
Sec. 22, lots 1 to 4, inclusive, and E½E½;
Secs. 23 to 26, inclusive;
Sec. 27, lots 1 to 4, inclusive, and E½E½.

T. 15 N., R. 20 W.,
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
Secs. 8, 9, 16, 20, 21, 28, 29, 32, and 33.
T. 14 N., R. 20 W.,
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
Secs. 8, 9, and 10;
Sec. 26, N½N½, NW¼SE¼NW¼, N½SW¼NW¼, SW¼SW¼NW¼, N½SE¼SW¼NW¼, and W½SW¼SE¼SW¼NW¼.
T. 14 N., R. 19 W.,
Sec. 32, N½, SW¼, N½SE¼, N½S½SE¼, and SE¼SE¼SE¼.
T. 13 N., R. 19 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 11, N½;
Sec. 12, NE¼, N½NW¼, and SE¼NW¼;
Sec. 20, S½;
Sec. 21, S½;
Secs. 27 and 28;
Sec. 29, E½;
Sec. 32, NE¼;
Sec. 33, N½ and SE¼;
Secs. 34 and 35.
T. 12 N., R. 19 W.,
Sec. 1, lots 1 to 4, inclusive, and S½;
Sec. 2, lots 1 to 4, inclusive, and S½;
Sec. 4, lots 1 and 2;
Sec. 12;
Sec. 13, N½;
Sec. 14, NE¼.
T. 10 N., R. 19 W.,
Sec. 23, less Pat. M.S. 4406A;
Sec. 24, less Pat. M.S. 3710;
Sec. 25, less Pat. M.S. 3710;
Sec. 26.
T. 9 N., R. 19 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 2, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 3, lot 7;
Sec. 11, lots 3 to 6, inclusive, E½, and NE¼NW¼;
Secs. 12 and 13;
Sec. 14, lots 5 to 8, inclusive, and E½;
Sec. 22, lot 5;
Sec. 23, lots 2, 3, and 4, E½; E½W½, and SW¼SW¼;
Secs. 24, 25, and 26;
Sec. 27, lots 5 to 8, inclusive, and E½SE¼;
Sec. 34, lots 5 to 8, inclusive, E½NE¼, SW¼NE¼, and SE¼;
Secs. 35 and 36.
T. 13 N., R. 18 W.,
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1 to 4, inclusive, E½W½, and E½;
Sec. 17, lots 1 to 4, inclusive, N½NE¼, W½, and S½SE¼;
Sec. 18, lots 1 to 4, inclusive, E½W½, and E½;
Sec. 19, lots 1 to 4, inclusive, E½W½, and E½;
Secs. 20 and 29;
Sec. 30, lots 1 to 4, inclusive, E½W½, and E½;
Sec. 31, lots 1 to 4, inclusive, E½W½, and E½;
Sec. 33.
T. 12 N., R. 18 W.,
Sec. 4, lots 1 to 4, inclusive, and S½;
Sec. 5, lots 1 to 4, inclusive, and S½;
Sec. 6, lots 1 to 6, inclusive, E½SW¼, and SE¼;
Sec. 7, lots 1 to 4, inclusive, E½W½, and E½;
Secs. 8, 9, 16, and 17;
Sec. 18, lots 1 to 4, inclusive, E½W½, and E½;
Sec. 20, N½ and SE¼;
Sec. 28.
T. 11 N., R. 17 W.,
Sec. 25;
Sec. 26, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 36, lot 1, SE¼NE¼, N½SE¼, and SW¼SE¼.
T. 10 N., R. 17 W.,
Sec. 1, lots 1 to 7, inclusive, SW¼NW¼, W½SW¼, SE¼SW¼, S½SE¼, less Pat. M.S. 4619;
Sec. 2, lots 1 to 5, inclusive, S½N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 3, lots 1 to 7, inclusive, S½N½, and SW¼;
Sec. 10, lots 1 to 5, inclusive, W½, and SW¼SE¼;
Sec. 11, lots 1 to 4, inclusive, E½, and E½SW¼;
Sec. 12.
T. 11 N., R. 16 W.,
Sec. 25, N½, NW¼SW¼, and NE¼SE¼;
Sec. 26, N½ and N½S½;
Sec. 31, lots 5 to 9, inclusive, plus unpatented M.S. in E½SE¼.
T. 10 N., R. 16 W.,
Secs. 1, 3, and 4;
Sec. 5, lot 1, NE¼, E½NW¼, SW¼NW¼, and S½;
Sec. 6, lots 1 to 6, inclusive, less Pat. M.S. 4619, SE¼NE¼, SE¼SW¼, and SE¼;
Sec. 7, lots 1 to 4, inclusive, E½W½, and E½;
Secs. 8 to 12, inclusive.
T. 11 N., R. 15 W.,
Secs. 28 and 29;
Sec. 30, lots 1 to 4, inclusive, E½W½, and E½;
Sec. 31, lot 4, N½NE¼, N½SE¼NE¼, NE¼NW¼, SE¼SW¼, and S½SE¼;
Secs. 32 and 33.
T. 10 N., R. 15 W.,
Secs. 3 and 4;
Sec. 5, NE¼;
Sec. 6, lots 1 to 4, inclusive, E½W½, and E½;
Sec. 8;
Sec. 9, SE¼;
Sec. 13, lots 1 to 4, inclusive, S½N½, and S½.
T. 10 N., R. 14 W.,
Sec. 1, lots 1 to 7, inclusive, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lots 1 to 4, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 5, lots 1 to 4, inclusive, SW¼NW¼, and S½SE¼;
Sec. 6, lots 1 to 5, inclusive, S½NE¼, and SE¼NW¼;
Sec. 7, lots 1 to 4, inclusive, E½W½, and E½;
Sec. 8;
Sec. 9, NE¼, E½NW¼, and S½;
Secs. 10 and 11;
Sec. 12, lots 1 to 4, inclusive, W½E½, and W½;
Sec. 13, lots 1 to 4, inclusive, W½E½, and W½;
Sec. 14, N½;
Sec. 15, N½;
Secs. 16 and 17;
Sec. 18, lots 1 to 4, inclusive, E½W½, and E½.
T. 11 N., R. 13 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½, less Pat. M.S. 4400;
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;

Sec. 11, W½NE¼, W½, and SW¼SE¼, less Pat. M.S. 4400;
Sec. 12, NE¼ and N½NE¼NW¼, less Pat. M.S. 4400;
Sec. 14, NW¼ and NW¼SW¼;
Secs. 15 and 21;
Sec. 22, NW¼NE¼, N½NW¼, and SW¼NW¼;
Sec. 27, SW¼SW¼;
Sec. 28, W½NE¼, W½, and SE¼;
Sec. 33;
Sec. 34, NW¼NW¼.

T. 10 N., R. 13 W.,
Sec. 1, SE¼SE¼;
Sec. 4, lots 1 to 4, inclusive, S½N½, and W½SW¼;
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1 to 5, inclusive, NE¼, E½W½, N½SE¼, and SE¼SE¼;
Sec. 8;
Sec. 9, W½NW¼ and S½;
Sec. 11, N½SE¼;
Sec. 12, E½NE¼ and S½;
Secs. 13, 14, and 15;
Sec. 16, E½, N½NW¼, and SW¼NW¼;
Sec. 17, lots 1 to 4, inclusive, E½, NE¼NW¼, and SE¼SW¼;
Sec. 18, lots 1 to 9, inclusive, E½W½, and SW¼SE¼.

T. 11 N., R. 12 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lot 1, SE¼NE¼, and E½SE¼;
Sec. 5, lots 3 and 4, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lot 1, N½NE¼, and NE¼NW¼;
Sec. 8, N½NW¼;
Sec. 10, N½NE¼ and SE¼NE¼;
Sec. 11, N½;
Sec. 12, N½ and NE¼SE¼;
Sec. 13, S½SE¼;
Sec. 14, SW¼SW¼;
Sec. 21, N½SE¼ and SE¼SE¼;
Sec. 22, NE¼NE¼, NW¼NW¼, S½N½, and S½;
Sec. 23, W½, W½SE¼, and SE¼SE¼;
Sec. 24, E½E½ and NW¼NE¼;
Sec. 27;
Sec. 33, NE¼NE¼, S½NE¼, E½SW¼, and SE¼;
Sec. 34.

T. 11 N., R. 11 W.,
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1, 2, and 3, NE¼, E½NW¼, NE¼SW¼, and SE¼;
Sec. 8;
Sec. 18, lot 4, SE¼SW¼, and SW¼SE¼;
Sec. 19, lots 1 to 4, inclusive, E½W½, and E½;
Secs. 20 and 29;
Sec. 30, lots 1 and 2, E½, and E½W½;
Sec. 32.

T. 8 S., R. 20 W.,
Secs. 30 and 31, unsurveyed;
Sec. 32, partly unsurveyed.

T. 9 S., R. 20 W.,
Sec. 2, S½;
Sec. 3, lots 3 and 4, S½NW¼, and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 6, inclusive, S½NE¼, and SE¼;
Sec. 7, lots 1 to 4, inclusive, and E½;
Sec. 8, E½ and N½NW¼;
Secs. 9, 10, 15, 16, and 17;
Sec. 18, lots 1 to 4, inclusive, and E½;
Sec. 19, lots 3 and 4, S½NE¼, and SE¼;
Secs. 20, 21, and 22.

T. 8 S., R. 21 W.,
Sec. 3, lots 1 to 4, inclusive;
Sec. 4, lot 1;
Sec. 5, lots 2, 3, and 4, SW¼NE¼, S½NW¼, and SW¼;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1 and 2, NE¼, E½NW¼, and N½SE¼;
Sec. 8, W½NW¼;
Secs. 10 and 11, unsurveyed;
Sec. 12, S½NE¼, W½, and SE¼, unsurveyed;
Secs. 13, 14, 15, secs. 22 to 26, inclusive, secs. 35 and 36, unsurveyed.

The above-described lands aggregate approximately 155,837.72 acres of public land.

4. The public lands classified by this notice are shown on maps on file and available for inspection in the Land Office, Bureau of Land Management, Federal Building, 230 North First Avenue, Phoenix, Ariz., and in the Lower Colorado River Office, Bureau of Land Management, 2450 Fourth Avenue, Yuma, Ariz.

5. For a period of 30 days from the date of publication in the FEDERAL REGISTER, this classification shall be subject to exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3 and 2462.3. Interested parties may submit comments to the Secretary of the Interior, LLM 320, Washington, D.C. 20240.

RILEY E. FOREMAN,
Acting State Director.

[F.R. Doc. 70-15740; Filed, Nov. 20, 1970; 8:49 a.m.]

[R 2821]

CALIFORNIA

Notice of Classification of Public Lands for Multiple-Use Management

NOVEMBER 9, 1970.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2460, the public lands described below are hereby classified for multiple-use management. As used herein, "public lands" means any lands (1) withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or (2) within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice has the effect of segregating all public lands described below from appropriation only under the agricultural land laws (43 U.S.C. chs. 7 and 9; 25 U.S.C. sec. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171), and the lands described in paragraph 4 from appropriation under the mining law (30 U.S.C. ch. 2). The lands shall remain open to all other applicable forms of appropriation.

3. Comments were received following publication of the notice of proposed classification (35 F.R. 12856), and at the public hearing held at Yuma, Ariz., on September 29, 1970. All of these comments were carefully considered; however, no changes were deemed necessary.

The following described lands located within Riverside, San Bernardino, and Imperial Counties are classified for multiple-use management.

SAN BERNARDINO MERIDIAN

RIVERSIDE, SAN BERNARDINO, AND IMPERIAL COUNTIES

T. 11 N., R. 20 E.,
Sec. 1, lots 7, 8, N½, E½SW¼, and SE¼;
Sec. 12, lots 2, 3, 4, 5, E½, and E½W½;
Sec. 13, lots 1, 2, 3, 4, E½, and E½W½;
Sec. 24, lots 1, 2, 3, E½, E½W½, and SW¼SW¼;
Sec. 25, lots 1, 2, N½, E½SW¼, and SE¼;
Sec. 36, lots 1 to 7, inclusive, NE¼, E½NW¼, NE¼SW¼, and N½SE¼.

T. 12 N., R. 20 E.,
Sec. 13, lot 1;
Sec. 24, lots 1 to 8, inclusive, SW¼NW¼, NE¼SW¼, and SW¼SE¼;
Sec. 25, lots 4 to 8, inclusive, NE¼NE¼, S½NW¼SW¼, and S½SW¼.

T. 9 N., R. 21 E.,
Sec. 1;
Sec. 2, lots 1, 2, 3, 4, S½NE¼, SE¼NW¼, NE¼SW¼, and SE¼;
Sec. 10, N½, N½S½, and portion S½S½ north of U.S. Highway 66;
Sec. 11;
Sec. 12, S½NE¼, NW¼NW¼, and portion of S½ north of U.S. Highway 66;
Sec. 14, portion of N½N½ north of U.S. Highway 66.

T. 10 N., R. 21 E.,
Sec. 2, lots 1, 2, 3, and 4;
Sec. 3, lots 1, 2, 3, and 4;
Secs. 10, 11, 12, 14, 15, 22, 23, and 24;
Sec. 25, E½ and S½SW¼;
Secs. 26, 27, 34, and 35.

T. 11 N., R. 21 E.,
Sec. 3, lot 1;
Sec. 4, lots 1 to 11, inclusive, SW¼NW¼, NE¼SW¼, and SW¼SE¼;
Sec. 5, lots 1 to 12, inclusive;
Secs. 6 and 7;
Sec. 8, lots 1, 2, 3, 4, 5, and N½;
Sec. 9, lots 1 to 12, inclusive, NE¼NE¼, W½NW¼, SE¼NW¼, E½SW¼, W½SE¼, and SE¼SE¼;
Sec. 10, lots 1 to 7, inclusive, S½NW¼, NE¼SW¼, NW¼SE¼, and S½SE¼;
Sec. 14, lots 1 to 8, inclusive, and W½NW¼;
Sec. 15, lots 1 to 8, inclusive, NE¼NE¼, and S½S½;
Sec. 16, lots 1, 2, 3, E½, E½NW¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 17, lots 8 to 13, inclusive;
Secs. 18 and 19;
Sec. 20, lots 2 to 6, inclusive, and N½;
Sec. 21, lots 8, 9, N½, E½SW¼, and SE¼;
Sec. 23, lots 1 to 10, inclusive, and NE¼NE¼;
Sec. 26, lots 1 to 8, inclusive, NE¼, and E½NW¼;
Sec. 28, lots 2, 3, 4, 5, E½, and E½W½;
Sec. 29, lots 1, 2, 3, and 4;
Secs. 30 and 31;
Sec. 32, lots 1 to 6, inclusive;
Sec. 35, lots 2 to 7, inclusive, and S½S½.

T. 12 N., R. 21 E.,
Sec. 19, lot 1;
Sec. 29, lot 1;
Sec. 30, lots 1 to 11, inclusive, SW¼NW¼, NE¼SW¼, and SW¼SE¼;
Sec. 31;

Sec. 32, lots 1 to 11, inclusive, SW¼NW¼, NE¼SW¼, and SW¼SE¼;
Sec. 33, lot 1.
T. 9 N., R. 22 E.,
Secs. 2, 3, 4, 6, 7, 8, 10, and 11;
Sec. 13, lots 2, 3, 4, 5, SW¼NW¼, and N½SW¼;
Sec. 21, W½SW¼;
Secs. 22 and 23;
Sec. 24, N½SW¼NE¼, W½, and S½SE¼;
Secs. 26 to 35, inclusive.
T. 10 N., R. 22 E.,
Secs. 4, 5, 6, 8, 9, 18, 19, and 20;
Sec. 26, S½;
Secs. 28, 30, 31, 32, 34, and 35.
T. 8 N., R. 23 E.,
Sec. 4, lot 4, SW¼NW¼, SW¼, and SW¼SE¼;
Secs. 6, 7, and 8;
Sec. 15, W½SW¼;
Secs. 18 and 19;
Sec. 20, N½, and SW¼;
Sec. 22, NW¼NW¼, S½NW¼, SW¼, and W½SE¼;
Sec. 26, SW¼NW¼, NW¼SW¼, S½SW¼; and SW¼SE¼;
Secs. 27, 28, 30, 31, 32, 34, and 35.
T. 4 N., R. 24 E.,
Secs. 2 to 15, inclusive;
Sec. 17, W½NE¼, W½, and SE¼;
Secs. 18, 22, 23, 24, 25, 26, 27, 34, and 35.
T. 5 N., R. 24 E.,
Secs. 28 to 33, inclusive.
T. 6 N., R. 24 E.,
Sec. 3, lots 3, 4, S½NW¼, and S½;
Secs. 4, 5, 6, 7, 8, and 10;
Sec. 16, SW¼SW¼;
Secs. 18, 19, 20, 22, 27, 28, 30, 31, 32, and 34.
T. 7 N., R. 24 E.,
Sec. 16, N½NW¼;
Secs. 18, 19, 20, 30, 31, and 32.
T. 1 N., R. 25 E.,
Sec. 2, portion NW¼, unsurveyed;
Sec. 3, N½, SW¼ and portion SE¼, unsurveyed;
Sec. 4;
Sec. 5, S½;
Sec. 6, S½;
Secs. 7, 8, and 9;
Sec. 16, NE¼NW¼;
Secs. 17 and 18.
T. 2 N., R. 25 E.,
Secs. 19, 20, 21, 22, and 23;
Sec. 24, NW¼;
Sec. 26, N½, and SW¼;
Secs. 27, 28, 29, and 36, unsurveyed;
Sec. 31, N½, and N½S½, unsurveyed;
Sec. 32, N½;
Sec. 33, N½.
T. 3 N., R. 25 E.,
Secs. 1, 2, 3, 10, 11, 12, 13, 14, and 15, unsurveyed.
T. 2 N., R. 26 E.,
Sec. 10, S½;
Sec. 11, S½;
Secs. 12, 13, 14, and 15;
Sec. 18, lots 2 and 3, and E½NW¼;
Sec. 22, lots 3, 4, 5, E½, NW¼NW¼, E½NW¼, and E½SW¼;
Secs. 23 and 24;
Sec. 25, NW¼;
Sec. 26, N½ and SW¼;
Sec. 27, lots 5, 6, 7, 8, E½, and E½NW¼.
T. 3 N., R. 26 E.,
Sec. 5, lots 5, 7, 8, S½N½, and S½;
Secs. 6, 7, 8, 9, 15, 17, 18, 19, and 20;
Secs. 22 to 28, inclusive;
Sec. 29, lots 1 to 6, inclusive, E½, E½NW¼, and SE¼SW¼;
Sec. 30, lots 5 to 11, inclusive, W½E½, and E½W½;
Secs. 31, 32, 33, 34, and 35.
T. 2 N., R. 27 E.,
Secs. 5 and 6;
Sec. 7, N½ and SW¼;
Sec. 8, N½.
T. 3 N., R. 27 E.,
Sec. 30, N½.
T. 9 S., R. 21 E.,
Secs. 5, 6, 7, and 8;
Secs. 17 and 18;
Sec. 19, NE¼, W½SE¼, SE¼SE¼, and SW¼;
Secs. 20 and 21;
Sec. 27;
Secs. 28 to 32, inclusive, partially unsurveyed;
Sec. 33, W½.
T. 10 S., R. 21 E.,
Secs. 4, 5, and 6;
Sec. 7, NW¼;
Secs. 8, 18, 20, 28, 30, and 32.
T. 10½ S., R. 21 E.,
Secs. 31, 32, and 33.
T. 11 S., R. 21 E.,
Secs. 4, 6, 8, and 18;
Sec. 19, lots 1, 6, and NE¼;
Secs. 20, 30, and 32.
T. 12 S., R. 21 E.,
Secs. 4, 6, and 8;
Sec. 17, S½;
Secs. 18, 19, 20, and 30.
T. 16 S., R. 21 E.,
Secs. 1 and 2;
Sec. 3, lots 1 and 2 of NE¼, lot 2 and E½ lot 1 of NW¼, and lots 3 and 6;
Sec. 4, SE¼;
Sec. 5, lots 1 and 2 of NE¼, and lots 3 to 10, inclusive;
Sec. 10, W½;
Secs. 11, 12, and 13.
T. 13 S., R. 22 E.,
Secs. 18, 19, 29, 30, 31, 32, 33, 34, and 35.
T. 16 S., R. 22 E.,
Secs. 3 to 6, inclusive;
Sec. 7, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, and E½.
T. 2 S., R. 23 E.,
Secs. 1 to 11, inclusive, unsurveyed;
Sec. 12, that portion west of the Colorado River Indian Reservation;
Sec. 13, that portion west of the Colorado River Indian Reservation;
Secs. 14, 15, and 17 to 23, inclusive, unsurveyed;
Sec. 24, lots 1 and 2, and W½NE¼ and W½, unsurveyed;
Secs. 26 to 34, inclusive, unsurveyed.
T. 3 S., R. 23 E.,
Secs. 3 to 9, inclusive;
Secs. 17 to 22, inclusive, and 27 to 34, inclusive.
T. 4 S., R. 23 E.,
Secs. 3 to 9, inclusive, 17 to 22, inclusive, and 27 to 34, inclusive, partially unsurveyed.
T. 5 S., R. 23 E.,
Secs. 2 to 11, inclusive;
Sec. 14, W½;
Secs. 15 to 23, inclusive;
Sec. 27, NE¼SE¼;
Secs. 28, 29, and 30;
Sec. 31, lots 4, 5, 6, 7, NE¼, and N½SE¼;
Sec. 32, N½;
Sec. 33, N½ and SW¼NW¼.
T. 6 S., R. 23 E.,
Sec. 6, lot 1, NW¼NE¼, and NE¼NW¼.
T. 13 S., R. 23 E.,
Secs. 31, 32, 33, 34, and 35.
T. 14 S., R. 23 E.,
Secs. 3 to 10, inclusive;
Secs. 14 and 15;
Secs. 17 to 35, inclusive.
T. 14½ S., R. 23 E.,
Secs. 31 to 36, inclusive.
T. 15 S., R. 23 E.,
Secs. 1 to 12, inclusive;
Secs. 14, 15, 17, 18, 19, 20, 21, and 23.
T. 1 S., R. 24 E.,
Sec. 5, W½;
Sec. 15, lot 7, SE¼NW¼, N½SW¼NW¼, SE¼SW¼NW¼, N½NE¼SW¼, and SE¼NE¼SW¼;
Secs. 19, 30, and 31.
T. 2 S., R. 24 E.,
Sec. 6, all, less patented M.S. 5527.

The lands described above aggregate approximately 268,521 acres.

4. Publication of this notice has the effect of further segregating the following described lands from appropriation under the mining laws (30 U.S.C. Ch. 2), but not the mineral leasing laws.

SAN BERNARDINO MERIDIAN, CALIFORNIA

RIVERSIDE, SAN BERNARDINO, AND IMPERIAL COUNTIES

Picacho Recreation and Wildlife Area

T. 13 S., R. 22 E.,
Secs. 18, 19, 29 to 33, inclusive;
Sec. 34, N½;
Sec. 35, N½.

Whipple Mountain Recreation and Natural Area

T. 3 N., R. 25 E.,
Sec. 3, W½ and SE¼;
Secs. 10 and 11;
Sec. 12, S½;
Secs. 13, 14, and 15.
T. 3 N., R. 26 E.,
Sec. 17, SW¼;
Secs. 18, 19, and 20;
Sec. 30, W½;
Sec. 31, W½.

West Well Archaeological Sites

T. 4 N., R. 24 E.,
Sec. 8, SE¼SE¼ and E½SW¼SE¼;
Sec. 17, E½W½NE¼.

The lands described above aggregate approximately 11,935 acres.

5. For a period of 30 days from the date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior, as provided for in 43 CFR 2461.3.

J. R. PENNY,
State Director.

[F.R. Doc. 70-15741; Filed, Nov. 20, 1970; 8:49 a.m.]

National Park Service

SLEEPING BEAR DUNES NATIONAL LAKESHORE, MICHIGAN

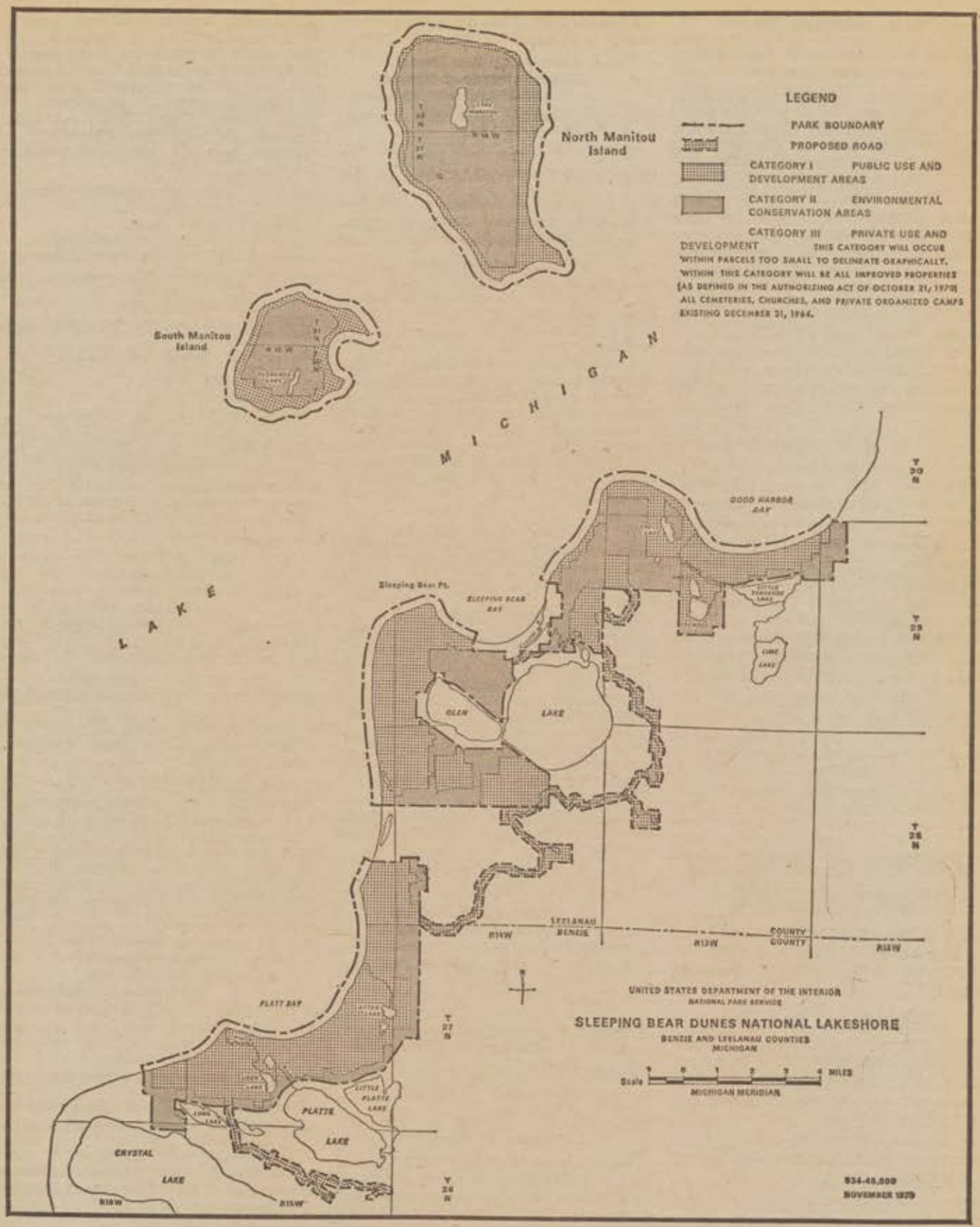
Publication of Map Delineating Areas by Category

The Act of October 21, 1970 (84 Stat. 1075), provides for establishment in the State of Michigan of the Sleeping Bear Dunes National Lakeshore, to be administered by the Secretary of the Interior.

Paragraph 3(a) of the subject act requires that a map or other description of the Lakeshore be published delineating areas constituting the following categories: Category I, public use and development areas; Category II, environmental conservation areas; and Category III, private use and development areas. Therefore, in accordance with paragraph 3(a) of the act, and 245 DM-1 (27 F.R. 6395, as amended), the following map, numbered 634-40000, is published. Copies of the map are available in the office of the National Park Service in Washington, D.C.

Dated: November 20, 1970.

GEORGE B. HARTZOG, Jr.,
Director, National Park Service.



[F.R. Doc. 70-15715; Filed, Nov. 20, 1970; 8:45 a.m.]

S. G. LEOFFLER CO.

Notice of Intention To Extend a Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with S. G. Leoffler Co. authorizing it to provide concession facilities and services for the public within the Washington, D.C., metropolitan area for a period of one (1) year from January 1, 1971, through December 31, 1971.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Office of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

JOE HOLT,
Acting Deputy Director,
National Park Service.

[F.R. Doc. 70-15691; Filed, Nov. 20, 1970; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

AREA ADMINISTRATOR AND DEPUTY AREA ADMINISTRATOR, COMMONWEALTH AREA OFFICE, PUERTO RICO

Delegation of Authority

The Area Administrator and the Deputy Area Administrator, Commonwealth Area Office (Puerto Rico), each is authorized to exercise the power and authority of the Secretary of Housing and Urban Development now or hereafter redelegated to each Area Director of a HUD Area Office.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This delegation of authority is effective September 30, 1970.

RICHARD C. VAN DUSEN,
Under Secretary of Housing and Urban Development.

[F.R. Doc. 70-15730; Filed, Nov. 20, 1970; 8:48 a.m.]

REGIONAL ADMINISTRATORS ET AL.

Redelegations of Authority With Respect to Renewal Assistance Programs and Housing Management

(1) The introductory paragraph of section C of the Redelegation of Authority With Respect to Renewal Assistance Programs, published October 14, 1970, 35 F.R. 16102, is changed to read in part as follows:

SEC. C. *Additional authority redelegated with respect to the Slum Clearance and Urban Renewal Program.* Each Regional Administrator, Deputy Regional Administrator, Regional Counsel, Associate Regional Counsel for Private Market Financing, and Associate Regional Counsel for General Legal Services is authorized to:

* * * * *

(2) Section C of the Redelegation of Authority With Respect to Housing Management, published October 14, 1970, 35 F.R. 16105, is changed to read as follows:

SEC. C. *Authority redelegated to Regional Counsels and Associate Regional Counsels with respect to Low-rent Public Housing Program.* Each Regional Counsel, Associate Regional Counsel for Private Market Financing, and Associate Regional Counsel for General Legal Services is authorized to exercise the power and authority of the Secretary relating to the financing and refinancing of housing under the Low-Rent Public Housing Program.

(Delegation of the Secretary, 35 F.R. 15025, Sept. 26, 1970, and other authorities set forth therein)

Effective date. This amendment is effective as of October 14, 1970.

NORMAN V. WATSON,
Acting Assistant Secretary for Renewal and Housing Management.

[F.R. Doc. 70-15731; Filed, Nov. 20, 1970; 8:48 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "General Deputy, Renewal Projects Administration" to "Deputy Director, Office of Renewal Assistance".

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

[F.R. Doc. 70-15719; Filed, Nov. 20, 1970; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Director of Civil Rights, Office of the Secretary.

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

[F.R. Doc. 70-15722; Filed, Nov. 20, 1970; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Chief, ATC System Requirements Division, Federal Aviation Administration, Air Traffic Service.

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

[F.R. Doc. 70-15725; Filed, Nov. 20, 1970; 8:48 a.m.]

GENERAL SERVICES ADMINISTRATION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the General

Services Administration to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Deputy Administrator, Office of the Administrator.

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

[F.R. Doc. 70-15721; Filed, Nov. 20, 1970; 8:48 a.m.]

GENERAL SERVICES ADMINISTRATION

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the General Services Administration to fill by noncareer executive assignment in the excepted service the position of Director of Legislative and Congressional Affairs, Office of the Administrator.

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

[F.R. Doc. 70-15723; Filed, Nov. 20, 1970; 8:48 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Associate Director for Congressional and Governmental Relations" to "Associate Director for Congressional, Governmental, and Private Sector Relations."

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

[F.R. Doc. 70-15720; Filed, Nov. 20, 1970; 8:48 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commision revokes the authority of the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Assistant Director for Interagency Relations, Office of the Director.

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

[F.R. Doc. 70-15724; Filed, Nov. 20, 1970; 8:48 a.m.]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Tuesday, November 24, 1970. The hearing will take place in the South Auditorium of the ASTM Building, 1916 Race Street in Philadelphia, beginning at 2 p.m. The hearing will be on proposals to amend the Comprehensive Plan so as to include the following projects:

1. *Berks-Montgomery Municipal Authority.* Additions to the Authority's treatment facilities serving serveral municipalities in Montgomery and Berks Counties, Pa. Facilities will be installed to provide 95 percent removal of BOD_5 from a flow of 1.1 million gallons a day. Treated effluent will discharge into West Swamp Creek, a part of the Perkiomen Creek drainage system.

2. *Lehigh County Authority.* A well water supply project to provide public water supplies in Upper Macungie Township, Lehigh County, Pa. Two new wells will be utilized, providing a combined yield of 2 million gallons a day.

3. *Poconos Water Co.* A well water supply project to serve new residential communities in Lake and Salem Townships, Wayne County, Pa. Two new wells will be utilized to provide a combined yield of 345,000 gallons per day.

4. *Borough of Fleetwood.* A well water supply project to serve the Borough of Fleetwood and portions of adjacent townships in Berks County, Pa. Numerous existing springs, two existing wells and one new well comprise the water supply system and provide design capacity of 575,000 gallons per day.

5. *Philadelphia Suburban Water Co.* A project to treat waste water from the backwash of the company's Neshaminy Creek filter plant in Middletown Township, Bucks County, Pa. A series of settling basins will remove 96 percent of suspended solids from an average flow of 350,000 gallons per day. Discharge will be to Neshaminy Creek.

6. *Lehighton Sewerage Authority.* A project to expand and upgrade existing treatment facilities at the Authority's plant in Lehighton Borough, Carbon County, Pa. Ninety percent of BOD_5 will be removed from a design flow of 720,000 gallons per day. Treated effluent will discharge to Mahoning Creek, a tributary of the Lehigh River.

7. *Green Valley Farms.* A well water supply project to augment public water supplies to a residential area in New Garden Township, Chester County, Pa. Designated as Wells Nos. 1 and 2, the two facilities are estimated to provide a combined yield of 1.9 million gallons per day. Maximum combined withdrawal from both wells will be limited to 8.7 million gallons during any calendar month.

8. *City of Camden.* A project to replace existing well No. 4 in the Puchack well field. The new facility will be located near the intersection of Velde and Balfour Avenues in Pennsauken Township, Camden County, N.J.

9. *Ewing-Lawrence Sewerage Authority.* Construction of a sewage pumping station and an interceptor system to serve the Lawrence Industrial Park, Mercer County, N.J. An initial flow of 0.5 million gallons a day will be conveyed to the Authority's existing treatment plant and discharged to Assunpink Creek.

10. *Township of Pemberton.* A well water supply project involving increased diversion of ground water from three existing wells in the Browns Mills area of Pemberton Township, Burlington County, N.J. Combined diversion is not to exceed 30 million gallons during any month.

11. *New Jersey Water Co.* A well water supply project to augment public water supplies in the company's service area in the Township of Edgewater Park, Burlington County, N.J. Two new wells, designated as Nos. 32 and 33, will be utilized to provide a combined yield not to exceed 62 million gallons during any month.

12. *Minersville Sewer Authority.* A sewage collection and treatment system to serve the Borough of Minersville, Schuylkill County, Pa. Approximately 90 percent of BOD_5 will be removed from an effluent flow of 1 million gallons per day prior to discharge into West Branch of the Schuylkill River.

Documents relating to the items on this hearing notice may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission.

W. BRINTON WHITALL,
Secretary.

NOVEMBER 12, 1970.

[F.R. Doc. 70-15728; Filed, Nov. 20, 1970; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19089, 19090; FCC 70-1220]

BIG CHIEF AND COMMUNITY SERVICE RADIO, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of A. V. Bamford and Jack Beasley, partners doing business as the Big Chief, Corpus Christi,

Tex., Docket No. 19089, File No. BPH-7006, requests: 99.1 mc., No. 256; 100 kw. (H); 100 kw. (V); 197 feet; Community Service Radio, Inc., Corpus Christi, Tex., Docket No. 19090, File No. BPH-7046, requests: 99.1 mc., No. 256; 50 kw., 505 feet; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. According to its application, The Big Chief would require $86,400 to construct and operate its proposed station for 1 year without reliance on revenues. This figure, however, is premised on the availability of deferred equipment payments, but a manufacturer's letter to this effect has not been supplied. To meet this requirement, applicant relies on partnership contributions of $50,000 from each of the two partners, but their ability to meet these commitments has not been established. Accordingly, a financial issue will be specified.

3. According to its application, Community Service would require $47,085 to construct and operate its proposed station for 1 year without reliance on revenues. To meet this requirement, applicant relies on cash on hand—$8,000, new capital—$6,000, and a $20,000 line of credit. Terms and conditions for the latter are lacking, and the former is less than the stated need. Accordingly, a financial issue will be specified.

4. In Suburban Broadcasters, 30 FCC 951 (1961), our Public Notice of August 22, 1968, FCC 68-847, 13 RR 2d 1903, City of Camden (WCAM), 18 FCC 2d 412 (1969), and our proposed Primer on Ascertainment of Community Problems by Broadcast Applicants, FCC 69-1402, released December 19, 1969, we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. In this case, neither applicant appears to have contacted a representative cross-section of the area, nor has The Big Chief adequately provided the comments regarding community needs obtained from such contacts. Likewise, neither applicant has adequately provided a listing of specific programs responsive to specific community needs as evaluated. As a result, we are unable at this time to determine whether either of the applicants is aware of and responsive to the needs of the area. Accordingly, Suburban issues are required.

5. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive FM service of 1 mv/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the amount reasonably required by The Big Chief for construction and first-year operation of its proposed station without reliance on revenues, and whether it has available the necessary funds to thus demonstrate its financial qualifications.

(2) To determine whether Community Service has available the additional $33,085 required for construction and first-year operation of its proposed station without reliance on revenues to thus demonstrate its financial qualifications.

(3) To determine the efforts made by The Big Chief to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(4) To determine the efforts made by Community Service Radio, Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(5) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(6) To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications for construction permit should be granted.

8. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

9. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594 (g) of the rules.

Adopted: November 10, 1970.

Released: November 18, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 70-15710; Filed, Nov. 20, 1970; 8:47 a.m.]

[Dockets Nos. 19087, 19088; FCC 70-1211]

ALVIN L. KORNGOLD AND SUN CITY BROADCASTING CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Alvin L. Korngold, Sun City, Ariz., Docket No. 19087, File No. BPH-6755, requests: 106.3 mc, No. 292; 3 kw.; 108 feet; Sun City Broadcasting Corp., Sun City, Ariz., Docket No. 19088, File No. BPH-6808, requests: 106.3 mc, No. 292; 3 kw.; 87.13 feet; for construction permit.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. According to its application, Sun City Broadcasting would require $26,058 to construct and operate its proposed station for 1 year without reliance on revenues. However, there is some question about this estimate as less than $18,000 is planned for salaries even though the station is to have six employees. To meet its requirements, applicant relies on cash—$100, and new capital—$3,000, plus a stockholder loan in the amount of $40,000. Stockholder's balance sheets have not been filed to show the availability of the new capital, and the stockholder-lender has not shown his ability to meet his commitment. Accordingly, a financial issue will be specified.

3. In Suburban Broadcasters, 30 FCC 951 (1961), our Public Notice of August 22, 1968, FCC 68-847, 13 RR 2d 1903, City of Camden (WCAM), 18 FCC 2d 412 (1969), and our proposed Primer on Ascertainment of Community Problems by Broadcast Applicants, FCC 69-1402, released December 19, 1969, we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. In this case, Alvin Korngold does not appear to have contacted a representative cross section of the area nor adequately provided the comments regarding community needs obtained from such contacts. In addition, he has not adequately provided a listing

[1] Commissioner Bartley absent.

of specific programs responsive to specific community needs as evaluated. As a result, we are unable at this time to determine whether Alvin Korngold is aware of and responsive to the needs of the area. Accordingly, a Suburban issue is required.

4. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive FM service of 1 mv/m or greater intensity, together with the availability of other primary aural services in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

5. A full comparison of the programing proposals is warranted when there are substantial and material differences in the programing proposals of the applicants. Such differences exist in this case because Sun City Broadcasting proposes to operate 125 hours per week and Alvin Korngold only 56 hours per week. Therefore, the programing proposals of the applicants may be compared under the standard comparative issue.

6. Both Alvin Korngold and Sun City Broadcasting have filed what amounts to informal objections to the other's application. Sun City alleged that there were certain discrepancies in Mr. Korngold's application and in the local notice he gave of the filing of his application. Subsequent amendment of Mr. Korngold's application and explanations provided by him have rectified or clarified most of these matters, and his taking slightly more than 30 days following tender of his application to complete his local publication does not assume any real consequence. Under these circumstances, we do not find that any of the points made by Sun City Broadcasting warrant the addition of any issues against Mr. Korngold's charge that there is a hidden party to the Sun City Broadcasting Corp., while serious, has not been documented sufficiently to raise an issue in this regard. Accordingly, both objections will be denied.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the funds required to construct and operate Sun City Broadcasting's proposed station for 1 year, and whether these funds are available to it as required for construction and first-year operation of its proposed station without reliance on revenues to thus demonstrate its financial qualifications.

(2) To determine the efforts made by Alvin Korngold to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(3) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(4) To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications for construction permit should be granted.

9. *It is further ordered*, That the informal objections raised by Alvin Korngold and Sun City Broadcasting are denied.

10. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

11. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: November 10, 1970.

Released: November 18, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 70-15711; Filed, Nov. 20, 1970; 8:47 a.m.]

[Dockets Nos. 19095-19097; FCC 70-1210]

PAYNE OF VIRGINIA, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard aplications of Payne of Virginia, Inc., Virginia Beach, Va., requests: 94.9 mc No. 235; 50 kw. (H); 50 kw. (V); 467 feet, Docket No. 19095, File No. BPH-6754; Virginia Seashore Broadcasting Corp., Virginia Beach, Va., requests: 94.9 mc, No. 235; 50 kw. (H); 50 kw. (V); 500 feet, Docket No. 19096, File No. BPH-6901; Sea Broadcasting Corp., Virginia Beach, Va., requests: 94.9 mc, No. 235; 50 kw. (H); 50 kw. (V); 470 feet, Docket No. 19097, File No. BPH-6902; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. According to its application, Payne of Virginia would require $68,650 to construct and operate its proposed station for 1 year without reliance on revenues. To meet this requirement, applicant relies on cash on hand—$4,300; stockholders advance—$40,000; and profits from existing operation—$48,000. Documentation for the last item is lacking. Accordingly, a financial issue will be specified.

3. According to its application, Virginia Seashore would require $137,576 to construct and operate its proposed station for 1 year without reliance on revenues. To meet this requirement, applicant relies on existing capital and a $100,000 bank loan. The amount thus available, $106,500, falls short of its needs. Accordingly, a financial issue will be specified.

4. In Suburban Broadcasters, 30 FCC 951 (1961), our Public Notice of August 22, 1968, FCC 68-847, 13 RR 2d 1903, City of Camden (WCAM), 18 FCC 2d 412 (1969), and our proposed Primer on Ascertainment of Community Problems by Broadcast Applicants, FCC 69-1402, released December 19, 1969, we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community problems. In this case, none of the applicants appears to have contacted a representative cross-section of the area, but Payne of Virginia and Virginia Seashore have adequately provided the comments regarding community problems obtained from those individuals they have contacted and many, but not all, of Sea Broadcasting's contacts have provided information on community problems. All have adequately provided a listing of specific programs responsive to specific community problems evaluated. As a result, we are unable at this time to determine whether any of the applicants is aware of and responsive to the needs of the area. Accordingly, Suburban issues are required.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether Payne of Virginia has available the additional $24,350 required for construction and first-year operation of its proposed station without reliance on revenues to thus demonstrate its financial qualifications.

(2) To determine whether Virginia Seashore has available the additional

[1] Commissioner Bartley absent.

$31,076 required for construction and first-year operation of its proposed station without reliance on revenues to thus demonstrate its financial qualifications.

(3) To determine the efforts made by Payne of Virginia to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(4) To determine the efforts made by Virginia Seashore to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(5) To determine the efforts made by Sea Broadcasting to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(6) To determine which of the proposals would, on a comparative basis, best serve the public interest.

(7) To determine in the light of the evidence adduced pursuant to the foregoing issue, which, if any, of the applications for construction permit should be granted.

7. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

8. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: November 10, 1970.

Released: November 18, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 70-15713; Filed, Nov. 20, 1970; 8:47 a.m.]

[Dockets Nos. 19093, 19094; FCC 70-1218]

JAMES J. B. SCANLON (KCAT) AND LOVELLE MORRIS BEASLEY

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of James J. B. Scanlon (KCAT), Pine Bluff, Ark., has: 1530 kc., 250 w., Day, Class II, requests: 1340 kc., 250 w., 1 kw.-LS, U, Class IV, Docket No. 19093, File No. BP-18017; Lovelle Morris "Jack" Beasley, Pine Bluff, Ark., requests: 1340 kc., 250 w., 1 kw.-LS, U, Class IV, Docket No. 19094, File No. BP-18474; for construction permits.

1. The Commission has under consideration: (i) the above-captioned and described mutually exclusive applications; (ii) a petition to deny, by James J. B. Scanlon, licensee of station KCAT, Pine Bluff, Ark.; (iii) pleadings related thereto; and (iv) a motion to strike petitioner's reply filed by Lovelle Morris "Jack" Beasley.

2. In Suburban Broadcasters, 30 FCC 951 (1961), our Public Notice of August 22, 1968, FCC 68-847, 13 RR 2d 1903, City of Camden (WCAM), 18 FCC 2d 412 (1969), and more recently in our proposed Primer on Ascertainment of Community Problems by Broadcast Applicants, 34 FR 20282, 20 FCC 2d 880, we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. Among other things, applicant Beasley has not set out data indicating whether those people contacted represent a true cross-section of Pine Bluff. As a result, we are unable at this time to determine whether Beasley is aware of the needs of the area. Accordingly, a Suburban issue is required.

3. A full comparison of the programing proposals is warranted when one applicant proposes predominantly specialized programing and the other, general market programing. Ward L. Jones, FCC 67-82 (1967), Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, footnote 9 at 397 (1965). Specifically, KCAT proposes to continue its present format of 100 percent Negro-oriented programing, whereas, Beasley proposes general market programing. Therefore, the programing proposals of the applicants may be compared under the standard comparative issue.

4. Petitioner contends that Beasley made "gross and deliberate misrepresentations" to the Commission with respect to his community needs survey which raises an issue as to his basic qualifications. In support of this contention, petitioner states that he contacted 12 of the 42 persons listed in Beasley's original survey and found that 10 of those 12 had never heard of Beasley, nor had they ever been contacted by him or any of his representatives. The petition to deny contains affidavits to this effect from the 10 individuals. In opposition, Beasley claims that some persons listed on the survey were personally contacted by himself while others were contacted through the services offered by the Pine Bluff Telephone Answering Service. Attached to his opposition is an affidavit by the manager of the above-mentioned service stating that she supervised the calling of the 10 persons referred to in the petition to deny and that either they or responsible members of their households were contacted. Included also was a log of the calls listing the party's name, organization, and the date and time the call was placed. In reply, petitioner reaffirms his earlier stand and contends that Beasley's opposition has in no way altered the facts presented in the petition to deny. In a subsequent amendment to his application, Beasley claims that he personally interviewed at least three of the people listed by petitioner as uncontacted on the same day that the answering service called them.

5. The sequence of events, outlined above, has become all too familiar in recent years. An applicant lists a number of people as having been contacted for the purpose of ascertaining community needs. A petitioner canvasses the list and finds that a substantial number of persons either do not remember having been interviewed or, if they do remember, they cannot recall having mentioned the particular community need attributed to them. In many instances, the passage of time alone is sufficient to dull the memory. In other cases it is the cursory nature of the contact which fails to make a lasting impression on the interviewee. The latter seems to have occurred in the case of Beasley's survey. The disputed contacts, for the most part, appear to have been made by the telephone answering service rather than by the applicant. Although this fact alone renders Beasley's ascertainment of community needs deficient, we do not find that the petitioner has raised a substantial and material question of fact sufficient to support a misrepresentation issue. In conclusion, we wish to point out that situations such as this one would not occur if applicants would avoid using outside agencies and would conduct interviews in person.[2] In this way, not only would more meaningful information be developed, but also interviewees would be more likely to remember that an in-depth consultation actually took place.

6. In his motion to strike Scanlon's reply pleading, Beasley relies chiefly on the fact that it was untimely filed. In light of the fact that the basic petition by Scanlon is being denied, there is no need for the Commission to rule on the motion to strike and thus it will be dismissed as moot.

7. KCAT has requested a waiver of § 73.188(a)(1) of the rules since their studies indicate that the maximum coverage possible from their centrally located transmitter would still result in the nighttime limitation contour covering only 88 percent of the city. Since both proposals request essentially identical facilities and fail to meet the requirements of § 73.188(a)(1), a coverage issue must be included as to both applicants.

8. Both applicants have failed to keep the financial portion of their applications current. Accordingly, a financial issue will be included.

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed.

[1] Commissioner Bartley absent.

[2] See answers to questions 11 and 12 in the Commission's proposed Primer on Ascertainment of Community Problems by Broadcast Applicants, supra.

However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

10. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether the applicants are financially qualified to construct and operate their respective proposals.

(2) To determine the efforts made by Lovelle Morris "Jack" Beasley to ascertain the community needs and interests of the area to be served and the means by which he proposes to meet those needs and interests.

(3) To determine whether the proposals of the applicants would provide coverage of the city sought to be served, as required by § 73.188(a)(1) of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

(4) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(5) To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

11. *It is further ordered,* That the petition to deny by James J. B. Scanlon is hereby denied.

12. *It is further ordered,* That the motion to strike by Lovelle Morris "Jack" Beasley is dismissed as moot.

13. *It is further ordered,* That, in the event of a grant of either application, the construction permit shall contain the following condition: Permittee shall accept such interference as may be imposed by other existing 250 watt Class IV stations in the event they are subsequently authorized to increase power to 1,000 watts.

14. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

15. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: November 10, 1970.

Released: November 18, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[1a]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-15712; Filed, Nov. 20, 1970; 8:47 a.m.]

[Dockets Nos. 17916, 17917; FCC 70R-387]

GLENN WEST AND SOUNDVISION BROADCASTING, INC.

Memorandum Opinion and Order

In regard applications of Glenn West, Portland, Ind., Docket No. 17916, File No. BPH-5820; Soundvision Broadcasting, Inc., Portland, Ind., Docket No. 17917, File No. BPH-5899; for construction permits.

1. On August 4, 1970, Soundvision Broadcasting, Inc. (Soundvision), requested the Review Board to enlarge the issues in this proceeding[1] to determine whether Glenn West has, in the operation of Station WPGW,[2] violated section 1304, title 18 of the United States Code and § 73.122 of the Commission's rules by broadcasting an advertisement concerning a lottery and, if so, the effect thereof upon Glenn West's fitness to be a Commission licensee.[3]

2. In support of the instant motion, Soundvision submits an affidavit (dated July 29, 1970) of its president, Omer K. Wright, who avers that on July 18, 1970, he twice heard broadcast over Station WPGW a commercial announcement which, as allegedly recorded and later transcribed by the affiant, contained the following statements:

> Just visit Wilson's Shoe Store in Dunkirk, Ind., your headquarters for Dr. Hess Shoes in this area. Merchandise awards of 25, 20, and 15 dollars, plus a Spaulding basketball will be given away the final day of Glass Days, August the first. Just sign cash-register receipt at Wilson Shoe Store in Dunkirk, Ind.

Movant argues that broadcasting the above message violated 18 U.S.C. section 1304 (formerly section 316 of the Communications Act of 1934), for all of the elements of a lottery, namely, a prize, the factor of chance, and consideration on the part of the participant,[4] were allegedly included in the "Glass Days" promotion. According to Soundvision, the use of the facilities of Station WPGW to publicize a lottery reflects adversely upon the character qualifications of the licensee, Glen West, and warrants the requested enlargement of issues. The Broadcast Bureau supports the instant motion and agrees that the issues requested by Soundvision should be added to this proceeding.

3. In opposition, Glenn West acknowledges broadcasting the message in question. It is the contention of Glenn West, however, that while the "Glass Days" promotion contained the elements of prize and chance, the required element of consideration was lacking and, therefore, the "Glass Days" promotion did not constitute a lottery. In support of its argument, the applicant submits an August 25, 1970, affidavit of Glenn West, who avers therein that he was aware of the elements comprising a lottery and the Commission's proscription concerning the broadcast of such information and that, prior to his acceptance of the advertising, he had been informed by the advertiser that "no purchase was required and cash register receipts would be given to anyone upon request". Also attached to the Glenn West pleading is an affidavit, dated August 17, 1970, from the shoestore's owner, who affirms that a purchase was not necessary to participate in the contest.

4. Soundvision, in reply, characterizes Glenn West's argument as disingenuous, at best. Soundvision points out that no mention was made in the message broadcast that a purchase was unnecessary and, in Soundvision's opinion, for the applicant now to so claim is "a manifest afterthought". Movant further argues that the message broadcast is susceptible of only one reasonable interpretation, i.e., that a purchase was necessary to obtain a cash register receipt and to participate in the contest.

5. It is not controverted that the elements of prize and chance were present at all times in the "Glass Days" promotion; thus, whether the promotion was a lottery, whose advertisement is prohibited by both Federal statute and Commission rule, turns upon the existence of the remaining element of consideration. If persons could participate in the

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[1a] Commissioner Bartley absent.

[1] A detailed chronology of this proceeding, which was designated for hearing by Order, FCC 67-1328, 33 F.R. 309, published Jan. 9, 1968, is set forth in our recent Memorandum Opinion and Order, FCC 70R-294, 19 RR 2d 1131, released Aug. 24, 1970.

[2] Glenn West is the licensee of standard broadcast Station WPGW, Portland, Ind. West is also the general manager and chief engineer of that facility.

[3] The pleadings before the Board for consideration are: (a) Motion to enlarge issues, filed Aug. 4, 1970, by Soundvision; (b) comments, filed Aug. 17, 1970, by the Broadcast Bureau; (c) opposition, filed Aug. 27, 1970, by Glenn West; and (d) reply, filed Aug. 28, 1970, by Soundvision. The instant motion is not opposed on the grounds of timeliness, and inasmuch as the alleged misconduct occurred on July 18, 1970, the Board believes that good cause for the delay has been adequately demonstrated. See Keith L. Reising, 3 FCC 2d 904, 8 RR 2d 62 (1966).

[4] Neither section 1304 of title 18, U.S.C., nor § 73.122 of the Commission's rules, which was designed to implement the penal statute, define a lottery or gift enterprise; however, it is well established that the necessary elements of such schemes are, in combination, (1) the awarding of a prize, (2) upon a contingency determined by chance, (3) to a person who has, directly or indirectly, paid or agreed to pay a consideration for the chance to win the prize. See FCC v. American Broadcasting Company, 74 S. Ct. 593, 347 U.S. 284, 10 RR 2030 (1954).

"Glass Days" promotion free of charge, then the element of consideration was lacking and the announcements broadcast were not within the purview of section 1304 of title 18, U.S.C.: *Provided*, That free cash register receipts were "reasonably equally available" to all prospective participants in the contest, i.e., available as to both purchasing and nonpurchasing participants in the same places, at the same times, in the same number, and in a setting which does not otherwise encourage a purchase. See Taft Broadcasting Company, 18 FCC 2d 186, 16 RR 2d 507 (1969); Bob Jones University, 18 FCC 2d 8, 16 RR 2d 517 (1969). Notwithstanding Glenn West's statement that a purchase was not necessary, the announcement broadcast over Station WPGW did not disclose this important fact to the listening audience nor did it explain how a person could participate without making a purchase.[5] The improbability that a prospective participant would realize that a cash register receipt could be obtained on request without the necessity of a purchase requires a showing by Glenn West that such receipts were "reasonably equally available" to all prospective participants. In the absence of this showing, the Review Board will add an appropriate issue to permit the full exploration of this matter at the hearing.

6. Even if it is determined that the "Glass Days" promotion advertised over Station WPGW is not a lottery, the Board believes that a serious question still would exist concerning Glenn West's efforts prior to broadcasting the subject announcements to insure a presentation free of misleading directions or participation requirements. Glenn West's apparent failure in this regard may constitute a dereliction of his responsibility to supervise and control the material broadcast over his station[6] and, accordingly, we also will, on our own motion, specify an issue concerning this matter.[7] See Keith L. Reising, supra. In view of the termination of the "Glass Days" promotion and the apparent isolated nature of Glenn West's alleged misconduct (there being no indication that the licensee similarly publicized other questionable promotions either prior or subsequent to the "Glass Days" promotion), the Review Board is of the opinion that specification of issues pertaining to the above matters on other than a comparative basis would not be warranted. See Keith L. Reising, supra.

7. *Accordingly, it is ordered*, That the motion to enlarge issues, filed August 4, 1970, by Soundvision Broadcasting, Inc., is granted to the extent indicated below, and is denied in all other respects; and

8. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issues:[8]

To determine the facts and circumstances surrounding the advertisement by standard broadcast Station WPGW, on or about July 18, 1970, of a promotion entitled "Glass Days" and whether said announcements constituted advertisement of a lottery in contravention of 18 U.S.C. section 1304 and § 73.122 of the Commission's rules, and, if so, the effect thereof upon the comparative qualifications of Glenn West;

To determine whether Glenn West failed to exercise reasonable diligence, control, and supervision of his programing to insure that the messages broadcast concerning the "Glass Days" promotion were not false or misleading and, if so, the effect thereof upon the comparative qualifications of Glenn West.

9. *It is further ordered*, That under the issues added herein the burden of proceeding with the introduction of evidence shall be on Soundvision Broadcasting, Inc., and the burden of proof shall be on Glenn West.

Adopted: November 12, 1970.

Released: November 17, 1970.

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

[F.R. Doc. 70-15714; Filed, Nov. 20, 1970; 8:47 a.m.]

[5] In its Public Notice concerning "Applicability of Lottery Statutes to Contests and Sales Promotions", 18 FCC 2d 52, 16 RR 2d 1559 (1969), the Commission stated that:

Any announcement of a promotional scheme which depends upon the reasonably equal availability of free chances should adequately describe the availability of such free chances and the locations, times, and manner, in which they may be obtained. Such cryptic messages as no purchase necessary or nothing to buy do not meet this requirement.

18 FCC 2d at 53, 16 RR 2d at 1561.

[6] The Commission also stated in its Public Notice (see note 5, supra) that:

The broadcaster may not always rely solely on the wording of the proposed advertisements or on other representations of the advertiser * * *. Licensees also are responsible for assuring themselves that announcements regarding such schemes are not otherwise false or misleading, and that the advertisements provide an accurate description of the contest and set forth the pertinent rules so that the public will not be misled.

18 FCC 2d at 53, 16 RR 2d at 1560-61.

[7] Pursuant to Soundvision's express request and consistent with our past practice in these matters, the Board will place the burden of proof under the issues being added herein upon Glenn West. See Chapman Radio and Television Company, FCC 70R-364, ------ FCC 2d ------, released Oct. 28, 1970; United Television Company, Inc. (WFAN-TV), 20 FCC 2d 278, 17 RR 2d 738 (1969).

[8] The second issue added herein is predicated on the Public Notice cited in footnotes 5 and 6.

FEDERAL POWER COMMISSION

[Docket No. G-3073 etc.]

HUMBLE OIL & REFINING CO. ET AL.

Findings and Order

NOVEMBER 4, 1970.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, cancelling docket number, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating proceedings, substituting respondents, making successors co-respondents, redesignating proceedings, accepting agreements and undertakings for filing, requiring filing of agreements and undertakings, 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 initial 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.

Robert L. Williams, doing business as Imperial Oil Co. (Operator) et al., applicant in Docket No. CI62-77, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Vernon E. Faulconer and John Roger McCoy, doing business as Faulconer & McCoy, FPC Gas Rate Schedule No. 1. Said rate schedule will be redesignated as that of applicant. The present rate under said rate schedule is in effect subject to refund in Docket No. RI67-276 and applicant has filed a motion to be made a respondent in said proceeding. Therefore, applicant will be made a co-respondent; said proceeding will be redesignated accordingly; and applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by him in excess of the amount

determined to be just and reasonable in said proceeding.

Featherstone Farms, Ltd., applicant in Dockets Nos. CI64–951 and CI65–757, proposes to continue the sales of natural gas heretofore authorized in said dockets to be made pursuant to Martha Featherstone FPC Gas Rate Schedules Nos. 1 and 2, respectively. Said rate schedules will be redesignated as those of applicant. The present rates under Martha Featherstone FPC Gas Rate Schedules Nos. 1 and 2 are in effect subject to refund in Dockets Nos. RI70–1143 and RI68–208, respectively. Applicant indicates in its certificate applications that in addition to the refund obligation required by § 154.92(d)(3) of the regulations under the Natural Gas Act, it intends to be responsible for the total refunds from the dates that the increased rates of its assignor became effective subject to refund. Applicant has submitted an agreement and undertaking in said dockets to assure the refunds. Therefore, applicant will be substituted in lieu of Martha Featherstone as respondent in the proceedings pending in Dockets Nos. RI68–208 and RI70–1143; said proceedings will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

Richard W. Robbins, Jr., et al., applicants in Docket No. CI68–889, propose to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Richard W. Robbins et al., FPC Gas Rate Schedule No. 1. Said rate schedule will be redesignated as that of applicants. The present rate under said rate schedule is in effect subject to refund in Docket No. RI68–634, and applicants have filed a motion to be substituted as respondents in said proceeding together with an agreement and undertaking to assure the refund of all amounts collected in excess of the amount determined to be just and reasonable in said proceeding. Therefore, applicants will be substituted as respondents; said proceeding will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

Ashland Oil, Inc., applicant in Docket No. CI71–33, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI61–1405 to be made pursuant to Mobil Oil Corp. FPC Gas Rate Schedule No. 262. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of applicant. The present rate under said rate schedule is 20 cents per Mcf at 14.65 p.s.i.a., including 3 cents per Mcf for gathering and compression, effective subject to refund in Docket No. RI67–270. The prior rate not subject to refund was 13 cents per Mcf at 14.65 p.s.i.a., including 2 cents per Mcf for gathering and compression, which rate was the result of an offer of settlement by Mobil accepted by the Commission on May 5, 1964, in Docket No. G–12193 et al., 31 FPC 1101. Applicant states in its application that it does not wish to be bound by Mobil's settlement and requests that a certificate be issued at a "firm" rate of 16 cents per Mcf with any refund obligation in Docket No. RI67–270 limited to amounts collected in excess of 16 cents per Mcf. Applicant filed a motion to be made a co-respondent in Docket No. RI67–270. It is the Commission's policy to place a successor in the same rate position as its predecessor. Opinion No. 408, Graridge Corporation (Operator), et al., Docket No. G–19246 et al., 30 FPC 1156. Applicant has not presented any reasons for a departure from this policy nor are any known to the Commission. Therefore, applicant will be authorized to sell gas from the assigned acreage at the wellhead price of 17 cents per Mcf subject to refund in Docket No. RI67–270. Applicant will be made a co-respondent in said proceeding and said proceeding will be redesignated accordingly. Applicant has heretofore filed a general undertaking to assure the refund of amounts collected in excess of amounts determined to be just and reasonable in proceedings under section 4(e) of the Natural Gas Act.

Jerome P. McHugh et al., applicants in Docket No. CI71–84, propose to continue in part the sale of natural gas heretofore authorized in Docket No. G–17206 to be made pursuant to El Paso Products Co. FPC Gas Rate Schedule No. 8. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of applicants. The present rate under said rate schedule is in effect subject to refund in Docket No. RI64–460. Applicants indicate in their certificate application that in addition to the refund obligation required by § 154.92(d)(3) of the regulations under the Natural Gas Act they intend to be responsible for the total refund from the date the increased rate of their assignor became effective subject to refund. Therefore, applicants will be made co-respondents in the proceeding pending in Docket No. RI64–460 and said proceeding will be redesignated accordingly. Applicants have heretofore filed a general undertaking to assure refunds of amounts collected in excess of amounts determined to be just and reasonable in proceedings under section 4(e) of the Natural Gas Act.

Colorado Oil and Gas Corp., applicant in Docket No. CI71–91, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G–5362 to be made pursuant to Skelly Oil Co. FPC Gas Rate Schedule No. 65. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of applicant. The present rate under Skelly's rate schedule is in effect subject to refund in Docket No. RI64–505, and applicant has filed a motion to be made a co-respondent in said proceeding together with an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding. Therefore, applicant will be made a co-respondent; said proceeding will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

J. Gregory Merrion et al., applicants in Docket No. CI71–156, propose to continue in part the sale of natural gas heretofore authorized in Docket No. CI63–383 to be made pursuant to Humble Oil & Refining Co. FPC Gas Rate Schedule No. 313. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of applicants. The present rate under said rate schedule is in effect subject to refund in Docket No. RI70–870. Therefore, applicants will be made co-respondents in said proceeding 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, no petitions to intervene, notices of intervention or protests to the granting of the applications have been filed.

At a hearing held on October 30, 1970, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act 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) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI70–1034 should be canceled and that the application filed therein should be treated as a petition to terminate the certificate in Docket No. CI61–1522.

(7) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(8) The abandonments proposed by aplicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate proceedings pending in Dockets Nos. RI63–301 and RI63–302 should be terminated only with respect to sales made pursuant to Mallard Petroleum, Inc. (Operator) et al., FPC Gas Rate Schedule No. 1 and John F. Younger et al., FPC Gas Rate Schedule No. 1, respectively.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Robert L. Williams, doing business as Imperial Oil Co. (Operator) et al., should be made a co-respondent in the proceeding pending in Docket No. RI67–276; that said proceeding should be redesignated accordingly; and that he should be required to file an agreement and undertaking.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Featherstone Farms, Ltd., should be substituted in lieu of Martha Featherstone as respondent in the proceedings pending in Dockets Nos. RI68–203 and RI70–1143; that said proceedings should be redesignated accordingly; and that the agreement and undertaking submitted by it should be accepted for filing.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Richard W. Robbins, Jr., et al., should be substituted in lieu of Richard W. Robbins et al., as respondents in the proceeding pending in Docket No. RI68–634; that said proceeding should be redesignated accordingly; and that the agreement and undertaking submitted by them should be accepted for filing.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Ashland Oil, Inc., should be made a co-respondent in the proceeding pending in Docket No. RI67–270 and that said proceeding should be redesignated accordingly.

(15) Applicant in Docket No. CI71–33 has presented no facts or principles of law which justify the departure from the Commission's policy of placing a successor in the same rate position as its predecessor.

(16) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Jerome P. McHugh et al., should be made co-respondents in the proceeding pending in Docket No. RI64–460 and that said proceeding should be redesignated accordingly.

(17) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Colorado Oil and Gas Corp. should be made a co-respondent in the proceeding pending in Docket No. RI64–505, that said proceeding should be redesignated accordingly, and that the agreement and undertaking submitted by Colorado Oil and Gas Corp. should be accepted for filing.

(18) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that J. Gregory Merrion et al., should be made co-respondents in the proceeding pending in Docket No. RI70–870 and that said proceeding should be redesignated accordingly.

(19) 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 proceeding 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 of 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 are subject to the following conditions:

(a) The initial rate for the sale authorized in Docket No. CI71–157 shall be the applicable area base rate prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality of gas, or the contract rate, whichever is lower. Within 45 days from the date of this order applicant shall file three copies of a rate schedule quality statement in the form prescribed in Opinion No. 468–A.

(b) The initial rates for sales authorized in Dockets Nos. CI71–33, CI71–53, CI71–91, and CI71–171 shall be the applicable area base rates prescribed in Opinion No. 586, as adjusted for quality of gas, or the contract rates, whichever are lower. Within 90 days from the date of initial delivery applicants shall file three copies of a rate schedule quality statement in the form prescribed in Opinion No. 586.

(c) If the quality of the gas delivered by applicants in Dockets Nos. CI71–33, CI71–53, CI71–91, CI71–157, and CI71–171 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, and Opinion No. 586, whichever are applicable, so as to require a downward adjustment of the existing rates, notices of changes in rates 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.

(d) No increases in rates shall be filed by applicants in Dockets Nos. CI71–33, CI71–53, CI71–91, and CI71–171 prior to July 1, 1977, at any price which would exceed the ceiling for the Hugoton-Anadarko area, except as permitted by Opinion No. 586.

(e) In the event that any amounts are collected in excess of the applicable area rate, as adjusted for quality of the gas, applicant in Docket No. CI71–53 shall refund to Northern Natural Gas Co., with interest at the rate of 7 percent per annum, all excess amounts so collected from the date of initial delivery.

(f) Applicant in Docket No. CI71–53 shall not require buyer to take-or-pay for an annual quantity of gas well gas during the first 2 contract years which is in excess of an average of 1 Mcf per day for each 3,650 Mcf of determined gas well gas reserves and a 1 Mcf per day for each 7,300 Mcf of determined gas reserves thereafter or the specified contract quantity, whichever is the lesser amount.

(g) Issuance of the certificate in Docket No. CI71–53 shall not be construed as constituting approval of the

advance payment provisions of the contract (sections 7 and 8 of Article III) and any such payments shall be subject to future orders of the Commission concerning the propriety of such payments.

(H) The initial rate for the sales authorized in Docket No. CI70–745 shall be 15 cents per Mcf at 14.65 p.s.i.a.

(E) The certificate issued herein in Docket No. CI71–91 involving the sale of gas by Colorado Oil & Gas Corp., to its affiliate, Colorado Interstate Gas Co., a division of Colorado Interstate Corp., determines the rate which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any rate proceeding involving either company.

(F) The orders issuing certificates in Dockets Nos. G–3073, G–13780, CI68–969, CI68–1418,[1] and CI69–652 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(G) The orders issuing certificates in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate*
G–3668 [2]	CI71–150 [2]
G–5362	CI71–91
G–17206	CI71–84
CI61–1405	CI71–33
CI63–383	CI71–156
CI64–435	CI71–171
CI66–824	CI71–159

[2] Partial succession with respect to the certificate in Docket No. G–3668 and complete succession with respect to Continental Oil Co. (Operator) et al., FPC Gas Rate Schedule No. 5.

(H) The orders issuing certificates in Dockets Nos. CI62–77, CI64–951, CI65–757, and CI68–889 are amended to reflect the successors in interest as certificate holders.

(I) Docket No. CI70–1034 is canceled.

(J) 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.

(K) Permission for and approval of the abandonments in Dockets Nos. CI71–115, CI71–140, CI71–143, CI71–144, and CI71–167 shall not be construed to relieve applicants of any refund obligations in the rate proceedings pending in Dockets Nos. RI65–242, RI65–439, RI66–245, RI66–244, and RI70–1307, respectively.

[1] Temporary certificate.

(L) The certificates heretofore issued in Dockets Nos. G–3895 and G–5985 are terminated only with respect to sales made pursuant to General American Oil Company of Texas (Operator) et al., FPC Gas Rate Schedule Nos. 2 and 46, respectively.

(M) The certificates heretofore issued in Dockets Nos. G–5973 and G–5985 are terminated only with respect to sales made pursuant to General American Oil Company of Texas FPC Gas Rate Schedules Nos. 51A and 51B, respectively.

(N) The certificates heretofore issued in Dockets Nos. G–3149, G–12721, CI60–381, CI60–451, CI61–561, CI61–562, CI61–892, CI61–1400, CI61–1522, CI61–1721, CI62–15, CI62–766, CI62–1230, CI63–1014, CI65–348, and CI67–1665 are terminated and the related rate schedules are canceled.

(O) A. M. Carlson, doing business as Tower Service Co. FPC Gas Rate Schedule No. 5 is canceled.

(P) The rate proceedings pending in Dockets Nos. RI63–301 and RI63–302 are terminated only with respect to sales made pursuant to Mallard Petroleum, Inc. (Operator), et al., FPC Gas Rate Schedule No. 1 and John F. Younger et al., FPC Gas Rate Schedule No. 1, respectively.

(Q) Robert L. Williams, doing business as Imperial Oil Co. (Operator) et al., is made a co-respondent in the proceeding pending in Docket No. RI67–276 and said proceeding is redesignated accordingly. He shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(R) Within 30 days from the issuance of this order, Robert L. Williams, doing business as Imperial Oil Co. (Operator) et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI 67–276 to assure the refund of any amounts collected by him, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(S) Featherstone Farms, Ltd., is substituted in lieu of Martha Featherstone as respondent in the proceedings pending in Dockets Nos. RI68–208 and RI70–1143; said proceedings are redesignated accordingly; and the agreement and undertaking submitted by Featherstone Farms, Ltd., in said proceedings is accepted for filing. Featherstone Farms, Ltd., shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(T) Richard W. Robbins, Jr., et al., are substituted in lieu of Richard W. Robbins et al., as respondents in the proceeding pending in Docket No. RI68–634; said proceeding is redesignated accordingly; and the agreement and undertaking submitted by them in said proceeding is accepted for filing. They shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(U) Ashland Oil, Inc., is made a co-respondent in the proceeding pending in Docket No. RI67–270 and said proceeding is redesignated accordingly. Ashland shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. Ashland shall charge and collect the wellhead price of 17 cents per Mcf at 14.65 p.s.i.a., subject to refund in Docket No. RI67–270, for the sale of gas authorized herein in Docket No. CI71–33.

(V) Jerome P. McHugh et al., are made co-respondents in the proceeding pending in Docket No. RI64–460 and said proceeding is redesignated accordingly. They shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(W) Colorado Oil and Gas Corp. is made a co-respondent in the proceeding pending in Docket No. RI64–505, said proceeding is redesignated accordingly, and the agreement and undertaking submitted by it in said proceeding is accepted for filing. Colorado Oil and Gas Corp. shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(X) J. Gregory Merrion et al., are made co-respondents in the proceeding pending in Docket No. RI70–870 and said proceeding is redesignated accordingly. They shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(Y) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G-3073 D 7-22-70 [1]	Humble Oil & Refining Co.	Texas Eastern Transmission Corp., Loma Alta Field, McMullen County, Tex.	Notice of partial cancellation 7-21-70.[3] [4]	12	23
G-3149 [4]	Sinking Creek Oil & Gas Co.	Equitable Gas Co., De Kalb District, Gilmer County, W. Va.	([5])	1	1
G-12780 D 8-20-70	Mobil Oil Corp.	Transcontinental Gas Pipe Line Corp., High Island Block 19, Offshore Jefferson County, Tex.	Notice of partial cancellation 8-18-70.[3] [4]	198	12
CI60-381 [4]	A. M. Carlson et al.	Equitable Gas Co., Freemans Creek District, Lewis County, W. Va.	([5])	2	1
CI60-451 [4]	A. M. Carlson	Equitable Gas Co., West Union District, Doddridge County, W. Va.	([5])	3	1
(6)	A. M. Carlson, d.b.a. Tower Service Co.	do	([5])	5	
CI61-561 [4]	do	Equitable Gas Co., Court House District, Lewis County, W. Va.	([5])	7	
CI61-562 [4]	do	Equitable Gas Co., Freemans Creek District, Lewis County, W. Va.	([5])	8	1
CI61-892 [4]	do	Equitable Gas Co., Court House District, Lewis County, W. Va.	([5])	9	
CI65-1522 (CI70-1034) B 8-22-70 [7]	John F. Younger et al.	Phillips Petroleum Co., Aralea Field, Midland County, Tex.	Notice of cancellation 5-20-70.[3] [4]	[8]1	2
CI61-1721 [4]	A. M. Carlson, d.b.a. Tower Service Co.	Equitable Gas Co., Court House District, Lewis County, W. Va.	([5])	11	
CI62-77 E 7-24-70	Robert L. Williams, d.b.a. Imperial Oil Co. (Operator) et al. (successor to Vernon E. Faulconer and John Roger McCoy, d.b.a. Faulconer & McCoy).	Cities Service Gas Co., Aetna Mississippi Pool, Barber County, Kans.	Vernon E. Faulconer and John Roger McCoy, d.b.a. Faulconer & McCoy, FPC GRS No. 1.	2	
			Supplements Nos. 1-5	2	1-5
			Notice of succession 7-22-70		
			Assignment 7-1-68 [10]	2	6
			Assignment 7-22-68 [11]	2	7
			Assignment 5-10-70 [12]	2	8
			Assignment 5-29-70 [13]	2	9
			Effective date: 5-19-70		
			Assignment 7-1-70 [14]	2	10
			Effective date: 7-1-70		
CI62-766 [4]	A. M. Carlson, d.b.a. Tower Service Co.	Consolidated Gas Supply Corp., Collins Settlement District, Lewis County, W. Va.	([5])	12	
CI62-1230 [4]	do	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	([5])	13	1-2
CI63-1014 [4]	do	Consolidated Gas Supply Corp., Court House District, Lewis County, W. Va.	([5])	14	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI64-951 E 8-3-70	Featherstone Farms, Ltd. (successor to Martha Featherstone).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Arch Unit, Patrick Draw Field, Sweetwater County, Wyo.	Martha Featherstone, FPC GRS No. 1.	3	
			Supplements Nos. 1-2	3	1-2
			Notice of succession 7-28-70		
			Assignment 7-28-70	3	3
			Effective date: 4-2-67		
CI65-757 E 8-3-70	do	do	Martha Featherstone, FPC GRS No. 2.	4	
			Supplements Nos. 1-5	4	1-5
			Notice of succession 7-28-70		
			Assignment 7-28-70	4	6
			Effective date: 4-2-67		
CI65-889 E 7-23-70	Richard W. Robbins, Jr. et al. (successor to Richard W. Robbins et al.).	Northern Natural Gas Co., Guymon-Hugoton Field, Texas County, Okla.	Richard W. Robbins et al., FPC GRS No. 1.	1	
			Supplements Nos. 1-2	1	1-2
			Notice of succession (undated).		
			Transfer order 7-19-69 [15]	1	3
			Effective date: 7-19-69		
			Transfer order 6-15-70 [16]	1	4
			Effective date: 6-15-70		
CI68-969 (CS66-161) C 8-17-70 [17]	Humble Oil & Refining Co.	El Paso Natural Gas Co., Spraberry Field, Upton County, Tex.	Assignment 11-12-69 [18]	449	8
			Effective date: 11-1-69		
CI68-1418 [19] D 8-26-70	Mobil Oil Corp.	Natural Gas Pipeline Co. of America, West Cameron Area, Block 163 Field, Offshore (Federal) Louisiana.	Notice of partial cancellation 8-24-70.[3] [4]	437	4
CI69-652 D 8-17-70	Crystal Oil Co.	Transcontinental Gas Pipe Line Corp., Chapa Ranch and Clay West Fields, Live Oak County, Tex.	Notice of partial cancellation 8-13-70.[3] [4]	23	10
CI70-745 A 2-24-70 [21] C 2-16-70 [22] C 4-23-70	King Resources Co. [23]	Arkansas Louisiana Gas Co., Wilburton Field, Latimer, Le Flore, and Pittsburg Counties, Okla.	Contract 7-25-69 [24]	30	
			Contract 3-15-62	30	1
			Amendatory agreement 3-6-63.	30	2
			Amendatory agreement 12-23-69.	30	3
			Amendatory agreement 3-19-70.	30	4
CI70-1033 (CI62-15) B 5-22-70	Mallard Petroleum, Inc. (Operator) et al.	Phillips Petroleum Co., Aralea Field, Midland County, Tex.	Notice of cancellation 5-20-70.[3] [4]	[8]1	2
CI71-33 (CI61-1405) F 7-13-70	Ashland Oil, Inc. (successor to Mobil Oil Corp.)	Cities Service Gas Co., Cutter Field, Stevens County, Kans.	Contract 2-1-62 [25]	199	
			Assignment 6-19-70 [26]	199	1
			Lease agreement 6-19-70	199	2
			Effective date: 6-19-70		
CI71-53 A 7-24-70	Diamond Shamrock Corp.[28]	Northern Natural Gas Co., acreage in Ellis County, Okla.	Contract 6-11-70 [29]	56	
CI71-84 (G-17296) F 7-29-70	Jerome P. McHugh et al. (successor to El Paso Products Co.).	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	Contract 1-3-59 [30]	8	
			Assignment 7-17-70 [31]	8	1
			Effective date: 7-17-70		
CI71-91 (G-5362) F 7-30-70	Colorado Oil & Gas Corp. (successor to Skelly Oil Co.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Greenwood Field, Morton County, Kans.	Contract 6-3-54 [32]	68	
			Assignment 6-30-70 [33]	68	[9]1
			Effective date: 7-1-70		
CI71-115 (G-12721) B 8-7-70	Anadarko Production Co.	Texas Gas Transmission Corp., South Elton Field, Jefferson Davis Parish, La.	Notice of cancellation 8-3-70.[3] [4]	135	6
CI71-140 (CI65-348) B 8-17-70	Sierra Petroleum Co., Inc. (Operator) et al.	Cities Service Gas Co., Palmer Field, Barber County, Kans.	Notice of cancellation 8-14-70.[3] [4]	4	2

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI71-141..... (G-3895) [34] B 8-18-70	General American Oil Co. of Texas (Operator) et al.	Arkansas Louisiana Gas Co., East Haynesville Field, Claiborne Parish, La.	Notice of cancellation 8-12-70 [1] [2]	2	3
CI71-143..... (G-5973) [34] (G-5985) [34] B 8-18-70	General American Oil Co. of Texas.	Arkansas Louisiana Gas Co., Haynesville Field, Claiborne Parish, La.	Notice of cancellation 7-27-70 [1] [2]	31A and 31B	9 9
CI71-144..... (G-5985) [34] B 8-18-70	General American Oil Co. of Texas (Operator) et al.	Arkansas Louisiana Gas Co., East Haynesville Field, Claiborne Parish, La.	Notice of cancellation 7-28-70 [1] [2]	46	11
CI71-150..... (G-3668) F 8-17-70 [35]	Alfred C. Glassell, Jr. (Operator) et al. (successor to Continental Oil Co., (Operator) et al.).	Arkansas Louisiana Gas Co., Carthage Field, Panola County, Tex.	Continental Oil Co. (Operator) et al., FPC GRS No. 249.	5	.....
			Supplements Nos. 1-15.....	5	1-15
			Notice of succession 8-12-70.....		
			Amendatory agreement 12-3-69.	5	16
			Amendatory agreement 3-31-70.	5	17
			Conveyance 1-1-70.....	5	18
			Effective date: Date of transfer of properties.		
CI71-156..... (CI63-383) F 7-23-70 [36]	J. Gregory Merrion et al. (successor to Humble Oil & Refining Co.).	El Paso Natural Gas Co., East Boundary Butte Field, Apache County, Ariz.	Contract 9-5-62 [37].....	14	.....
			Letter agreement 9-25-62.....	14	1
			Letter agreement 10-3-62.....	14	2
			Letter agreement 10-31-62.....	14	3
			Letter agreement 3-29-65.....	14	4
			Letter agreement 4-14-65.....	14	5
			Assignment 7-20-70 [38].....	14	6
			Assignment 7-20-70 [38].....	14	7
			Effective date: 8-1-70.....		
CI71-157..... (CS67-33) F 8-19-70	Triton Oil & Gas Corp. (successor to Sam Boren et al.).	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	Contract 8-17-67 [40].....	11	.....
			Amendment 1-19-70.....	11	1
			Assignment 3-15-66 [41].....	11	2
			Effective date: 10-1-67.....		
			Assignment 8-21-68 [41].....	11	3
			Effective date: 4-1-68.....		
CI71-159..... (CI66-824) F 8-17-70	White Shield Oil & Gas Corp. (successor to Marshall Exploration, Inc.).	Southern Natural Gas Co., Logansport Field, De Soto Parish, La.	Contract 2-2-66 [42].....	31	.....
			Letter agreement 3-1-66.....	31	1
			Assignment 7-15-70 [43] [44].....	31	2
CI71-160..... A 8-17-70 B 8-17-70 [45]	James A. Crowson, Jr. and Robert B. Tatum, Jr.	United Gas Pipe Line C ., Bethany Field, Panola County, Tex.	Contract 5-27-70.....	1	.....
CI71-166..... (CI61-1409) B 8-24-70	Rhodes & Hicks Drilling Corp. et al.	Valley Gas Transmission, Inc., North Magnolia City Field, Jim Wells County, T x.	Notice of cancellation 7-31-70 [1] [2]	3	1
CI71-167..... (CI67-1665) B 8-26-70	Continental Oil Co.....	Cities Service Gas Co., West Eureka Field, Alfalfa County, Okla.	Notice of cancellation 8-25-70 [1] [2]	327	3
CI71-171..... (CI64-435) F 8-21-70	Texas Oil & Gas Corp. (successor to J. M. Huber Corp.).	Northern Natural Gas Co., Laverne Field, Harper County, Okla.	Contract 8-9-63 [46].....	69	.....
			Amendment 9-19-63.....	69	1
			Assignment 8-3-70 [47].....	69	2
			Effective date: 8-8-70.....		

[1] W. C. Miller filed an abandonment application which is being construed as a petition to amend Humble's certificate to reflect deletion of nonproductive acreage.

[2] Includes assignment dated July 8, 1970, whereby certain nonproductive acreage was transferred to W. C. Miller to a depth of 4,000 feet. Miller submitted a notice of cancellation which includes a letter dated July 17, 1970, from the buyer releasing the acquired acreage from the gas sales contract.

[3] Effective date: Date of this order.

[4] No filing made by producer, therefore, the certificate will be terminated and the related rate schedule canceled on the Commission's own motion since all efforts to obtain 7(b) filings were unsuccessful and buyer states it is not buying gas from the subject properties.

[5] Source of gas depleted.

[6] No certificate application was ever filed, therefore, the rate schedule will be canceled on the Commission's own motion since all efforts to obtain 7(b) filings were unsuccessful and buyer states it is not buying gas from the subject properties.

[7] Application erroneously assigned Docket No. CI70-1034 being treated as a petition to terminate the certificate heretofore issued in Docket No. CI61-1522 and Docket No. CI-70-1034 will be canceled.

[8] Deliveries under contract ceased November 1968, due to low pressure. Sales presently being made under percentage type contract.

[9] A rate increase to 13.5 cents per Mcf was suspended in Docket No. RI69-302 and never placed into effect; therefore, the proceeding pending in Docket No. RI69-302 will be terminated only insofar as it pertains to sales made pursuant to FPC GRS No. 1.

[10] From Vernon E. Faulconer to John L. Loomis.

[11] From John Roger McCoy to Vernon E. Faulconer.

[12] From L. Loomis to Vernon E. Faulconer.

[13] From Vernon E. F ulconer to Imperial Oil Co.

[14] From Imperial Oil Co. to Ray K. Ferguson et al.

[15] Omitted.

[16] Omitted.

[17] Omitted.

[18] From Richard W. Robbins to Richard W. Robbins, Jr., and William W. Robbins.

[19] From Evan E. Koger, Executor of the Estate of Edward C. Robbins to Richard W. Robbins, Jr.

[20] Adds acreage acquired from McGrath & Smith, Inc. (Operator) et al.

[21] Pending certificate application, sale being rendered pursuant to temporary authorization.

[22] The Feb. 24, 1970, filing which was originally docketed as an amendment in Docket No. CI69-972 is being considered as the basic application in Docket No. CI70-745 and the Feb. 16, 1970, filing is being considered as an amendment thereto.

[23] The proposed rate is 16.015 cents per Mcf including tax reimbursement. By letter dated Feb. 27, 1970 (filed Mar. 2, 1970) Applicant advised of willingness to accept a permanent certificate at 15 cents.

[24] Adopts terms of contract dated Mar. 15, 1970, as amended, between Sinclair Oil & Gas Co. (now Atlantic Richfield Co.) and buyer.

[25] A rate increase to 13.5 cents per Mcf was suspended in Docket No. RI69-301 and never placed into effect, therefore, the proceeding pending in said docket will be terminated only with respect to sales made pursuant to applicant's FPC GRS No. 1.

[26] Contract between Mobil Oil Corp. and Cities Service Oil Co.; on file as Mobil Oil Corp. FPC GRS No. 262.

[27] From Mobil to Ashland Oil, Inc. (production limited to interest from 3,490 feet below the surface of the ground down to a depth of 5,730 feet in the SE¼ of sec. 12, T. 31 S., R. 35 W., Stevens County, Kans. Mobil's rate schedule covers approximately 100,000 acres).

[28] By letter dated July 30, 1970, Applicant indicated willingness to accept a permanent certificate conditioned to take-or-pay provisions and advance payments provisions.

[29] Effective date: Date of initial delivery (applicant shall advise the Commission as to such date).

[30] On file as El Paso Products Co. FPC GRS No. 8. El Paso Products Co. is a wholly owned subsidiary of El Paso Natural Gas Co.

[31] From El Paso Products to Jerome P. McHugh.

[32] Between Skelly Oil Co. and the purchaser. Also on file as Skelly Oil Co. FPC GRS No. 65.

[33] From Skelly Oil Co. to applicant.

[34] Other sales covered under the certificates in Dockets Nos. G-3895, G-3973, and G-5985, therefore, the certificates in said dockets will be terminated only with respect to sales made pursuant to the rate schedules shown herein.

[35] Partial succession with respect to the certificate in Docket No. G-3668 and complete succession with respect to Continental's FPC GRS No. 249. Other sales covered under the certificate in Docket No. G-3668.

[36] Application filed as a complete succession, further review of the application reveals that the succession is partial, therefore, the application has been reassigned Docket No. CI71-156.

[37] Between Humble Oil & Refining Co. and El Paso; on file as Humble Oil & Refining Co. FPC GRS No. 313.

[38] Assignment also involves acreage not dedicated to Humble contract (Lease No. L-602517, in part).

[39] Assignment also involves acreage not dedicated to Humble contract (Lease No. L-602516, in part).

[40] Between Sam Boren et al., and El Paso. Boren has a small producer certificate in Docket No. CS67-33.

[41] From Boren et al. to applicant.

[42] Currently of file as Marshall Exploration, Inc., FPC GRS No. 1.

[43] From Marshall Exploration, Inc., to applicant.

[44] Applicant proposes to abandon authorization for the percentage type sales previously made to Genere Gas Industries, Inc. Abandonment authorization was granted to Genere in Dockets Nos. CI70-1069 and CI70-1093 which terminated Genere's certificates in Dockets Nos. CI64-441 and CI63-836, respectively.

[45] Currently on file as J. M. Huber Corp. FPC GRS No. 59.

[46] From J. M. Huber Corp. to applicant.

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of respondent: .....)
Docket No. .....

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of Section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ....., and has caused this agreement and undertaking to be executed and sealed in its name by a duly authorized officer this ..... day of ..... 19.....

(Name of Respondent)

By.....

Attest:

.....

[F.R. Doc. 70-15564; Filed, Nov. 20, 1970; 8:45 a.m.]

[Docket No. RP71-15]

EAST TENNESSEE NATURAL GAS CO.

Order Providing for Hearing, Rejecting Proposed Revised Tariff Sheets, and Accepting and Suspending Proposed Alternate Revised Tariff Sheets

NOVEMBER 13, 1970.

On September 30, 1970, East Tennessee Natural Gas Co. (East Tennessee) tendered for filing proposed changes in its presently effective FPC Gas Tariff, to become effective November 15, 1970.[1] The rate changes therein proposed would increase charges for jurisdictional sales and services by $7,250,133 annually, based on sales for the 12 months period ending May 31, 1970, as adjusted. The proposed changes would increase the rates in East Tennessee's CD, CR, CPR, G, SG, I, OAS, and S rate schedules.

East Tennessee's filing consists of two alternate sets of Sixth Revised Volume No. 1, the first of which contains a new section to be included in the General Terms and Conditions of the Tariff, providing for monthly billing adjustments to reflect current changes in East Tennessee's unit cost of purchased gas and a provision for flow-through of gas supplier refunds.[2] East Tennessee requests that, if the Commission finds that the proposed purchased gas adjustment provision is prohibited by § 154.38(d)(3) of the Commission's regulations under the Natural Gas Act and does not waive the terms of that section for purposes of East Tennessee's filing, the Commission accept for filing the alternate Sixth Revised Volume No. 1, which does not contain a purchased gas adjustment provision nor a provision for flow-through of gas supplier refunds.

The principal reasons stated by East Tennessee for the increase in rate levels requested in its filing are: (a) Increase in the cost of purchased gas resulting from the rate filing of Tennessee Gas Pipeline Co. in Docket No. RP71-6; (b) the return to normalization accounting for liberalized depreciation in determining Federal income taxes in the cost of service; (c) a required rate of return of 9.25 percent; (d) increase in its composite book depreciation from 3 percent to 3.75 percent to reflect present-day conditions, particularly the existing shortage of gas supplies; (e) increases in cost of materials, supplies, wages, and services required to operate and maintain its pipeline system; and (f) increases in property, payroll, and State income taxes.

[1] In place of the presently effective FPC Gas Tariff, Fifth Revised Volume No. 1, East Tennessee has filed its Sixth Revised Volume No. 1.

[2] The tariff sheets setting forth East Tennessee's proposed purchased gas adjustment provision and gas supplier refunds provision are Original Sheets Nos. 4, 66, 67, and 68.

On October 23, 1970, the East Tennessee Group (Group)[3] filed a motion to reject certain proposed tariff sheets or in the alternative to suspend such proposed tariff sheets and to disallow implementation pending conclusion of an evidentiary hearing and to expedite such hearing. The Group objects to the proposed changes in the General Terms and Conditions of East Tennessee's FPC Gas Tariff listed in the footnote below.[4] The Group contends that the proposed purchased gas adjustment provision is prohibited by § 154.38(d)(3) of the Commission's regulations under the Natural Gas Act and the tariff sheets containing such provision should therefore be rejected for filing. We agree with this contention as hereinafter set forth. The Group also contends that the remaining changes in East Tennessee's tariff sheets should be rejected as unilateral changes not permitted by the service agreements which its respective members have with East Tennessee. It is admitted by the Group that the service agreements permit East Tennessee to place into effect, subject to the provisions of the Natural Gas Act, changes in rates and charges, but it is asserted that the service agreements do not permit East Tennessee to do the same with respect to other provisions of its rate schedules. In support of its position the Group relies upon the holdings in United Gas Pipe Line Co., v. Mobile Gas Service Corp., 350 U.S. 332 (1956) and United Gas Pipe Line Co., v. Memphis Light, Gas and Water Division, 358 U.S. 103 (1958).

[3] The East Tennessee Group is comprised of the following customers of East Tennessee. Athens Utilities Board, Citizens Utility District, Cookeville Gas Department, The Elk River Public Utility District, Etowah Utilities Department, Fayetteville Gas System, Gallatin Natural Gas System, Harriman Utility Board, Knoxville Utilities Board, Lenoir City Utilities Board, Lewisburg Gas Department, Loudon Utilities Board, Madisonville Gas System, First Utility District of Maury County, Middle Tennessee Utility District, Oak Ridge Utility District, Rockwood Natural Gas Company, Marion Natural Gas System, City of Sweetwater Gas Department, Jefferson-Cocke County Utility District, Sevier County Utility District, Volunteer Natural Gas Co., and United Cities Gas Co.

[4] (1) A change in the tariff sheets providing for a purchased gas cost adjustment provision; (2) a change in the General Terms and Conditions providing for a new and different rate on late payment of bills and overcharges; (3) an elimination of a development period rate for new G Rate Schedule customers after Nov. 1, 1971; (4) a change in G Rate Schedules and General Terms and Conditions relative to new definitions concerning the breaks in buyer's facilities; (5) a change in the unauthorized overrun penalty sections of all rate schedules; (6) a change in special provisions section of I and S Rate Schedules relating to requirements for qualification under said schedules; (7) a change in the definitions in the General Terms and Conditions relating to the terms "day," "month," and "contract demand"; (8) a change in the General Terms and Conditions modifying the provision for the preservation of records from 3 years to 1 year; (9) a change in the General Terms and Conditions relating to buyers' responsibilities in connection with the installation, maintenance, and operation of its facilities in compliance with all applicable laws; (10) a change in the General Terms and Conditions relating to maximum hourly limitations within the maximum daily delivery obligation; (11) a change in the General Terms and Conditions relating to a buyer's failure to provide timely delivery statements and the election of rate schedules, including a requirement that any customer exceeding the maximum volume specified in the SG Rate Schedules shall promptly sign a new gas sales contract for service under another firm rate schedule.

On October 27, 1970, East Tennessee filed an answer opposing the Group's motion in which it stated that, contrary to the Group's assertions, the service agreements with its customers do permit it to unilaterally propose changes in provisions of its tariff other than changes in rates and charges. East Tennessee further asserts that the Group's reliance upon the Mobile and Memphis cases is misplaced and that a correct reading of those cases upholds the right of East Tennessee to file changes in its FPC Gas Tariff related to the level of its rates.

In our view the position taken by the intervenor movants constitutes a narrow construction of the language of the service agreements which is unduly and unreasonably restrictive in that it separates out of the contract those provisions which, while related to rates, do not specifically refer to rates nor directly affect rate levels. The service agreement provision in question provides:

> All gas delivered to or for Buyer hereunder shall be paid for under Seller's Rate Schedule(s) _____ on file with the Federal Power Commission or any effective superseding rate schedules. This contract in all respects shall be subject to the applicable provisions of such rate schedules and to the General Terms and Conditions related thereto on file with the Federal Power Commission, all of which are by reference made a part hereof.

This provision is similar to the provision in United Gas Pipe Line Co.'s service agreements which was, among other things, a subject of our order issued May 15, 1970, in Docket No. RP-70-13. In that order we denied a similar motion made by intervenors in that docket and stated: "This provision should be read in its entirety and, accordingly, we find that changes in rate schedules and associated general terms and conditions, not just in rates, are permitted under the terms of the service agreements." See also Alabama-Tennessee Natural Gas Co., Docket No. RP71-7, order issued October 13, 1970.

Upon review of the contentions and supporting statements found in the Group's motion in this proceeding we find nothing to warrant a change in our previous rulings on the question presented. Accordingly, we deny the motion of the Group to reject or disallow implementation of the objected to changes

in East Tennessee's tariff sheets except those reflecting a purchased gas adjustment provision. This determination does not constitute a finding with respect to the justness and reasonableness of East Tennessee's proposed rates or of any of the other provisions in East Tennessee's tariff sheets. Our denial of the Group's motion leaves intact its right to contest the reasonableness of any provisions in East Tennessee's tariff sheets during the hearings in the pending proceeding.

The reasonableness of including a purchased gas adjustment provision in East Tennessee's tariff has not been tested in any evidentiary proceeding. If accepted at this time, this provision would become operative after suspension. The purchased gas adjustment provision raises a number of substantive issues which should be fully explored and resolved before rates and charges to East Tennessee's customers are subjected to changes by application of this proposed adjustment provision. Accordingly, we deem it inappropriate at this time to waive the provisions of § 154.38 (d)(3) of the Commission's regulations under the Natural Gas Act to permit the filing of East Tennessee's Sixth Revised Volume No. 1, containing a purchased gas adjustment provision. During the pendency of this proceeding, and prior to the determination of this issue, however, East Tennessee will not be precluded from requesting permission to track supplier rate increases which increase the purchased gas costs filed for by East Tennessee in this proceeding.

Review of the rate filing indicates that the issues therein raised require development in evidentiary proceedings. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that:

(1) The Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in East Tennessee's FPC Gas Tariff, as proposed to be amended herein, and that the proposed tariff sheets listed in footnote (1) above be suspended, and the use thereof be deferred as herein provided, and

(2) The disposition of this proceeding be expedited in accordance with the procedures set forth below.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held commencing with a prehearing conference on January 26, 1971, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in East Tennessee's FPC Gas Tariff, as proposed to be amended herein

(B) Pending such hearing and decision thereon, East Tennessee's alternate set of revised tariff sheets not containing a purchased gas adjustment provision described in footnote (1) above are hereby suspended and the use thereof is deferred until April 15, 1970, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) East Tennessee's revised tariff sheets proposing a purchased gas adjustment provision are hereby rejected for filing. These proposed tariff sheets may be made a part of the record herein, to be considered, along with any modifications thereof or alternative provisions submitted by the parties or the Commission Staff, as a proposed purchased gas adjustment provision to be included in East Tennessee's tariff.

(D) A Presiding Examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5 (d)), shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

(E) At the hearing on January 26, 1971, East Tennessee's prepared testimony (Statement P) filed and served on October 15, 1970, together with its entire rate filing as submitted and served on September 30, 1970, be admitted to the record as East Tennessee's complete case-in-chief as provided by § 154.63(e)(1) of the Commission's regulations under the Natural Gas Act, and Order No. 254, 28 FPC 495, subject to appropriate motions, if any, by parties to the proceeding.

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

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 70-15695; Filed, Nov. 20, 1970; 8:46 a.m.]

[Docket No. CP71-142]

INTER-CITY MINNESOTA PIPELINES LTD., INC.

Notice of Application

NOVEMBER 19, 1970.

Take notice that on November 13, 1970, Inter-City Minnesota Pipelines Ltd., Inc. (applicant), 612 Cloquet Avenue, Cloquet, Minn. 55720, filed in Docket No. CP71-142 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, operation and maintenance of natural gas facilities in Minnesota, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that on August 10, 1970, in Dockets Nos. CP70-288 and CP70-289, applicant and ICG Transmission Ltd. (ICG), were granted authority by the Commission under section 3 of the Natural Gas Act to import and to export natural gas purchased from Trans-Canada Pipelines Ltd. (Trans-Canada) of Canada. The natural gas would be imported and exported by means of approximately 160 miles of 12-inch pipeline beginning at an interconnection with Trans-Canada's line near Sprague, Manitoba. The line would first enter the United States near Sprague, Manitoba, and would extend approximately 48 miles east through Minnesota to the international boundary near Baudette, Minn. There, the line would reenter Canada and extend through Ontario for approximately 56 miles until it reentered the United States at International Falls, Minn., where it would terminate.

IGC would own and operate all portions of the pipeline in Canada. Applicant would own and operate the portions of the pipeline in Minnesota.

The Commission's order of August 10, 1970, indicated that the construction and operation of the above described facilities within the boundaries of the United States would require applicant to file an application pursuant to section 7(c) of the Natural Gas Act.

Applicant requests herein that it be issued a certificate of public convenience and necessity authorizing the construction and operation of said facilities.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Accordingly, any person desiring to be heard or to make any protest with reference to said application should on or before December 1, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants

parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-15777; Filed, Nov. 20, 1970; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 195]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 18, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 59680 (Sub-No. 186 TA), filed November 13, 1970. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Lane, 75212, Post Office Box 5689, Dallas, Tex. 75222. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment; (1) between Memphis, Tenn., and New Orleans, La.: From Memphis over U.S. Highway 51 to La Place, La., thence over U.S. Highway 61 to New Orleans, and return over the same route, serving no intermediate points; (2) between Memphis, Tenn. and New Orleans, La.: From Memphis over Interstate Highway 55 to junction Interstate Highway 10 near La Place, La., thence over Interstate Highway 10 to New Orleans, and return over the same route, serving no intermediate points; (3) between Memphis over U.S. Highway 51 to Hammond, La., thence over U.S. Highway 190 to Baton Rouge, and return over the same route serving no intermediate points; and (4) between Memphis, Tenn. and Baton Rouge, La.: From Memphis over Interstate Highway 55 to junction Interstate Highway 12 near Hammond, La., thence over Interstate Highway 12 to Baton Rouge, and return over the same route, serving no intermediate points. Restriction: The service authorized herein is restricted to the transportation of traffic moving to, from, or through, points applicant is authorized to serve under its existing authority in the area on or east of U.S. Highway 31 and on or north of U.S. Highway 60 for 180 days. NOTE: Applicant states it does intend to tack the authority here applied for to other authority held by it. Supporting shipper: There are approximately 141 statements of support attached to the application which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor, E. K. Willis, Jr., Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 103926 (Sub-No. 25 TA), filed November 13, 1970. Applicant: W. T. MAYFIELD SONS TRUCKING CO., Post Office Box 43171, Industrial Branch, Atlanta, Ga. 30336, Office: 1560 Bankhead Highway, Mableton, Ga. 30059. Applicant's representative: William H. Driskell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed and precast concrete and prestressed and precast concrete products*, from Jacksonville, Fla., to points in Georgia and South Carolina, for 180 days. NOTE: Carrier intends to tack with existing authority. Supporting shipper: Capitol Prestress Co., Post Office Box 2819, Jacksonville, Fla. 32202. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 108393 (Sub-No. 41 TA), filed November 13, 1970. Applicant: SIGNAL DELIVERY SERVICE, INC., 930 North York Road, Room 214, Hinsdale, Ill. 60521. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail department stores and mail order houses*, and in connection therewith, *such equipment, materials, and supplies* used in the conduct of such business, between Philadelphia, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, under continuing contract or contracts with Sears, Roebuck & Co., for 180 days. Supporting shipper: Sears, Roebuck & Co., Post Office Box 6742, Philadelphia, Pa. 19132. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 118282 (Sub-No. 33 TA), filed November 13, 1970. Applicant: TRANSYSTEMS, INC., 6081 Northwest 74th Avenue, Miami, Fla. 33166. Mail: Post Office Drawer 1030, Hialeah, Fla. 33011. Applicant's representative: H. R. Marlane, 6801 Northwest 74th Avenue, Miami, Fla. 33166. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods or products and pie fillers*, from Northeast, Pa., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Iowa, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, New Hampshire, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Vermont, for 180 days. Supporting shipper: McMillin & Co., Inc., Smedley Street, Northeast, Pa. 16428. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, Fla. 33155.

No. MC 118282 (Sub-No. 34 TA), filed November 13, 1970. Applicant: TRANSYSTEMS, INC., 6801 Northwest 74th Avenue, Miami, Fla. 33166. Mail: Post Office Drawer 1030, Hialeah, Fla. 33011. Applicant's representative: H. R. Marlane (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Talking machine or phonograph records*, plastic, nonbreakable disc type, in inner container or albums, in boxes or cartons, *recorded tapes*, plastic, in cartons or boxes, from plantsite of Capitol Records, Inc., at Winchester, Va., to the Capitol Records Distributing Corp. Warehouse, Miami, Fla., for 180 days. Supporting shipper: Capitol Records, Inc., Post Office Box 1100, Winchester, Va. 22601. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, Fla. 33155.

No. MC 118282 (Sub-No. 35 TA), filed November 13, 1970. Applicant: TRANSYSTEMS, INC., 6801 Northwest 74th Avenue, Miami, Fla. 33166. Mail: Post Office Drawer 1030, Hialeah, Fla. 33011. Applicant's representative: H. R. Marlane, 6801 Northwest 74th Avenue, Miami, Fla. 33166. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, in cartons, and *marine accessories*, in cartons, from points in Dade County, Fla., to points to Alabama, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Pflueger Peek-a-Boo Dink, Inc., Post Office Box 157, Hallandale, Fla. 33009. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, Fla. 33155.

No. MC 119789 (Sub-No. 44 TA), filed November 13, 1970. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, Tex. 75222. Applicant's representative: James T. Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, fresh, from San Angelo, Tex., to points in New York, Pennsylvania, New Jersey, Maryland, Connecticut, Rhode Island, Maine, New Hampshire, Vermont, Massachusetts, Delaware, Virginia, and the District of Columbia, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Wilson Beef & Lamb Co., San Angelo, Tex. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 120800 (Sub-No. 30 TA), filed November 13, 1970. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, Calif. 90222. Applicant's representative: Arthur O'Malley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid natural gas*, in vacuum jacketed trailers, from Memphis, Tenn., and Cincinnati, Ohio, to Sparta and Smithville, Tenn., for 120 days. Supporting shipper: Middle Tennessee Natural Gas Utility District, Post Office Box 231, Smithville, Tenn. 37166. Send protests to: John E. Nance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 123821 (Sub-No. 12 TA), filed November 13, 1970. Applicant: LESTER R. SUMMERS, INC., Post Office Box 239, Rural Delivery No. 1, Ephrata, Pa. 17522. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Purified spring water*, in containers, from Ephrata, Pa., to Laurel, Md., for 180 days. Supporting shipper: Ephrata Diamond Spring Water Co., Ephrata, Pa. 17522. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, Pa. 17108.

No. MC 125102 (Sub-No. 13 TA), filed November 13, 1970. Applicant: LEONARD DELUE, D. J. SEBERN, T. W. RINKER, E. L. DELUE, AND TED P. RINKER, a partnership, doing business as ARMORED MOTORS SERVICE, 970 Yuma Street, Denver, Colo. 80204. Applicant's representative: Herbert M. Boyle, 946 Metropolitan Building, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin and currency*, from Salt Lake City, Utah, to points in Idaho (from Federal Reserve Bank of San Francisco in Salt Lake City, Utah, to and from all points in Idaho) for 180 days. Supporting shipper: Federal Reserve Bank of San Francisco, San Francisco, Calif. 94120. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 128862 (Sub-No. 8 TA), filed November 13, 1970. Applicant: B. J. CECIL TRUCKING, INC., Post Office Box C, Claypool, Ariz. 85532. Applicant's representative: Earl Carroll, 363 North First Avenue, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement copper*, in bulk, from Tyrone, N. Mex., to Casa Grande, Ariz., for 180 days. Supporting shipper: Aaron Ferer & Sons Co., 909 Abbott Drive, Omaha, Nebr. 68102. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 133562 (Sub-No. 6 TA), filed November 13, 1970. Applicant HOLIDAY EXPRESS CORPORATION, Post Office Box 204, Esterville, Iowa 51334. Applicant's representative: Merle Johnson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meat, meat scraps, edible and inedible offal*, in temperature controlled vehicles, from Esterville, Iowa, to points in Alabama, Arkansas, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, for 180 days. Supporting shipper: John Morrell & Co., Esterville, Iowa 51334. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 134247 (Sub-No. 3 TA), filed November 13, 1970. Applicant: CHARLES SEVERANCE, doing business as SEVERANCE TRUCK LINES, Post Office Box 903, State Road 100, Lake City, Fla. 32055. Applicant's representative: Alva Duncan, 111 East Madison, Lake City, Fla. 32055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from points in Dixie and Levy Counties, Fla., to Clyattville, Ga., for 150 days. Supporting shippers: Hudson Pulp & Paper Corp., Post Office Box 1040, Palatka, Fla. 32077; Georgia Pacific Corp., Post Office Box 909, Augusta, Ga. 30903; Owens Illinois, Inc., Post Office Box 1620, Jacksonville, Fla. 32201. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 135045 (Sub-No. 1 TA), filed November 11, 1970. Applicant: BERTSCH TRUCKING, INC., Box 15, Hillsboro, N. Dak. 58045. Applicant's representative: Philip W. Getts, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, including *crushed scrap automobiles*, from points in Minnesota and North Dakota, to ports of entry on the United States-Canadian border at Neche and Pembina, Nova Scotia, and Noyes, Minn., on traffic destined to Winnipeg, Manitoba, Canada, for 180 days. Supporting shipper: Kar-Basher, Ltd., 114 Barron Drive, Winnipeg, Manitoba, Canada. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, N. Dak. 58102.

No. MC 135068 TA, filed November 13, 1970. Applicant: NORVIE E. PAULK, doing business as PAULK MOVING & STORAGE CO., 3107 East Highway 98 Business, Panama City, Fla. 32401. Applicant's representative: C. Ephraim, 1250 Connecticut Avenue NW., Suite 600, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, between points in Bay Gulf, Washington, Jackson, Gadsden, Leon, Liberty, Wakulla, Franklin, and Calhoun Counties, Fla., for 180 days. Supporting shipper: Department of Defense, Washington, D.C. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box W, Bay Street, Jacksonville, Fla. 32202.

No. MC 135070 TA, filed November 13, 1970. Applicant: JAY LINES, INC., 6210 River Road, Post Office Box 1644, Amarillo, Tex. 79109. Applicant's representative: Frederick J. Coffman, Post Office Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from the plantsite and warehouse facilities of Missouri Beef Packers, Inc., at or

near Plainview, Tex., to Amarillo, Tex., restricted to shipments which have a subsequent movement by rail, in service auxiliary to and supplemental of rail service, for 180 days. Supporting shippers: Missouri Beef Packers, Inc., 630 Amarillo Building, Amarillo, Tex. F. N. Stuppi, General Manager — Western Mines; The Atchison, Topeka and Santa Fe Railway Co., Ninth and Polk Streets, Amarillo, Tex. 79101. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1012 Herring Plaza, 317 East Third Street, Amarillo, Tex. 79101.

MOTOR CARRIERS OF PASSENGERS

No. MC 45626 (Sub-No. 66 TA), filed November 13, 1970. Applicant: VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, Vt. 05401. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers in the same vehicle with passengers;* (1) between Castleton Corners, Vt., and Fair Haven, Vt., from junction of U.S. Highway 4 and Vermont Highway 30 (Castleton Corners) over Vermont Highway 30 to Poultney, Vt., thence over unnumbered Vermont Highway to the Vermont-New York State line, thence over unnumbered New York highway to the junction of New York Highway 22A, thence over New York Highway 22A to the New York-Vermont State line, thence over Vermont Highway 22A to junction of U.S. Highway 4 at Fair Haven, Vt., and return over the same route, serving all intermediate points. Applicant specifically requests authority to join and/or tack the authority sought in this application in Item I above with the following operating authority now held by it, at the points named below: (1) With the operations authorized in certificate MC 45626 Sub 33 issued September 15, 1970 at (a) junction U.S. Highway 4 and Vermont Highway 30; (b) junction of U.S. Highway 4 and Vermont Highway 22A; (II) between junction of New Hampshire Highways 12 and 119 at Fitzwilliam, N.H., and junction of New Hampshire Highway 119 and U.S. Highway 202 at West Rindge, N.H., from junction of New Hampshire Highways 12 and 119 at Fitzwilliam, N.H., over New Hampshire Highway 119 to junction of New Hampshire Highway 119 and U.S. Highway 202 at West Rindge, N.H., and return over the same route, serving all intermediate points. Also from junction of New Hampshire Highway 119 and unnumbered highway (College Road) approximately 1.1 miles west of junction of New Hampshire Highway 119 and U.S. Highway 202 at West Rindge, N.H., over unnumbered highway to Franklin Pierce College at West Rindge, N.H., and return over the same route, serving all intermediate points. Applicant specifically requests authority to join and/or tack the authority sought in this application in Item II above with the following authority now held by it, at the points named below: (1) With the operations authorized in certificate MC 45626 issued February 14, 1967, at (a) junction of U.S. Highway 202 and New Hampshire Highway 119 at West Rindge, N.H.; (2) with the operations authorized in certificate MC 45626 Sub 28 issued June 24, 1954 at (a) junction New Hampshire Highways 12 and 119 in Fitzwilliam, N.H., for 180 days. NOTE: Applicant intends to tack existing authority. Supporting shippers: Green Mountain College, Poultney, Vt. 05764; Franklin Pierce College, Rindge, N.H. 03461. Send protests to: Mr. Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 134929 (Sub-No. 1 TA), filed November 13, 1970. Applicant: EYRE'S BUS SERVICE, INC., Union Chapel Road, Woodbine, Md. 21797. Applicant's representative: Bruce E. Mitchell, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, between Columbia, Md., and Washington, D.C., under contract with the Columbia Park and Recreation Association, Inc., between Columbia, Md., and Washington, D.C., and return, serving no intermediate points, for 150 days. Supporting shipper: Columbia Park and Recreation Association, Inc., Columbia, Md. NOTE: Plus 13 individual letters of support from residents of Columbia, Md. Send protests to: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commission, 1125 Federal Building, Baltimore, Md. 21201.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-15732; Filed, Nov. 20, 1970; 8:49 a.m.]

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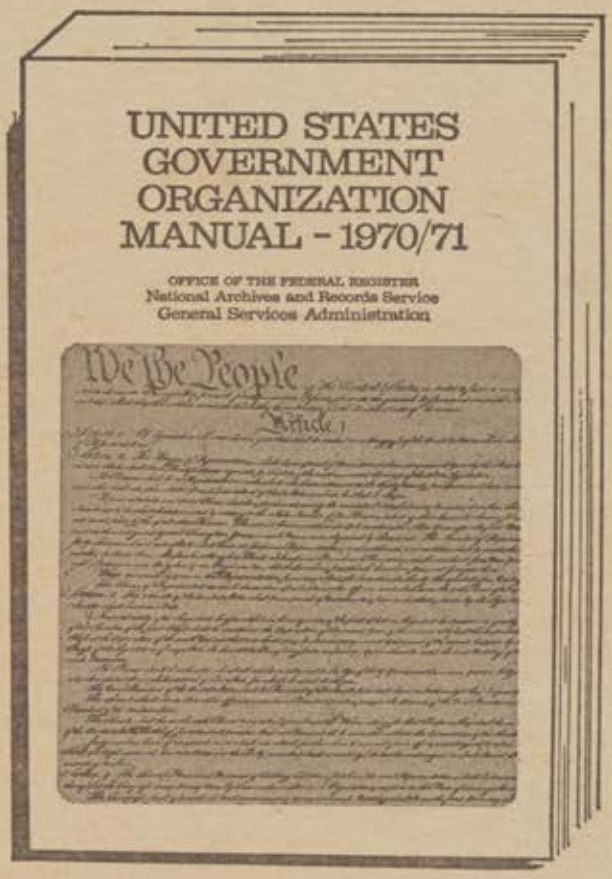

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