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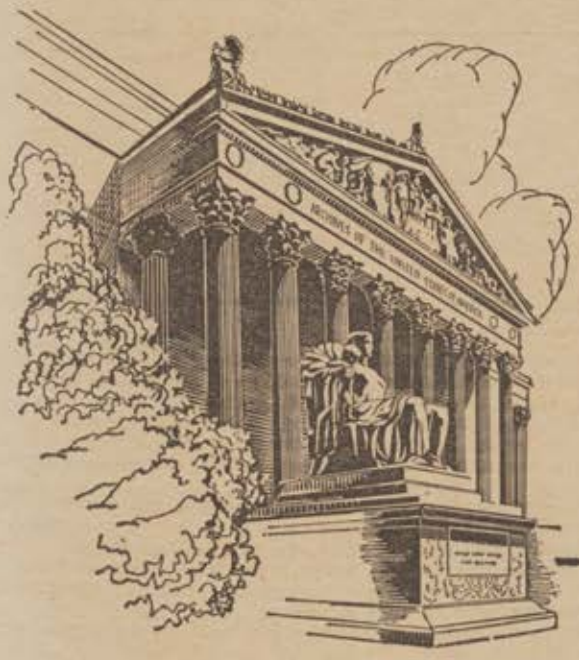

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Title 3—The President

PROCLAMATION 4022

Bill of Rights Day
Human Rights Day

By the President of the United States of America

A Proclamation

From the beginnings of our country, Americans have believed in certain self-evident truths concerning the dignity of the individual human being. Thomas Jefferson wrote in the Declaration of Independence about the inalienable right of every man to life, liberty and the pursuit of happiness. The reason that governments are instituted among men, he went on, is "to secure these rights."

The effort "to secure these rights" has been the principal object of the United States government ever since that time. A more explicit and detailed commitment to that end was spelled out in the Bill of Rights in 1791. The Bill of Rights, in turn, has been applied in still more specific ways in the 179 years since its adoption so that the legal expression of individual rights has become a very complex matter. Yet, all of these rights flow from the central precept of our founding fathers that "all men are created equal."

The same precept found a further expression in 1948 when the General Assembly of the United Nations adopted—without a single dissenting vote—the Universal Declaration of Human Rights. This statement of principles provides a common standard toward which all governments in all parts of the world can strive. During this year in which we observe the twenty-fifth anniversary of the United Nations, it is particularly appropriate that we recall the words of that document and that we rededicate ourselves to its principles.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim December 10, 1970, as Human Rights Day and December 15, 1970, as Bill of Rights Day. I call upon the people of the United States of America to observe the week beginning December 10, 1970, as Human Rights Week. These are fitting times to renew our commitment to the goal of a just society in which every person enjoys equality of opportunity.

I also call upon every American to note that the United Nations General Assembly has designated the year 1971 as the International Year for Action to Combat Racism and Racial Discrimination. It is my hope that all Americans will join in observing this year, through deeds and words which promote a spirit of brotherhood and of mutual respect among all people.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of December, in the year of our Lord nineteen hundred seventy, and of the Independence of the United States of America the one hundred ninety-fifth.

Richard Nixon

[F.R. Doc. 70-16633; Filed, Dec. 7, 1970; 4:21 p.m.]

PROCLAMATION 4023

National Retailing Week

By the President of the United States of America

A Proclamation

American retail merchants have provided an ever widening choice of products and services to meet consumer needs and desires. Retailing promotes the orderly functioning of our nationwide distribution system, and strengthens our national economy by creating employment and income.

Mindful of these facts, the Congress, by House Joint Resolution 1255, has requested the President to issue a proclamation designating the period January 10, 1971, through January 16, 1971, as National Retailing Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the period January 10 through January 16, 1971, as National Retailing Week.

I urge all Americans during that period to pay special tribute, by every appropriate means, to our country's retail industry. I suggest both suppliers and customers of the industry take this opportunity to show their appreciation of the services retail management and employees provide.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of December, in the year of our Lord nineteen hundred and seventy, and of the Independence of the United States of America the one hundred and ninety-fifth.

Richard Nixon

[F.R. Doc. 70-16634; Filed, Dec. 7, 1970; 4:22 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

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

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Amdt. 1]

PART 855—MAINLAND CANE SUGAR AREA

Proportionate Shares for Farms; 1971 Crop

Pursuant to section 302 of the Sugar Act of 1948, as amended, §§ 855.72 and 855.74 are amended as follows:

1. Paragraph (b)(1) of § 855.72 is amended by revising the second sentence thereof to read as follows:

§ 855.72 Shares for reconstituted farms.

* * * * *

(b) *Old-producer farms.* * * *

(1) * * * However, if the method used for dividing such acreage record is other than by a written agreement of the interested persons to the division and if the share as so determined for any subdivision is greater than the acreage of cane growing on the subdivision for 1971 crop harvest, the county committee shall reduce the share for such subdivision to the acreage growing thereon, except that such reduction shall not be made if the county committee determines that acreage of cane on the subdivision was plowed down without the approval of the person acquiring the subdivision in order to obtain a larger share on the other subdivision or subdivisions.

* * * * *

2. Paragraphs (c), (d), and (f) of § 855.74 are revised to read as follows:

§ 855.74 Reallotment of unused acres.

* * * * *

(c) *Filing requests for additional acreage.* Requests shall be filed at the county ASCS office in the county in which the farm headquarters are located. In Florida, they must be filed by June 30, 1971, and in Louisiana, not later than March 12, 1971. If a farm is located in more than one county, requests also shall be filed at the county ASCS office in the county in which the part of the farm on which the additional acreage will be utilized is located. Late requests filed before the distribution of unused acreage may be accepted as timely filed if the county committee determines that the operators delayed filing for reasons beyond their control. Other late requests may be accepted prior to harvest if there is acreage still available after filling all timely filed requests.

(d) *Priority of adjustments.* Unused acreage determined pursuant to paragraph (b) of this section shall be used first as needed to increase shares as provided in § 855.73; secondly, to adjust the shares for eligible old-producer farms.

* * * * *

(f) *Methods for reallocating unused acreage.* Pursuant to the provisions of paragraph (e) of this section, unused acreage determined pursuant to paragraph (b) of this section, shall be used to increase shares of farms, the operators of which have filed requests which have been accepted pursuant to paragraph (c) of this section, as follows:

(1) In Florida, the State committee shall determine and inform the county committees of increases to be made in the share for each farm.

(2) In Louisiana, the county committee of each county will determine the unused proportionate share acreage on farms with headquarters in the county. The unused acreage so determined shall first be used by such committee to increase the shares for farms or parts of farms located in the county. The increase in the share for a farm with headquarters in the county may be utilized on any part of such farm. However, any increase which is granted to a part of a farm that does not include the farm headquarters must be planted on such part of the farm located in the county granting the increase. Any unused acreage remaining in any county in Louisiana, after all requests have been satisfied, shall be released to the State committee. The State committee shall distribute such acreage to other counties in which the additional acreage can be utilized as determined and reported by the county committee. Such distribution shall be made on the basis of the percentage relationship between the total of the additional acreage determined by the county committee that can be utilized by farms in each such county and the total of such additional acreage that can be utilized by all farms in all such counties.

STATEMENT OF BASES AND CONSIDERATIONS

Prior to this amendment producers in Louisiana were required to file requests for increases in shares for their farms to be made from acreage underplanted on other farms by January 12, 1971. Since the majority of producers will be unable to determine the exact acreages they will carry for 1971-crop harvest by that date and, hence, only would be in a position to request an estimated increase in the shares for their farm, March 12, 1971, has been established as a final date for filing such requests. This date better coincides with the completion of the initial cultivating work and will result in requests which most nearly reflect the increases actually needed.

This amendment also removes the acreage limitation that could be granted in an individual share through the reallotment of unused acres. Heretofore, the increase could not exceed the larger of 10 acres or 20 percent of the farm shares. In Louisiana, it is expected that the amount of unused acreage available for distribution to other old-producer farms for the 1971 crop will be larger than for preceding crops because prolonged rains during the planting season made it impossible for some producers to fully utilize the 15 percent acreage increase in the State acreage allocation for the 1971 crop. On the other hand, some producers may be in a position to plant additional acreage beyond 20 percent of the shares for their farm. Since unused acreage in a county is first made available to other producers in the same county, there is a possibility that the retention of the limitation in the size of the increase could result in an acreage loss in the county and in a sugar mill area. Also the retention of the limitation could result in an acreage for sugar and seed less than the level of the State acreage allocation.

The pro-rata distribution of unused acreage made by the Louisiana State Committee to counties where additional acreage can be used will be made on the basis of the additional acreage that can be used by farms in the county as determined by the county committee rather than on the basis of the relationship of the proportionate shares in each of such counties. This change will permit more acreage to be made available to counties having fewer farms and where there have been very small quantities of unused acreage available to producers desiring to expand their operations.

A recent amendment to § 892.9 (35 F.R. 15361) provided that when a farm is subdivided, the farm's accredited acreage record may be credited among its subdivisions on the basis of a written agreement between the interested persons involved. This method is in addition to those used by the county committees in the absence of a written agreement. They are (1) the relationship of cropland, (2) the 3-year acreage record or (3) the growing acreage on each subdivision to the total on the farm. The proportionate share established for a farm which is subdivided also is credited to its subdivisions by the same method used for crediting the accredited acreage record. In subdivisions where a written agreement may be used it is possible that the share determined for a subdivision will be less than or greater than the acreage of cane growing for 1971-crop harvest on

the subdivision. Any discrepancy between the proportionate share determined for a subdivision and the acreage of cane growing on the subdivision would be the result of the written agreement. In all likelihood the share credited to such a subdivision will be used to cover acreage planted to sugarcane on other land retained by the producer. Therefore, the provision in § 855.72(b) to reduce the share credited to the subdivision to the level of acreage of cane growing is now applicable only in cases where the method used to divide the farm's acreage record is other than by written agreement between the interested persons involved.

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

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

Effective date: Date of publication.

Signed at Washington, D.C., on December 3, 1970.

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

[F.R. Doc. 70-16539; Filed, Dec. 8, 1970; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D, M]

PART 204—RESERVES OF MEMBER BANKS

PART 213—FOREIGN ACTIVITIES OF NATIONAL BANKS

Reserves Against Eurodollar Borrowings

1. Effective January 7, 1971, § 204.5(c) is amended to read as follows:

§ 204.5 Supplement.

* * * * *

(c) *Reserve percentages against certain deposits by foreign banking offices.* Deposits represented by promissory notes, acknowledgments of advance, due bills, or similar obligations described in § 204.1 (f) to foreign offices of other banks,[8] or institutions the time deposits of which are exempt from the rate limitations of Regulation Q pursuant to § 217.3(g) of this chapter, shall not be subject to paragraph (a) of this section or to § 204.3 (a) (1) and (2); but during each week of the 4-week period beginning October 16, 1969, and during each week of each successive 4-week (maintenance) period, a member bank shall maintain with the Reserve Bank of its district a daily average balance equal to 20 percent of the amount by which the daily average amount of such deposits during the 4-week (computation) period ending on the Wednesday 15 days before the beginning of the maintenance period exceeds the lesser of (1) 3 percent of such member bank's daily average deposits subject to paragraph (a) of this section during the current computation period or during the computation period ending November 25, 1970, whichever is greater, or (2) the lowest corresponding daily average total for any computation period beginning on or after December 24, 1970. An excess or deficiency in reserves in any week of a maintenance period under this paragraph shall be subject to § 204.3(a) (3), as if computed under § 204.3(a)(2), and deficiencies under this paragraph shall be subject to § 204.3(b).[9]

2. Effective January 7, 1971, § 213.7 is amended to read as follows:

§ 213.7 Reserves against foreign branch deposits.

(a) *Transactions with parent bank.* During each week of the 4-week period beginning October 16, 1969, and during each week of each successive 4-week (maintenance) period, a member bank having one or more foreign branches shall maintain with the Reserve Bank of its district, as a reserve against its foreign branch deposits, a daily average balance equal to 20 percent of the amount by which the daily average total of

(1) Net balances due from its domestic offices to such branches, and

(2) Assets (including participations) held by such branches which were acquired from its domestic offices,[7]

during the 4-week (computation) period ending on the Wednesday 15 days before the beginning of the maintenance period, exceeds the greater of—

(i) The corresponding daily average total[9] for the computation period ending November 25, 1970, or the lowest corresponding daily average total for any computation period beginning after that date, whichever amount is the lesser, or

(ii) 3 percent of the member bank's daily average deposits subject to § 204.5 (a) of this chapter (Regulation D) during the current computation period, or, if the bank has had a foreign branch in operation for more than 90 days, the lowest corresponding daily average total for any computation period beginning on or after December 24, 1970, whichever amount is the lesser:

Provided, That the applicable base computed under subdivision (i) or (ii) of this subparagraph shall be reduced by the daily average amount of any deposits of the member bank subject to § 204.5(c) of this chapter (Regulation D) during the computation period.

(b) *Credit extended to U.S. residents.* During each week of the 4-week period beginning October 16, 1969, and during each week of each successive 4-week maintenance period, a member bank having one or more foreign branches shall maintain with the Reserve Bank of its district, as a reserve against its foreign branch deposits, a daily average balance equal to 20 percent of the amount by which daily average credit outstanding from such branches to U.S. residents[8] (other than assets acquired and net balances due from its domestic offices), during the 4-week computation period ending on Wednesday 15 days before the beginning of the maintenance period, exceeds the corresponding daily average total during the 4-week period ending on November 25, 1970: *Provided*, That this paragraph does not apply to credit extended (1) by a foreign branch which at no time during the computation period had credit outstanding to U.S. residents exceeding $5 million, (2) to enable the borrower to comply with requirements of the Office of Foreign Direct Investments, Department of Commerce,[10] or (3) under binding commitments entered into before December 1, 1970.

3a. These amendments are issued pursuant to the authority granted to the Board of Governors by section 19 of the Federal Reserve Act to set reserve ratios (12 U.S.C. 461) and by sections 25 and 9 of that Act to regulate foreign branches of member banks (12 U.S.C. 601 and 321). The principal change is to raise from 10 to 20 percent the reserve ratio applicable to a member bank's Eurodollar borrowings to the extent they exceed a specified reserve-free base. This change becomes effective as to maintenance periods beginning January 7, 1971, as to reserve computation periods ending December 23, 1970. To prevent the higher marginal reserve requirement from having the effect of penalizing banks that during the computation period ending

[8] Any banking office located outside the States of the United States and the District of Columbia of a bank organized under domestic or foreign law.

[9] The term "computation period" in § 204.3 (a) (3) and (b) shall, for this purpose, be deemed to refer to each week of a maintenance period under this paragraph.

[7] Excluding (1) assets so held on June 26, 1969, representing credit extended to persons not residents of the United States and (2) credit extended or renewed by a domestic office after June 26, 1969, to persons not residents of the United States to the extent such credit was not extended in order to replace credit outstanding on that date which was paid prior to its original maturity (see definition of U.S. resident in footnote 9).

[8] Excluding assets representing credit extended to persons not residents of the United States.

[9] (a) Any individual residing (at the time the credit is extended) in any State of the United States or the District of Columbia; (b) any corporation, partnership, association, or other entity organized therein (domestic corporation); and (c) any branch or office located therein of any other entity wherever organized. Credit extended to a foreign branch, office, subsidiary, affiliate or other foreign establishment (foreign affiliate) controlled by one or more such domestic corporations will not be deemed to be credit extended to a U.S. resident if the proceeds will be used in its foreign business or that of other foreign affiliates of the controlling domestic corporation(s).

[10] The branch may in good faith rely on the borrower's certification that the funds will be so used.

November 25, 1970, had Eurodollar borrowings above their reserve-free bases, the higher marginal reserve requirement will apply to borrowings above the higher of (a) the minimum base of 3 percent of deposits, or (b) the average level of borrowings in the computation period ending November 25, 1970.

b. The second major change applies an automatic downward adjustment feature to the minimum reserve-free bases applicable to Eurodollar borrowings. Such a feature is presently operative under Regulation M with respect to historical reserve-free bases. The effect of this amendment is to eliminate the reserve-free minimum base to the extent a bank elects not to make use of it. This change becomes effective as to reserve computation periods beginning December 24, 1970.

c. The final change is technical. It provides, under Regulation D, a reserve-free minimum base with respect to reserve requirements against member bank borrowings from foreign banking offices. This change is designed to conform the approach of reserve requirements applicable to Eurodollar borrowings under Regulation D with the approach under Regulation M, which relates to Eurodollar borrowings by domestic offices from their foreign branches. This change becomes effective as to maintenance periods beginning January 7, 1971, as to reserve computation periods ending December 23, 1970.

d. There was no notice and public participation with respect to these amendments, and in some respects the effective date was deferred for less than the 30 days referred to in section 553(d) of title 5, United States Code. The Board found that following such procedures with respect to these amendments would be contrary to the public interest and serve no useful purpose.

By order of the Board of Governors, November 30, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-16498; Filed, Dec. 8, 1970; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 10717; Amdt. 95-201]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of The Federal Aviation Regulations is amended, effective January 7, 1971, as follows:

1. By amending Subpart C as follows:

Section 95.115 *Amber Federal airway 15* is amended to read in part:

From, To, and MEA

United States-Canadian border; Annette Island, Alaska, LFR; 5,000.
Annette Island, Alaska, LFR; Guard Island INT, Alaska; 4,700.
Guard Island INT, Alaska; Petersburg, Alaska, LFR; 5,700.
Petersburg, Alaska, LFR; Thane INT, Alaska; *7,000. *6,900—MOCA.
Thane INT, Alaska; Coghlan Island, Alaska, LF/RBN; *7,000. *6,700—MOCA.
Coghlan Island, Alaska, LF/RBN; Berners INT, Alaska; *9,000. *8,000—MOCA.
Berners INT, Alaska; Haines, Alaska, LF/RBN; *9,000. *8,300—MOCA.
Haines, Alaska, LF/RBN; Burwash, Yukon Territory, LFR; *#11,000. *10,900—MOCA. #For that airspace over U.S. territory.
Burwash, Yukon Territory, LFR; Northway, Alaska, LFR; *#9,600. *8,600—MOCA. #For that airspace over U.S. territory.
Northway, Alaska, LFR; Big Delta, Alaska, LFR; 8,000.
Big Delta, Alaska, LFR; Fairbanks, Alaska, LFR; 5,000.

Section 95.1001 *Direct routes—United States* is amended to delete:

Eugene, Oreg., VOR; Int, 252° M Rad, Eugene VOR, and 163° M Rad, Newport VOR; 6,000.
Eugene, Oreg., VOR; Salem, Oreg., ILS/LOM; 3,000.

Section 95.1001 *Direct routes—United States* is amended by adding:

Crestview, Fla., VORTAC; Ridge INT, Fla.; *2,000. *1,600—MOCA.
Wilmington, N.C., VORTAC; Fayetteville, N.C., VOR; *1,900. *1,400—MOCA.
Coaldale, Nev., VOR; Woodside, Calif., VOR; *18,000. *15,100—MOCA. MAA—45,000.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Gorman, Calif., VORTAC; Los Banos, Calif., VOR; 18,000. MAA—31,000.
Los Banos, Calif., VOR; Sunol INT, Calif.; 18,000. MAA—31,000.
Sunol INT, Calif.; Oakland, Calif., VORTAC; 18,000. MAA—31,000.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

*Watson INT, Mont., via N alter.; Baxter INT, Mont., via N alter; **13,000. *10,500—MCA Watson INT, eastbound. **10,500—MOCA.
Dickinson, N. Dak., VOR via N alter.; Youngtown INT, N. Dak., via N alter.; *4,300. *4,100—MOCA.
Youngtown INT, N. Dak., via N alter.; Bismarck, N. Dak., VOR via N alter., *4,000. *3,300—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

From, To, and MEA

*Superior INT, Colo.; Denver, Colo., VOR; westbound 16,000; eastbound 9,600. *13,400—MCA Superior Int, westbound.

Section 95.6011 *VOR Federal airway 11* is amended to read in part:

Mobile, Ala., VOR; *Greene County, Miss., VOR; **9,800. *9,800—MCA Greene County VOR, northwestbound. **1,600—MOCA.
Greene County, Miss., VOR; *Richton INT, Miss.; **9,800. 9,800—MCA Richton INT, southeast bound. **1,700—MOCA.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

Bismarck, N. Dak., VOR; Hancock INT, N. Dak.; *3,700. *3,400—MOCA.
Hancock INT, N. Dak., Minot, N. Dak., VOR; *3,900. *3,400—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

Duncan, Okla., VOR; Alex INT, Okla.; *3,000. *2,600—MOCA.

Section 95.6019 *VOR Federal airway 19* is amended to read in part:

Pueblo, Colo., VOR; Hanover INT, Colo.; *8,000. *7,500—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Crosby INT, Tex., via N alter.; Trinity INT, Tex., via N alter.; *1,600. *1,400—MOCA.

Section 95.6023 *VOR Federal airway 23* is amended to read in part:

Noti INT, Oreg., via W alter.; *Horton INT, Oreg., via W alter.; northbound 4,000; southbound 7,000. *5,800—MCA Horton INT, southbound.
Horton INT, Oreg., via W alter.; Corvallis, Oreg., VOR, via W alter.; 4,000.

Section 95.6036 *VOR Federal airway 36* is amended to read in part:

Lake Henry, Pa., VOR; Pecks Pond INT, Pa.; 4,000.
Pecks Pond INT, Pa.; Sparta, N.J., VOR; 3,800.

Section 95.6038 *VOR Federal airway 38* is amended to read in part:

Gordonsville, Va., VOR; Rockville INT, Va.; 2,300.
Rockville INT, Va.; Richmond, Va.; 2,000.

Section 95.6053 *VOR Federal airway 53* is amended to read in part:

Lafayette, Ind., VOR; Kentland INT, Ind.; *2,600. *2,300—MOCA.
Kentland INT, Ind.; Peotone, Ill., VOR; *2,600. *2,000—MOCA.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

City INT, Ill.; Chicago O'Hare, Ill., VOR; *4,000. *2,100—MOCA.

Section 95.6067 *VOR Federal airway 67* is amended to read in part:

*Vinton INT, Iowa; **Flyers INT, Iowa; ***2,700. *3,200—MRA. **3,200—MRA. ***2,300—MOCA.

Section 95.6070 *VOR Federal airway 70* is amended to read in part:

Albany INT, La.; *Picayune, Miss., VOR; **1,700. *9,800—MCA Picayune VOR, northeastbound. **1,400—MOCA.
Picayune, Miss., VOR; *Greene County, Miss., VOR; **9,800. *9,800—MCA Greene County VOR, southwestbound. **1,600—MOCA.

Section 95.6077 *VOR Federal airway 77* is amended to read in part:

From, To, and MEA

Duncan, Okla., VOR; via E alter.; Alex INT, Okla.; via E alter.; *3,000. *2,600—MOCA.

Section 95.6084 *VOR Federal airway 84* is amended to read in part:

Orangeville INT, Mich.; Riley INT, Mich.; 2,900. Riley INT, Mich.; Lansing, Mich., VOR; *2,900. *2,300—MOCA.

Section 95.6086 *VOR Federal airway 86* is amended to read in part:

Sheridan, Wyo., VOR; Weston INT, Wyo.; *7,500. *6,800—MOCA.
Weston INT, Wyo.; Mystic DME Fix, S. Dak.; *13,000. *9,100—MOCA.

Section 95.6094 *VOR Federal airway 94* is amended to read in part:

Bethany INT, Tex.; Elm Grove, La., VOR; *1,800. *1,500—MOCA.

Section 95.6095 *VOR Federal airway 95* is amended to delete:

Bethany INT, Tex.; Elm Grove, La., VOR; *1,800. *1,500—MOCA.

Section 95.6121 *VOR Federal airway 121* is amended to read in part:

*Eugene, Oreg., VOR; Coberg INT, Oreg.; northeastbound, 10,000; southwestbound, 4,400. *4,700—MCA Eugene VOR, northeastbound.

Section 95.6128 *VOR Federal airway 128* is amended to read in part:

Fowler INT, Ind.; *Swanington INT, Ind.; **4,000. *4,000—MRA. **2,300—MOCA.
Swanington INT, Ind.; *Westpoint INT, Ind.; **4,000. *4,000—MRA. **2,300—MOCA.
Chicago O'Hare, Ill., VOR; City INT, Ill.; *4,000. *2,100—MOCA.

Section 95.6144 *VOR Federal airway 144* is amended to read in part:

Chicago O'Hare, Ill., VOR; City INT, Ill.; *4,000. *2,100—MOCA.

Section 95.6198 *VOR Federal airway 198* is amended to read in part:

Dog INT, Miss.; *Rom INT, Miss.; **2,800. *2,800—MCA Rom INT, Northeastbound. **1,000—MOCA.
Rom INT, Miss.; *Theodore INT, Ala.; **2,800. *2,800—MCA Theodore INT, southwestbound. **1,600—MOCA.

Section 95.6200 *VOR Federal airway 200* is amended to read in part:

*Superior INT, Colo.; Denver, Colo., VOR; westbound, 16,000; eastbound, 9,600. *13,400—MCA Superior INT, westbound.

Section 95.6240 *VOR Federal airway 240* is amended to read in part:

Dog INT, Miss.; *Rom INT, Miss.; **2,800. *2,800—MCA Rom INT northeastbound. **1,000—MOCA.

Section 95.6244 *VOR Federal airway 244* is amended to read in part:

*Florence INT, Colo.; Stone INT, Colo.; westbound 12,000; eastbound 9,000. *10,000—MRA.

Section 95.6269 *VOR Federal airway 269* is amended to read in part:

Wells, Nev., VOR; Jackpot INT, Idaho; *13,000. *10,800—MOCA.
Jackpot INT, Idaho; Twin Falls, Idaho, VOR; 10,000.

Section 95.6285 *VOR Federal airway 285* is amended to read in part:

From, To, and MEA

Kalamazoo, Mich., VOR; Orangeville INT, Mich.; *3,000. *2,900—MOCA.

Section 95.6341 *VOR Federal airway 341* is amended to read in part:

Anamosa INT, Iowa; Dubuque, Iowa, VOR; *2,600. *2,400—MOCA.

Section 95.6401 *Hawaii VOR Federal airway 1* is amended to read in part:

Redwood INT, Hawaii; Hilo, Hawaii, VOR; 2,000.

Section 95.6402 *Hawaii VOR Federal airway 2* is amended to delete:

*Hilo, Hawaii, VOR; Int, 080° M Rad, Hilo VOR and 011° Bearing from Pahoa RBN; 2,000. *3,000—MCA Hilo VOR, northwestbound.

Section 95.6402 *Hawaii VOR Federal airway 2* is amended to read in part:

Paradise INT, Hawaii; *Arbor INT, Hawaii; **4,000. *8,000—MRA. **2,800—MOCA.
Arbor INT, Hawaii; Hilo, Hawaii, VOR; 3,000.

Section 95.6403 *Hawaii VOR Federal airway 3* is amended to read in part:

Mynah INT, Hawaii; *Jacksons INT, Hawaii; 3,500. *4,700—MCA Jacksons INT, northeastbound.
Kamuela, Hawaii, VOR; Hamakua INT, Hawaii; 6,500.

Section 95.6406 *Hawaii VOR Federal airway 6* is amended to read in part:

Halibut INT, Hawaii; *Rainbow INT, Hawaii; northwestbound **7,000; southeastbound **6,000. *10,000—MRA. **1,000—MOCA.
Rainbow INT, Hawaii; *Pumice INT, Hawaii; **6,000. *10,000—MRA. **1,000—MOCA.
Pumice INT, Hawaii; *Arbor INT, Hawaii; **4,000. *8,000—MRA. **2,800—MOCA.
Arbor INT, Hawaii; Hilo, Hawaii, VOR; 3,000.

Section 95.6410 *Hawaii VOR Federal airway 10* is deleted.

Section 95.6412 *Hawaii VOR Federal airway 12* is amended to read in part:

Koko Head, Hawaii, VOR; Bamboo INT, Hawaii; 4,500.
Bamboo INT, Hawaii; Magnolia INT, Hawaii; *5,000. *1,000—MOCA.

Section 95.6413 *Hawaii VOR Federal airway 13* is amended by adding:

Koko Head, Hawaii, VOR; Bamboo INT, Hawaii; 4,500.
Bamboo INT, Hawaii; Magnolia INT, Hawaii; *5,000. *1,000—MOCA.
Magnolia INT, Hawaii; Frog DME Fix, Hawaii; *5,000. *1,000—MOCA.

Section 95.6415 *Hawaii VOR Federal airway 15* is amended by adding:

Hilo, Hawaii, VOR; Holiday DME Fix, Hawaii; 2,000.
Holiday DME Fix, Hawaii; Eel DME Fix, Hawaii; *10,000. *1,000—MOCA.

Section 95.6415 *Hawaii VOR Federal airway 15* is amended to read in part:

Koko Head, Hawaii, VOR; Molokai, Hawaii, VOR; southeastbound *3,500; northwestbound *4,500. *MOCA—3,400.
*Molokai, Hawaii, VOR; Pali INT, Hawaii; 7,000. *5,000—MCA Molokai VOR, eastbound.
Pali INT, Hawaii; *Maui, Hawaii, VOR; 8,000. *6,800—MCA Maui VOR, westbound.

From, To, and MEA

Maui, Hawaii, VOR; Barracuda INT, Hawaii; 7,000.
Barracuda INT, Hawaii; *Rainbow INT, Hawaii; **10,000. *10,000—MRA. **1,000—MOCA.
Rainbow INT, Hawaii; *Pumice INT, Hawaii; **6,000. *10,000—MRA. **1,000—MOCA.
Pumice INT, Hawaii; *Arbor INT, Hawaii; **4,000. *8,000—MRA. **2,800—MOCA.
Arbor INT, Hawaii; Hilo, Hawaii, VOR; 3,000.

Section 95.6418 *Hawaii VOR Federal airway 18* is deleted.

Section 95.6419 *Hawaii VOR Federal airway 19* is amended to delete:

Hibiscus INT, Hawaii; Salmon INT, Hawaii; *3,000. *1,000—MOCA.
Salmon INT, Hawaii; Lobster INT, Hawaii; *6,000. *1,000—MOCA.

Section 95.6419 *Hawaii VOR Federal airway 19* is amended by adding:

Hibiscus INT, Hawaii; Maui, Hawaii, VOR; *6,000. *1,000—MOCA.

Section 95.6419 *Hawaii VOR Federal airway 19* is amended to read in part:

Hilo, Hawaii, VOR; *Redwood INT, Hawaii; 2,000. *9,000—MRA.

Section 95.6421 *Hawaii VOR Federal airway 21* is amended by adding:

Hibiscus INT, Hawaii; Cuttle DME Fix, Hawaii; *21,000. *1,000—MOCA.

Section 95.6422 *Hawaii VOR Federal airway 22* is amended by adding:

Hilo, Hawaii, VOR; Seaside DME Fix, Hawaii; 2,000.
Seaside DME Fix, Hawaii; Bait DME Fix, Hawaii; *10,000. *1,000—MOCA.

Section 95.6424 *Hawaii VOR Federal airway 24* is added to read:

*Lanai, Hawaii, VOR; **Maui, Hawaii, VOR; ***9,000. *5,100—MCA Lanai VOR, northeastbound. **6,700—MCA Maui VOR, southwestbound. ***7,800—MOCA.
Maui, Hawaii, VOR; *Bass INT, Hawaii; **14,000. *14,000—MRA. **5,200—MOCA.
Bass INT, Hawaii; Lobster DME Fix, Hawaii; *19,000. *1,000—MOCA.

Section 95.6425 *Hawaii VOR Federal airway 25* is added to read:

Hilo, Hawaii, VOR; Cook INT, Hawaii; *3,000. *2,200—MOCA.
Cook INT, Hawaii; *Bass INT, Hawaii; **6,000. *14,000—MRA. **1,000.
Bass INT, Hawaii; Cod DME Fix, Hawaii; *9,000. *1,000—MOCA.

Section 95.6452 *VOR Federal airway 452* is amended to read in part:

Newport, Oreg., VOR; *Horton INT, Oreg.; 6,000. *4,300—MCA Horton INT, westbound.
Horton INT, Oreg.; Eugene, Oreg., VOR; 4,000.

Section 95.6484 *VOR Federal airway 484* is amended to read in part:

Homelake DME Fix, Colo.; Alamosa, Colo., VOR; southbound, 10,000; northbound, 14,600.

2. By amending Subpart D as follows:

Section 95.8005 Jet routes changeover points:

From; to—Changeover point: Distance; from J–127 is amended to read in part:

King Salmon, Alaska, VORTAC; Anchorage, Alaska, VORTAC; 117; Anchorage.

(Secs. 307, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510))

Issued in Washington, D.C., on December 1, 1970.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[F.R. Doc. 70-16426; Filed, Dec. 8, 1970; 8:45 a.m.]

Title 29—LABOR

Chapter XIV—Equal Employment Opportunity Commission

PART 1601—PROCEDURAL REGULATIONS

Charges by Members of the Commission

By virtue of the authority vested in it by section 713 of title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e-12, 78 Stat. 265, the Equal Employment Opportunity Commission hereby amends Title 29, Chapter XIV, § 1601.10 of the Code of Federal Regulations.

Because the amendments herein adopted are procedural in nature, the provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, for public notice and delay in effective date are inapplicable. This amendment shall become effective upon publication in the FEDERAL REGISTER.

§ 1601.10 Charges by members of the Commission.

Any member of the Commission who has reasonable cause to believe that an unlawful employment practice within the meaning of title VII has occurred or is occurring may file a charge in writing with the Commission. If section 706(c) of title VII should be applicable, the Commission, before taking any action with respect to the charge, shall notify the appropriate State or local authority and offer to refer the charge to it. The Commission will allow the State or local authority a 10-day period to request an opportunity to act under its law except when EEOC notifies the appropriate authority in writing of a different time period.

(Sec. 713, 78 Stat. 265, 42 U.S.C. 2000e-12)

This amendment is effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 30th day of November 1970.

WILLIAM H. BROWN, III,
Chairman.

[F.R. Doc. 70-16502; Filed, Dec. 8, 1970; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Miscellaneous Amendments

1. In § 3.5, paragraph (b) is amended to read as follows:

§ 3.5 Dependency and indemnity compensation.

* * * * *

(b) *Entitlement.* Basic entitlement for a widow, child or children, and parent or parents of a veteran exists, if:

(1) Death occurred on or after January 1, 1957, except in the situation specified in § 3.4(c)(2); or

(2) Death occurred prior to January 1, 1957, and the claimant was receiving or eligible to receive death compensation on December 31, 1956 (or, as to a parent, would have been eligible except for his income), under laws in effect on that date or who subsequently becomes eligible by reason of a death which occurred prior to January 1, 1957; or

(3) Death occurred on or after May 1, 1957, the claimant has basic entitlement to death compensation under the situation specified in § 3.4(c)(2), the total amount paid to the widow, children or parents under the policy of U.S. Government life insurance or national service life insurance referred to in that paragraph equals or exceeds the face value of the policy, and the amount paid them under the policy when added to any amounts paid them as death compensation does not exceed the total dependency and indemnity compensation which would have been payable to them had they been eligible for the latter benefit upon the death of the veteran. (38 U.S.C. 410, 416, 417(a); Public Law 91-291, 84 Stat. 326.)

* * * * *

2. In § 3.400(c)(3), subdivision (iii) is added to read as follows:

§ 3.400 General.

* * * * *

(c) *Death benefits.* * * *

(3) *Dependency and indemnity compensation.* * * *

(iii) *Deaths on or after May 1, 1957 (In-service waiver cases; §§ 3.5(b)(3) and 3.702).* Date of receipt of election or date dependency and indemnity compensation becomes the greater benefit payable under § 3.5(b)(3) if election is received within 120 days before that date (effective June 25, 1970). See § 3.114(a).

* * * * *

3. In § 3.461, paragraph (a) and the introductory portions of (b) (3) and (4) preceding subdivision (i) are amended to read as follows:

§ 3.461 Dependency and indemnity compensation.

(a) *Conditions under which apportionment may be made.* The widow's award of dependency and indemnity compensation will be apportioned where there is a child or children under 18 years of age and not in the custody of the widow. The widow's award of dependency and indemnity compensation will not be apportioned under this condition for a child over the age of 18 years, except when the widow has elected to receive dependency and indemnity compensation instead of death compensation and a previous apportionment to a child would otherwise be diminished.

(b) *Rates payable.* * * *

(3) Where the widow has elected to receive dependency and indemnity compensation instead of death compensation, the share of dependency and indemnity compensation for a child or children under 18 years of age will be whichever is the greater:

* * * * *

(4) Where the widow has elected to receive dependency and indemnity compensation instead of death compensation and there is a child or children over the age of 18 years, the amount of dependency and indemnity compensation payable to or for such child will be included in determining the total dependency and indemnity compensation payable. The share of dependency and indemnity compensation for such child will be whichever is the greater:

* * * * *

4. In § 3.702, paragraphs (a), (b), and (d) are amended to read as follows:

§ 3.702 Dependency and indemnity compensation.

(a) *Right to elect.* A person who is eligible for death compensation and who has entitlement to dependency and indemnity compensation pursuant to the provisions of § 3.5(b) (2) or (3) may receive dependency and indemnity compensation upon the filing of a claim. Payments may be authorized as of the date of entitlement provided the claim is filed within a reasonable period (not to exceed 120 days) before that date. The effective date of payment is controlled by the provisions of § 3.400(c)(3).

(b) *Effect on child's entitlement.* Where a widow is entitled to death compensation, the amount of which is based in part on the existence of a child who has attained the age of 18 years, and elects to receive dependency and indemnity compensation, the independent award of dependency and indemnity compensation to which the child is entitled will be awarded to or for the child subject to the provisions of § 3.461. Should such a widow not elect to receive dependency and indemnity compensation, the independent dependency and indemnity compensation to which a child who has attained 18 years of age is entitled, may be awarded upon application by or for the child. The effective date of award in these situations will be in accordance with § 3.400(c)(3)(ii).

* * * * *

(d) *Finality of election.* An election to receive dependency and indemnity compensation is final and the claimant may not thereafter reelect death pension or compensation in that case. (See § 3.706 as to children who are eligible for servicemen's indemnity.) The election is final when the payee (or his fiduciary) has negotiated one check for this benefit or when the payee dies after filing claim. There is no right of reelection.

* * * * *

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

These VA regulations are effective June 25, 1970.

Approved: December 1, 1970.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 70-16533; Filed, Dec. 8, 1970; 8:49 a.m.]

Title 42—PUBLIC HEALTH

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

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

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

Shreveport-Texarkana-Tyler Interstate Air Quality Control Region

On August 22, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 13459) to amend Part 81 by designating the Shreveport-Texarkana-Tyler Interstate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on September 2, 1970. Due consideration has been given to all relevant material presented with the result that Choctaw and Pushmataha Counties, in Oklahoma, have been deleted from the Region.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.94, as set forth below, designating the Shreveport-Texarkana-Tyler Interstate Air Quality Control Region, is adopted effective on publication.

§ 81.94 Shreveport-Texarkana-Tyler Interstate Air Quality Control Region.

The Shreveport-Texarkana-Tyler Interstate Air Quality Control Region (Arkansas-Louisiana-Oklahoma-Texas) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Arkansas:

Columbia County.	Little River County.
Hempstead County.	Miller County.
Howard County.	Sevier County.
Lafayette County.	

In the State of Louisiana:

Bienville Parish.	Lincoln Parish.
Bossier Parish.	Natchitoches Parish.
Caddo Parish.	Red River Parish.
Claiborne Parish.	Sabine Parish.
De Soto Parish.	Webster Parish.
Jackson Parish.	Winn Parish.

In the State of Oklahoma:

McCurtain County.

In the State of Texas:

Anderson County.	Marion County.
Bowie County.	Morris County.
Camp County.	Panola County.
Cass County.	Rains County.
Cherokee County.	Red River County.
Delta County.	Rusk County.
Franklin County.	Smith County.
Gregg County.	Titus County.
Harrison County.	Upshur County.
Henderson County.	Van Zandt County.
Hopkins County.	Wood County.
Lamar County.	

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

Dated: November 16, 1970.

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

Approved: November 30, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-16503; Filed, Dec. 8, 1970; 8:46 a.m.]

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

Central and South Central Pennsylvania Intrastate Air Quality Control Regions

On September 22, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 14728) to amend Part 81 by designating the Central Pennsylvania and South Central Pennsylvania Intrastate Air Quality Control Regions.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on September 30, 1970. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.104, as set forth below, designating the Central Pennsylvania Intrastate Air Quality Control Region, and § 81.105, as set forth below, designating the South Central Pennsylvania Intrastate Air Quality Control Region, are adopted effective on publication.

§ 81.104 Central Pennsylvania Intrastate Air Quality Control Region.

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

In the State of Pennsylvania:

Bedford County.	Lycoming County.
Blair County.	Mifflin County.
Cambria County.	Montour County.
Centre County.	Northumberland County.
Clinton County.	Snyder County.
Columbia County.	Somerset County.
Fulton County.	Union County.
Huntingdon County.	
Juniata County.	

§ 81.105 South Central Pennsylvania Intrastate Air Quality Control Region.

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

In the State of Pennsylvania:

Adams County.	Lancaster County.
Cumberland County.	Lebanon County.
Dauphin County.	Perry County.
Franklin County.	York County.

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

Dated: November 3, 1970.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

Approved: November 30, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-16510; Filed, Dec. 8, 1970; 8:46 a.m.]

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

Certain Air Quality Control Regions in South Carolina

On September 22, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 14729) to amend Part 81 by designating the Greenville-Spartanburg, Greenwood, Columbia, Florence, Camden-Sumter, Georgetown, and Charleston Intrastate Air Quality Control Regions.

Interested persons were afforded an opportunity to participate in the rule

making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on October 2, 1970. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.106, as set forth below, designating the Greenville-Spartanburg Intrastate Air Quality Control Region; § 81.107, as set forth below, designating the Greenwood Instrastate Air Quality Control Region; § 81.108, as set forth below, designating the Columbia Intrastate Air Quality Control Region; § 81.109, as set forth below, designating the Florence Intrastate Air Quality Control Region; § 81.110, as set forth below, designating the Camden-Sumter Intrastate Air Quality Control Region; § 81.111, as set forth below, designating the Georgetown Intrastate Air Quality Control Region; and § 81.112, as set forth below, designating the Charleston Intrastate Air Quality Control Region, are adopted effective on publication.

§ 81.106 Greenville-Spartanburg Intrastate Air Quality Control Region.

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

In the State of South Carolina:

Anderson County.	Pickens County.
Cherokee County.	Spartanburg County.
Greenville County.	
Oconee County.	

§ 81.107 Greenwood Intrastate Air Quality Control Region.

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

In the State of South Carolina:

Abbeville County.	Laurens County.
Edgefield County.	McCormick County.
Greenwood County.	Saluda County.

§ 81.108 Columbia Intrastate Air Quality Control Region.

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

In the State of South Carolina:

Fairfield County.	Newberry County.
Lexington County.	Richland County.

§ 81.109 Florence Intrastate Air Quality Control Region.

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

In the State of South Carolina:

Chesterfield County.	Florence County.
Darlington County.	Marion County.
Dillon County.	Marlboro County.

§ 81.110 Camden-Sumter Intrastate Air Quality Control Region.

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

In the State of South Carolina:

Clarendon County.	Lee County.
Kershaw County.	Sumter County.

§ 81.111 Georgetown Intrastate Air Quality Control Region.

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

In the State of South Carolina:

Georgetown County.	Williamsburg County.
Horry County.	

§ 81.112 Charleston Intrastate Air Quality Control Region.

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

In the State of South Carolina:

Berkeley County.	Dorchester County.
Charleston County.	

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

NOTE: For purposes of identification, the regions are referred to by South Carolina authorities as follows:

Sec.
81.106 Greenville-Spartanburg Intrastate Air Quality Control Region: Region 1.
81.107 Greenwood Intrastate Air Quality Control Region: Region 2.
81.108 Columbia Intrastate Air Quality Control Region: Region 4.
81.109 Florence Intrastate Air Quality Control Region: Region 7.
81.110 Camden-Sumter Intrastate Air Quality Control Region: Region 6.
81.111 Georgetown Intrastate Air Quality Control Region: Region 8.
81.112 Charleston Intrastate Air Quality Control Region: Region 9.

Dated: November 9, 1970.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

Approved: November 30, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-16509; Filed, Dec. 8, 1970; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

SUBCHAPTER B—LAND RESOURCE MANAGEMENT (2000)

[Circular No. 2280]

PART 2920—SPECIAL LAND USE PERMITS

Subpart 2921—Advertising Displays

LIMITATIONS ON CONSTRUCTION AND PROCEDURES FOR REMOVAL

On page 15159 of the FEDERAL REGISTER of September 29, 1970, there was published a notice and text of a proposed amendment to Subpart 2921 of Title 43, Code of Federal Regulations. The purpose of this amendment is to provide regulations to limit the placement of advertising displays on public lands and to authorize Bureau of Land Management employees to remove unauthorized advertising displays from public lands. The authority for this proposal is set forth in Rev. Stat. section 2478 (43 U.S.C. 1201).

Interested persons were given 30 days within which to submit comments, suggestions, or objections to the proposed amendment. As of November 10, 70 comments had been received. Sixty-eight endorsed the proposal. Two opposed it. Several suggestions recommended prohibiting all advertising displays visible from the Interstate and primary highway systems.

The regulations have been revised to prohibit issuance of permits for advertising displays visible from the Interstate and primary highway systems. Certain editorial and organizational changes also have been made.

The revised regulations as set forth below shall become effective on publication in the FEDERAL REGISTER.

Subpart 2921 of Chapter II of Title 43 of the Code of Federal Regulations is amended as follows:

1. A new § 2921.0–6 is added to read as follows:

§ 2921.0–6 Policy.

(a) No permits will be issued for lands within rights-of-way within 660 feet of the edge of the rights-of-way of the National System of Interstate and Defense Highways (Interstate System) and the primary system (title 23, United States Code), or for displays which would be visible from such highways.

(b) Permits for advertising displays on other areas will be issued only for displays advertising activities on or within 50 feet of the property where the display is located.

(c) Natural beauty: Notwithstanding any other provision of this subpart, no permit will be issued for the erection and maintenance of any advertising display which would be inconsistent with national programs for the preservation of natural beauty.

2. Section 2921.2 is amended to read as follows:

§ 2921.2 Identification of displays.

Each advertising display erected or maintained under a permit issued pursuant to the regulations of this subpart, must, for convenient identification, have the serial number of such permit marked or painted thereon.

3. New §§ 2921.3 and 2921.4 are added to read as follows:

§ 2921.3 Removal of advertising displays.

(a) *Terminated permits.* Within 30 days after the revocation or expiration of any permit for an advertising display, the permittee shall completely remove the display from the property. If the permittee fails to so remove the display, the authorized officer will remove it at the expense of permittee and may dispose of it in any manner deemed appropriate without any obligation whatever to the permittee.

(b) *Unauthorized displays.* The authorized officer will remove any advertising display placed on public lands without a permit. In the event that the identity of the person who erected the display is indicated on the display, the authorized officer will give the person 30 days to completely remove the display. If the display is not removed within that time, the authorized officer will remove and dispose of it in any manner deemed appropriate.

§ 2921.4 Renewal of permits.

No permit for any advertising display shall be renewed unless the display meets the requirements of the regulations in this part.

WALTER J. HICKEL,
Secretary of the Interior.

NOVEMBER 25, 1970.

[F.R. Doc. 70–16522; Filed, Dec. 8, 1970; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 70–1253]

PART 1—PRACTICE AND PROCEDURE

PART 95—CITIZENS RADIO SERVICE

Operation of Canadian General Radio Stations in the United States

Order. 1. On July 24, 1970, an agreement (TIAS #6931) became effective between the United States and Canada providing for the issuance of an authorization, under prescribed terms and conditions, to permit a Canadian who is licensed in the Canadian General Radio Service to operate his radio station in the United States.

2. Accordingly, the rules are being amended to reflect the terms of the agreement and to enable Canadian licensees in the General Radio Service to make application for a permit to operate their stations in the United States.

3. Because the amendments relate partly to matters of procedure, and because the effective date of the agreement has passed, we find that the prior notice and effective date provisions of the Administrative Procedure Act, 5 U.S.C. 553, are unnecessary and impracticable. Authority for adoption of this amendment is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

4. In view of the foregoing: *It is ordered,* Effective December 11, 1970, that Parts 1 and 95 of the rules are amended as set forth below.

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

Adopted: December 2, 1970.

Released: December 4, 1970.

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

A. Part 1 of the Commission's rules is amended as follows:

1. Section 1.922 is amended by adding to the list of forms to be used the form 410–B "Application for permit to operate a Canadian General Radio Station in the United States" between the forms 410 and 453–B.

§ 1.922 Forms to be used.

FCC form	*Title*
* * * * *	
410–B	Application for permit to operate a Canadian General Radio Station in the United States.
* * * * *	

B. Part 95 of the Commission's rules is amended as follows:

1. Section 95.83(a)(5) is amended to read as follows:

§ 95.83 Prohibited uses.

(a) * * *

(5) To communicate with stations authorized or operated under the provisions of other parts of this chapter, with unlicensed stations, or with U.S. Government or foreign stations (other than as provided in Subpart E of this part) except for communications pursuant to §§ 95.85(b) and 95.121 and, in the case of Class A stations, for communications with U.S. Government stations in those cases which require cooperation or coordination of activities.

* * * * *

2. A new Subpart E is added to read as follows:

Subpart E—Operation of Citizens Radio Stations in the United States by Canadians

Sec.
95.131 Basis, purpose and scope.
95.133 Permit required.
95.135 Application for permit.
95.137 Issuance of permit.
95.139 Modification or cancellation of permit.
95.141 Possession of permit.
95.143 Knowledge of rules required.
95.145 Operating conditions.
95.147 Station identification.

AUTHORITY: The provisions of this Subpart E issued under secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.

Subpart E—Operation of Citizens Radio Stations in the United States by Canadians

§ 95.131 Basis, purpose and scope.

(a) The rules in this subpart are based on, and are applicable solely to the agreement (TIAS #6931) between the United States and Canada, effective July 24, 1970, which permits Canadian stations in the General Radio Service to be operated in the United States.

(b) The purpose of this subpart is to implement the agreement (TIAS #6931) between the United States and Canada by prescribing rules under which a Canadian licensee in the General Radio Service may operate his station in the United States.

§ 95.133 Permit required.

Each Canadian licensee in the General Radio Service desiring to operate his radio station in the United States, under the provisions of the agreement (TIAS #6931), must obtain a permit for such operation from the Federal Communications Commission. A permit for such operation shall be issued only to a person holding a valid license in the General Radio Service issued by the appropriate Canadian governmental authority.

§ 95.135 Application for permit.

(a) Application for a permit shall be made on FCC Form 410–B. Form 410–B may be obtained from the Commission's Washington, D.C., office or from any of the Commission's field offices. A separate application form shall be filed for each station or transmitter desired to be operated in the United States.

(b) The application form shall be completed in full in English and signed

by the applicant. The application must be filed by mail or in person with the Federal Communications Commission, Gettysburg, Pa. 17325, U.S.A. To allow sufficient time for processing, the application should be filed at least 60 days before the date on which the applicant desires to commence operation.

(c) The Commission, at its discretion, may require the Canadian licensee to give evidence of his knowledge of the Commission's applicable rules and regulations. Also the Commission may require the applicant to furnish any additional information it deems necessary.

§ 95.137 Issuance of permit.

(a) The Commission may issue a permit under such conditions, restrictions and terms as its deems appropriate.

(b) Normally, a permit will be issued to expire 1 year after issuance but in no event after the expiration of the license issued to the Canadian licensee by his government.

(c) If a change in any of the terms of a permit is desired, an application for modification of the permit is required. If operation beyond the expiration date of a permit is desired an application for renewal of the permit is required. Application for modification or for renewal of a permit shall be filed on FCC Form 410-B.

(d) The Commission, in its discretion, may deny any application for a permit under this subpart. If an application is denied, the applicant will be notified by letter. The applicant may, within 30 days of the mailing of such letter, request the Commission to reconsider its action.

§ 95.139 Modification or cancellation of permit.

At any time the Commission may, in its discretion, modify or cancel any permit issued under this subpart. In this event, the permittee will be notified of the Commission's action by letter mailed to his mailing address in the United States and the permittee shall comply immediately. A permittee may, within 30 days of the mailing of such letter, request the Commission to reconsider its action. The filing of a request for reconsideration shall not stay the effectiveness of that action, but the Commission may stay its action on its own motion.

§ 95.141 Possession of permit.

The current permit issued by the Commission, or a photocopy thereof, must be in the possession of the operator or attached to the transmitter. The license issued to the Canadian licensee by his government must also be in his possession while he is in the United States.

§ 95.143 Knowledge of rules required.

Each Canadian permittee, operating under this subpart, shall have read and understood this Part 95, Citizens Radio Service.

§ 95.145 Operating conditions.

(a) The Canadian licensee may not under any circumstances begin operation until he has received a permit issued by the Commission.

(b) Operation of station by a Canadian licensee under a permit issued by the Commission must comply with all of the following:

(1) The provisions of this subpart and of Subparts A through D of this part.

(2) Any further conditions specified on the permit issued by the Commission.

§ 95.147 Station identification.

The Canadian licensee authorized to operate his radio station in the United States under the provisions of this subpart shall identify his station by the call sign issued by the appropriate authority of the government of Canada followed by the station's geographical location in the United States as nearly as possible by city and state.

[F.R. Doc. 70-16557; Filed, Dec. 8, 1970; 8:50 a.m.]

[FCC 70-1252]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Storage of Radio Direction Finder Spare Parts With Other Radio Spare Parts

Order. 1. Information has been received from radio officers of ships that, in many instances for the purpose of safekeeping, it is preferable to store the spare parts of the radio direction finder receiver in the radiotelegraph operating room or an adjacent room with the other radio spare parts rather than with the radio direction finder receiver as required by § 83.479(a) of the Commission's rules.

2. In view of the foregoing, the Commission finds that amendment of § 83.479 (a) to permit keeping the radio direction finder spare parts either with the radio direction finder receiver or with the other radio spare parts would serve the public interest and convenience.

3. The amendment adopted herein, which relieves a restriction, is minor in nature and concerns a matter in which the public is not particularly interested, and, hence, the prior notice, procedure and effective date provisions of 5 U.S.C. 553 are not applicable.

4. *Accordingly, it is ordered,* That pursuant to authority contained in sections 4(i), 303(r), and 351(a)(2) of the Communications Act of 1934, as amended, Part 83 of the Commission's rules is amended effective December 11, 1970, as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082, Sec. 351, 50 Stat., 192, as amended; 47 U.S.C. 154, 303, 351)

Adopted: December 2, 1970.

Released: December 4, 1970.

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

In § 83.479, paragraph (a) is amended as follows:

§ 83.479 Location of spare parts, tools, testing equipment, and instruction books.

(a) Spare parts for the radio direction finder receiver shall be kept in the same room in which this receiver is located or with the other spare parts as specified in paragraph (f) of this section.

* * * * *

[F.R. Doc. 70-16559; Filed, Dec. 8, 1970; 8:50 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

DeSoto National Wildlife Refuge, Iowa and Nebraska

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

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

IOWA AND NEBRASKA

DESOTO NATIONAL WILDLIFE REFUGE

Sport fishing on the DeSoto National Wildlife Refuge, Iowa and Nebraska, is permitted on the lake area within the refuge. This open area, comprising 850 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, MN 55111. Sport fishing is subject to the following conditions:

(1) All fishermen shall conform with the regulations of the State in which they are properly licensed, either Iowa or Nebraska, subject to more restrictive regulations that may be included herein.

(2) Open season: Daylight hours January 1, 1971 through February 28, 1971, and 6 a.m. to 9 p.m. April 15, 1971, through September 15, 1971.

(3) Trot lines and float lines are not permitted.

(4) Archery fishing is not permitted.

(5) Digging or seining for bait is not permitted.

(6) No more than two lines with two hooks on each line may be used for fishing.

(7) Motor or wind driven conveyances are not permitted on the lake during the period January 1 to February 28.

(8) The use of boats, with or without motors, is permitted during the period April 15 to September 15.

The provisions of this special regulation supplement the regulations which

govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 15, 1971.

JAMES W. SALYER,
Refuge Manager, De Soto National Wildlife Refuge, Missouri Valley, Iowa.

DECEMBER 1, 1970.

[F.R. Doc. 70-16532; Filed, Dec. 8, 1970; 8:48 a.m.]

PART 33—SPORT FISHING

J. Clark Salyer National Wildlife Refuge, N. Dak.

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.

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Sport fishing on the J. Clark Salyer National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 11,430 acres or 100 percent of the total water area of the refuge, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, MN 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from December 16, 1970, through March 28, 1971, daylight hours only. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through March 28, 1971.

ROBERT C. FIELDS,
Refuge Manager, J. Clark Salyer National Wildlife Refuge, Upham, North Dakota.

DECEMBER 1, 1970.

[F.R. Doc. 70-16524; Filed, Dec. 8, 1970; 8:48 a.m.]

PART 33—SPORT FISHING

Horicon 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

HORICON NATIONAL WILDLIFE REFUGE

Sport fishing on the Horicon National Wildlife Refuge, Mayville, Wis., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 15 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, MN 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1, 1971, through February 28, 1971, inclusive.

(2) Permit is required to take carp for sale. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through February 28, 1971.

ROBERT G. PERSONIUS,
Refuge Manager, Horicon National Wildlife Refuge, Mayville, Wis.

NOVEMBER 20, 1970.

[F.R. Doc. 70-16525; Filed, Dec. 8, 1970; 8:48 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Combination Drug

The Commissioner of Food and Drugs has evaluated a new animal drug application (44-820V) filed by The Upjohn Co., Kalamazoo, Mich. 49001, proposing the safe and effective use in chicken feed of a combination drug containing amprolium, ethopabate, and lincomycin for specified conditions. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b (i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121 and 135e are amended as follows:

1. Section 121.210(c) is amended in table 1 by adding a new item 2.11, as follows:

§ 121.210 Amprolium.

* * * * * *

(c) * * *

TABLE 1—AMPROLIUM IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
2.10 * * *					
2.11 Amprolium...	113.5 (0.0125%)	Ethopabate + Lincomycin	3.6 (0.0004%) 2-4	For floor-raised broiler chickens; not for laying chickens; as lincomycin hydrochloride monohydrate; as sole source of amprolium.	For increase in rate of weight gain; improved feed efficiency; as an aid in the prevention of coccidiosis in floor-raised broiler chickens.
* * *	* * *	* * *	* * *	* * *	* * *

* * * * * *

2. Section 135e.49(e)(2) is revised to read as follows:

§ 135e.49 Lincomycin.

* * * * * *

(e) * * *

(2) Lincomycin may also be used in combination with:

(i) Amprolium, ethopabate, and 3-nitro-4-hydroxyphenylarsonic acid in accordance with §§ 121.210 and 121.262 of this chapter.

(ii) Amprolium and ethopabate in accordance with § 121.210 of this chapter.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the

issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

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

Dated: December 1, 1970.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[F.R. Doc. 70-16511; Filed, Dec. 8, 1970; 8:47 a.m.]

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 148j—NOVOBIOCIN

Miscellaneous Amendments

A. Effective on publication in the FEDERAL REGISTER, Part 148j is republished as follows to incorporate editorial and nonrestrictive technical changes. This order revokes all prior publications.

Sec.
148j.1 Nonsterile sodium novobiocin.
148j.1a Sterile sodium novobiocin.
148j.2 Calcium novobiocin.
148j.3 Sodium novobiocin tablets.
148j.4 [Reserved]
148j.5 Calcium novobiocin oral suspension.
148j.6 Sodium novobiocin for injection.
148j.7 Sodium novobiocin capsules.

AUTHORITY: The provisions of this Part 148j issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

§ 148j.1 Nonsterile sodium novobiocin.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sodium novobiocin is the monosodium salt of a kind of novobiocin or a mixture of two or more such salts. It is so purified and dried that:

(i) Its potency is not less than 850 micrograms of novobiocin per milligram, calculated on an anhydrous basis.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 6.0 percent.

(iv) Its pH in a solution containing 25 milligrams per milliliter is not less than 6.5 and not more than 8.5.

(v) Its residue on ignition is not less than 10.5 percent and not more than 12.0 percent, calculated on an anhydrous basis.

(vi) Its specific rotation in an acid-methyl alcohol solution at 25° C. is not less than −50° and not more than −58°.

(vii) It demonstrates a positive color identity test.

(viii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter.

(3) *Requests for certifications samples.* In addition to the requirements of § 148.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, residue on ignition, specific rotation, identity and crystallinity.

(ii) Samples required on the batch: 10 packages, each containing approximately 600 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Further dilute with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to the reference concentration of 0.5 microgram of novobiocin per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 141.5 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using a solution containing 25 milligrams of sodium novobiocin per milliliter.

(5) *Residue on ignition.* Proceed as directed in § 141.510(b) of this chapter, calculating on the basis of an anhydrous sample weight.

(6) *Specific rotation.* Accurately weigh approximately 1.25 grams of the sample in a 25-milliliter glass-stoppered volumetric flask. Prepare an acid-methyl alcohol solution by diluting 1.0 milliliter of concentrated hydrochloric acid to a volume of 100 milliliters with absolute methyl alcohol and mix well. Dissolve the sample in about 15-milliliters of the acid-methyl alcohol solution. Adjust to volume with the acid-methyl alcohol solution and mix well. Proceed as directed in § 141.520 of this chapter, using a 2.0-decimeter polarimeter tube.

(7) *Identity.* (i) Using 0.1*M* aqueous sodium borate as a diluent, prepare 10 milliliters of a solution containing the equivalent of 1 milligram (approximate) of novobiocin per milliliter.

(ii) Prepare a saturated aqueous solution of *N*,2,6-trichloroquinoneimine by shaking continuously for 30 minutes in a dark bottle 25 milligrams of *N*,2,6-trichloroquinoneimine in 100 milliliters of distilled water. Let stand 2 hours after shaking. Store in the dark bottle.

(iii) Add 2.0 milliliters of the saturated *N*,2,6-trichloroquinoneimine solution to 4 milliliters of the novobiocin solution. Mix well and heat in a water bath at 37° C. for 10 minutes. The development of a blue color is a positive test for the presence of novobiocin. To 2 milliliters of the blue solution, add 2 milliliters of *N*-butyl alcohol and shake well. A green color should develop in the butyl alcohol layer. To the other 2-milliliter portion of the blue solution, add 2 milliliters of benzene (c.p.), and shake well. A pink color should be developed in the benzene layer.

(8) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

§ 148j.1a Sterile sodium novobiocin.

(a) *Requirements for certification—*(1) *Standards of identity, quality, and purity.* Sodium novobiocin is the crystalline monosodium salt of a kind or novobiocin or a mixture of two or more such salts. It is so purified and dried that:

(i) Its potency is not less than 850 micrograms of novobiocin per milligram, calculated on an anhydrous basis.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its loss on drying is not more than 6.0 percent.

(vi) Its pH in a solution containing 25 milligrams per milliter is not less than 6.5 and not more than 8.5.

(vii) Its residue on ignition is not less than 10.5 percent and not more than 12.0 percent calculated on an anhydrous basis.

(viii) Its specific rotation in an acid-methyl alcohol solution at 25° C. is not less than −50° and not more than −58°.

(ix) It demonstrates a positive color identity test.

(x) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, loss on drying, pH, residue on ignition, specific rotation, identity, and crystallinity.

(ii) Samples required:

(*a*) For all tests except sterility: 10 packages, each containing approximately 600 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Further dilute with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to the reference concentration of 0.5 microgram of novobiocin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 141.4(a) of this chapter, using a solution containing 10 milligrams of novobiocin per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this chapter.

(5) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

(6) *pH.* Proceed as directed in § 141.503 of this chapter, using a solution containing 25 milligrams of sodium novobiocin per milliliter.

(7) *Residue on ignition.* Proceed as directed in § 141.510(b) of this chapter, calculating on the basis of an anhydrous sample weight.

(8) *Specific rotation.* Accurately weigh approximately 1.25 grams of the sample in a 25-milliliter glass-stoppered volumetric flask. Prepare an acid-methyl alcohol solution by diluting 1.0 milliliter of concentrated hydrochloric acid to a volume of 100 milliliters with absolute methyl alcohol and mix well. Dissolve the sample in about 15-milliliters of the acid-methyl alcohol solution. Adjust to volume with the acid-methyl alcohol solution and mix well. Proceed as directed in § 141.520 of this chapter, using a 2.0-decimeter polarimeter tube. Calculate the specific rotation on an anhydrous basis.

(9) *Identity.* (i) Using 0.1*M* aqueous sodium borate as a diluent, prepare 10 milliliters of a solution containing the equivalent of 1 milligram (approximate) of novobiocin per milliliter.

(ii) Prepare a saturated aqueous solution of *N*,2,6-trichloroquinoneimine by shaking continuously for 30 minutes in a dark bottle 25 milligrams of *N*,2,6-trichlorquinoneimine in 100 milliliters of distilled water. Let stand 2 hours after shaking. Store in the dark bottle.

(iii) Add 2.0 milliliters of the saturated *N*,2,6-trichloroquinoneimine solution to 4 milliliters of the novobiocin solution. Mix well and heat in a water bath at 37° C. for 10 minutes. The development of a blue color is a positive test for the presence of novobiocin. To 2 milliliters of the blue solution, add 2 milliliters of *N*-butyl alcohol and shake well. A green color should develop in the butyl alcohol layer. To the other 2-milliliter portion of the blue solution, add 2 milliliters of benzene (c.p.), and shake well. A pink color should develop in the benzene layer.

(10) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

§ 148j.2 Calcium novobiocin.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Calcium novobiocin is the calcium salt of a kind of novobiocin or a mixture of two or more such salts. It is so purified and dried that:

(i) Its potency is not less than 840 micrograms per milligram, expressed in terms of novobiocin on an anhydrous basis.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 10 percent.

(iv) Its pH in a saturated aqueous suspension containing 25 milligrams per milliliter is not less than 6.5 and not more than 8.5.

(v) Its specific rotation in an acid-methyl alcohol solution at 25° C. is not less than −50° and not more than −58°.

(vi) It demonstrates a positive color identity test.

(vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, specific rotation, identity, and crystallinity.

(ii) Samples required: 10 packages, each containing approximately 500 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in 5 milliliters of absolute ethyl alcohol and then dilute with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of 1,000 micrograms (estimated) per milliliter. Further dilute with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to the reference concentration of 0.5 microgram of novobiocin per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 141.5 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using a saturated aqueous suspension prepared by suspending 25 milligrams of calcium novobiocin per milliliter.

(5) *Specific rotation.* Proceed as directed in § 148j.1(b)(8).

(6) *Identity.* Proceed as directed in § 148j.1(b)(9).

(7) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

§ 148j.3 Sodium novobiocin tablets.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sodium novobiocin tablets are tablets that contain sodium novobiocin, with or without one or more suitable and harmless buffer substances, diluents, binders, and lubricants. Each tablet contains 125 milligrams or 250 milligrams of novobiocin. The 125-milligram tablet contains 375 milligrams of sulfamethizole. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of novobiocin that is is represented to contain. Its loss on drying is not more than 3 percent. The tablets disintegrate within 1 hour. The sodium novobiocin used conforms to the standards prescribed by § 148j.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) Sodium novobiocin used in making the batch for potency, safety, loss on drying, pH, residue on ignition, specific rotation, identity, and crystallinity.

(*b*) The batch for potency, loss on drying, disintegration time.

(ii) Samples required:

(*a*) Sodium novobiocin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch: A minimum of 36 tablets.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Blend a representative number of tablets in a high-speed glass blender with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Further dilute the stock solution with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to the reference concentration of 0.5 microgram of novobiocin per milliliter (estimated).

(2) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

(3) *Disintegration time.* Proceed as directed in § 141.540 of this chapter, using the method described in paragraph (e)(1) of that section.

§ 148j.4 [Reserved]

§ 148j.5 Calcium novobiocin oral suspension.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Calcium novobiocin oral suspension is a suspension containing calcium novobiocin and one or more suitable and harmless diluents, preservatives, suspending agents, surfactants, flavorings, and colorings in purified water. Each milliliter contains 25 milligrams of novobiocin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of novobiocin that it is represented to contain. The pH is not less than 6.0 and not more than 7.5. The calcium novobiocin used conforms to the standards prescribed by § 148j.2(a)(1) (i), (ii), (iv), (v), (vi), and (vii). If sodium novobiocin is reacted with a suitable calcium salt to form calcium novobiocin, the sodium novobiocin used conforms to the standards prescribed by § 148j.1(a)(1) (i), (ii), (iv), (v), (vi), (vii), and (viii).

(2) *Labeling.* It shall be labeled in accordance with § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The calcium novobiocin used in making the batch for potency, safety, pH, crystallinity, identity, and specific rotation. If sodium novobiocin is used in making the batch: Potency, safety, pH, residue on ignition, specific rotation, identity, and crystallinity.

(*b*) The batch for potency and pH.

(ii) Samples required:

(*a*) The calcium novobiocin or the sodium novobiocin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch: Minimum of 5 immediate containers.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for

assay as follows: Remove a representative sample of the syrup with a suitable syringe and place into a high-speed glass blender with sufficient absolute ethyl alcohol to give a concentration (estimated) of 1,000 micrograms per milliliter. Blend for 3 to 5 minutes. Further dilute with 1 percent potassium phosphate buffer, pH 1.0 (solution 1), to the reference concentration of 0.5 microgram of novobiocin per milliliter (estimated).

(2) *pH.* Proceed as directed in § 141.503 of this chapter, using the undiluted suspension.

§ 146j.6 Sodium novobiocin for injection.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sodium novobiocin for injection is sodium novobiocin with or without one or more suitable solubilizing agents, preservatives, and diluents. Each vial contains 500 milligrams of novobiocin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of novobiocin that it is represented to contain. It is sterile, nonpyrogenic, and nontoxic. Its loss on drying is not more than 6.0 percent. Its pH, when reconstituted as directed in the labeling, is not less than 6.5 and not more than 8.5. The sodium novobiocin used conforms to the standards prescribed by § 148j.1a(a)(1)(i), (iii), (iv), (v), (vi), (vii), and (viii).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The soduim novobiocin used in making the batch for potency, loss on drying, pH, residue on ignition, specific rotation, crystallinity, and identity.

(*b*) The batch for potency, sterility, pyrogens, safety, loss on drying, and pH.

(ii) Samples required:

(*a*) The sodium novobiocin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to the reference concentration of 0.5 microgram of novobiocin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 141.4(a) of this chapter, using a solution containing 10 milligrams of novobiocin per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this chapter.

(5) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

(6) *pH.* Proceed as directed in § 141.503 of this chapter, using the sample after reconstituting as directed in the labeling.

§ 148j.7 Sodium novobiocin capsules.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sodium novobiocin capsules are gelatin capsules containing sodium novobiocin with a suitable and harmless filler and with or without a binder and a lubricant. Each capsule contains 100 milligrams or 250 milligrams of novobiocin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of novobiocin that it is represented to contain. The loss on drying is not more than 6.0 percent. The sodium novobiocin used conforms to the standards prescribed by § 148j.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The sodium novobiocin used in making the batch for potency, safety, loss on drying, pH, residue on ignition, specific rotation, crystallinity, and identity.

(*b*) The batch for potency and loss on drying.

(ii) Samples required:

(*a*) The sodium novobiocin used in making the capsules: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules in a high-speed glass blender with 1.0 milliliter of polysorbate 80 and sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Blend 3 to 5 minutes. Further dilute with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to the reference concentration of 0.5 microgram of novobiocin per milliliter (estimated).

(2) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

B. Also regarding novobiocin and also effective upon publication, editorial and minor technical changes are made in § 141.110(a) by revising the item "Novobiocin" in the table to read as follows:

§ 141.110 Microbiological agar diffusion assay.

* * *

(a) * * *

Antibiotic	Media to be used (as listed by medium number in § 141.103(b))		Milliliters of media to be used in the base and seed layers		Test organism	Suggested volume of standardized inoculum to be added to each 100 milliliters of seed agar	Incubation temperature for the plates
	Base layer	Seed layer	Base layer	Seed layer			
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *
Novobiocin	2	1	21	4	D	4.0	35
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: November 24, 1970.

H. E. SIMMONS,
Director, Bureau of Drugs.

[F.R. Doc. 70-16513; Filed, Dec. 8, 1970; 8:47 a.m.]

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

Disodium Carbenicillin Diagnostic Sensitivity Powder

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the following new section is added to Part 147 to provide for certification of the subject antibiotic sensitivity powder:

§ 147.18 Disodium carbenicillin diagnostic sensitivity powder.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Disodium carbenicillin diagnostic sensitivity powder is disodium carbenicillin packaged in vials and intended for use in clinical laboratories for determining in vitro the sensitivity of micro-organisms to carbenicillin. Each vial contains disodium carbenicillin equivalent to not more than 1.0 gram of carbenicillin. The potency of each immediate container is satisfactory if it contains not less than 90

percent and not more than 120 percent of its labeled content. It is sterile. Its moisture content is not more than 6 percent. When reconstituted as directed in the labeling, its pH is not less than 6.0 and not more than 8.0. The disodium carbenicillin used conforms to the standards prescribed by § 149y.1(a)(1) (i), (v), (vi), and (vii) of this chapter.

(2) *Packaging.* It shall conform to the packaging requirements of § 148.2 of this chapter.

(3) *Labeling.* In addition to the requirements of § 148.3(a)(3) of this chapter, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On its outside wrapper or container and on the immediate container:

(*a*) The statement "For laboratory diagnostic use only."

(*b*) The statement "Sterile."

(*c*) The batch mark.

(*d*) The number of milligrams of carbenicillin in each immediate container.

(ii) On the circular or other labeling within or attached to the package, adequate information for use of the drug in the clinical laboratory.

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The disodium carbenicillin used in making the batch for potency, moisture, pH, and identity.

(*b*) The batch for potency, sterility, moisture, and pH.

(ii) Samples required:

(*a*) The disodium carbenicillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 20 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Dilute an aliquot with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to the reference concentration of 20 micrograms of carbenicillin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using the drug reconstituted as directed in the labeling.

Data supplied by the manufacturer concerning the subject antibiotic sensitivity powder have been evaluated. Since the conditions prerequisite to providing for its certification have been complied with and since not delaying in so providing is in the public interest, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

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

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: November 23, 1970.

H. E. SIMMONS,
Director, Bureau of Drugs.

[F.R. Doc. 70-16512; Filed, Dec. 8, 1970; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 70]

MANDATORY HEALTH STANDARDS FOR UNDERGROUND COAL MINES

Noise Standard

Notice is hereby given that in accordance with the provisions of section 206 of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173) and pursuant to the authority vested in the Secretary of the Interior under section 101 of the Act, it is proposed to amend Subpart F of Part 70, Subchapter O, Chapter I, Title 30, Code of Federal Regulations, as set forth below, which prescribes the maximum noise exposure levels for all underground coal mines established by the Secretary of Health, Education, and Welfare and the manner in which tests of the noise levels at each coal mine shall be conducted. In addition, it provides the minimum requirements which must be met by any person qualified to conduct noise level tests, and for the certification of such persons by the Bureau of Mines.

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

FRED J. RUSSELL,
Acting Secretary of the Interior.

DECEMBER 1, 1970.

Subpart F of Part 70 would be amended to read:

Subpart F—Noise Standard

§ 70.501 Definitions.

As used in this subpart, the term:

(a) "dBA" means sound pressure levels in decibels, as measured with the A-weighted network of a standard sound level meter using slow response;

(b) "Noise bursts" are periods of time during which the average noise level is 90 or more dBA;

(c) "Average noise level" is the mean A-weighted sound pressure level during a noise burst;

(d) An "interruption" of noise exposure occurs when the noise drops below 80 dBA for either (1) more than 5 minutes or (2) a period of time equal to at least 20 percent of the duration of the preceding noise burst;

(e) "Multiple exposures" means instances in which the daily noise exposure is composed of two or more noise bursts of different levels; and,

(f) "Qualified person" means, as the context requires, an individual deemed qualified by the Secretary and delegated by the operator to make tests and examinations required by this Act.

§ 70.502 Requirements.

Effective December 30, 1970, every operator of an underground coal mine shall maintain the noise exposure in the active workings of the mine during each shift at or below the permissible average noise levels set forth in table I of this subpart, but in no event shall any noise burst exceed 115 dBA.

Example. If a noise is recorded to be 109 dBA and occurs 15 times during an 8-hour shift, then the total cumulative time of the 15 noise bursts must not exceed 1 hour.

§ 70.503 Computation of multiple exposures.

The standard will be considered to have been violated in the case of multiple exposures unless the exposure totals less than one as computed by adding the total time of exposure at each specified level (C_1, C_2, C_3, etc.) divided by the total time of exposure permitted at that level (T_1, T_2, T_3). Thus, $\frac{C_1}{T_1}+\frac{C_2}{T_2}+\frac{C_3}{T_3}$ must total less than 1.

Example I. Seven noise bursts at 93 dBA for a total time of noise of 2 hours (120 minutes) and 35 bursts at 94 dBA for a total time of 1 hour (60 minutes).

$$\frac{\text{Total minutes of exposure at dBA level}}{\text{Total minutes at dBA permitted taking into consideration number of bursts}}$$

$$\frac{120\text{ min.}}{360\text{ min.}}+\frac{60\text{ min.}}{360\text{ min.}}=\frac{2}{6}+\frac{1}{6}=\frac{1}{2}$$

The sum of the fractions is less than one; hence the exposure for this shift would not violate the standard.

Example II. Seventy-five noise bursts at 109 dBA for a total time of noise of 1 hour and 35 bursts at 98 dBA for a total time of 3 hours.

$$\frac{60}{120}+\frac{180}{240}=\frac{1}{2}+\frac{3}{4}=1\tfrac{1}{4}$$

The sum of the fractions exceeds one; hence the exposure for this shift would exceed the standard.

§ 70.504 Noise measurements; general.

Every coal mine operator shall take accurate readings of the sound levels to which miners in the active workings of the mine are exposed during the performance of the duties to which they are normally assigned.

§ 70.505 Noise level measurements; by whom done.

The noise level measurements required by this Subpart F shall be taken by, or as directed by, a person who has met the minimum requirements set forth in § 70.505-1, and has been certified by the Director, Bureau of Mines as qualified to take noise level measurements as prescribed in this Subpart F.

§ 70.505-1 Persons qualified to measure noise levels; minimum requirements.

The following persons shall be considered qualified to take sound measurements as prescribed in this Subpart F:

(a) Any person who has been certified by the Bureau of Mines as an instructor in noise measurement training programs;

(b) Any person who has satisfactorily completed a noise training course conducted by the Bureau of Mines and has been certified by the Bureau of Mines;

(c) Any person who has satisfactorily completed a noise training course approved by the Bureau of Mines and has been certified by the Bureau of Mines as a qualified person.

§ 70.506 Certification by the Bureau of Mines.

Upon a satisfactory showing that a person has met the minimum requirements for sound level measurement set forth in § 70.505-1, the Bureau of Mines shall certify that such person has the ability and capacity to conduct tests of the noise levels in a coal mine and to report and certify the results of such tests to the Secretary and the Secretary of Health, Education, and Welfare.

§ 70.507 Noise measurement equipment.

(a) Measurements shall be taken only with instruments which are approved by the Bureau of Mines as permissible electric face equipment and which meet the operational specifications of the American National Standards Institute for General Purposes Sound Level Meters S1.4-1961.

(b) Equipment shall be set to operate with the A-weighted network and slow response and shall be acoustically calibrated in accordance with the manufacturer's instructions before and after each shift of use.

§ 70.508 Noise measurement procedures.

(a) Measurements shall be taken in locations where the sound is typical of that entering the ears of the miner whose exposure is under consideration.

(b) Measurement shall be made near the miner's head equidistant from the principal sound source as the miner.

(c) The A-scale readings shall be observed for five seconds and the average value recorded. The procedure shall be repeated until the number of readings equals or exceeds the range in decibels of the readings.

Example. If there is a fluctuation on the meter of 5 during the first observation, then five readings are required.

(d) The range and average of all the readings obtained shall be reported as

the typical sound level of the particular occupation.

(e) Where different and distinct noise levels occur at various phases of an operation, the noise measurement procedures shall be conducted for each phase.

§ 70.509 Initial sound level survey.

On or before 6 months after the effective date of these regulations, every operator shall:

(a) Conduct, in accordance with this subpart, a survey of the sound levels to which every occupation in the active workings of the mine is exposed during a production shift; and

(b) Report and certify to the Bureau of Mines, and the Department of Health, Education, and Welfare, the results of such survey using the Coal Mine Noise Data Report form, Figure 1.

§ 70.510 Periodic sound survey.

(a) At 6-month intervals following the due date of the initial sound survey, each operator shall conduct, in accordance with this subpart, periodic surveys of the sound levels to which the miners in the active workings of the mine are exposed and shall report and certify the results of such surveys to the Bureau of Mines, and the Department of Health, Education, and Welfare, using the Coal Mine Noise Data Report forms.

(b) The Secretary may exclude from the periodic surveys, those occupations which in his judgment present no health hazard due to noise exposures.

§ 70.511 Violation of standard; action required by operator.

Where miners are exposed to noise exceeding the standard, the mine operator shall:

(a) Institute promptly administrative and/or engineering controls necessary to assure compliance with the standard. Such controls may include protective devices other than those devices or systems which the Secretary or his authorized representative finds to be hazardous in such mine.

(b) Within 60 days following any violation of the noise standard, submit for approval to a joint Bureau of Mines-Health, Education, and Welfare Committee, a plan for the administration of a continuing, effective hearing conservation program to assure compliance with the standard, including provision for:

(1) Reducing environmental noise levels.

(2) Personal ear protective devices to be made available to the miners.

(3) An immediate audiogram to the miners and a periodic audiogram once each year thereafter.

FIGURE 1

COAL MINE NOISE DATA REPORT

Date _____
Section ID No. _____
Mine ID No. _____
Miner's SSA No. _____
Occupation _____
Type of Mining:
  Development _____
  Retreat _____
Method of Mining:
  Continuous _____
  Longwall _____
  Conventional _____
  Other _____
Equipment in Operation:
  Electric _____
  Horsepower _____
  Pneumatic _____
  Other _____
Description of Equipment (make, model no., order no., etc.):
_____
_____
_____
List sound level measurements for each level of exposure.
A. Sound level dBA _____ average.
  Sound level dBA _____ range.
  Number of interruptions _____.
  Cumulative exposure _____ minutes.
B. Sound level dBA _____ average.
  Sound level dBA _____ range.
  Number of interruptions _____.
  Cumulative exposure _____ minutes.
Hearing protective device used: Yes _____, No _____.
Check if section will be closed before next sampling: Yes _____, No _____.
Type and model no. of sound level meter _____
Signature of qualified person _____
_____

TABLE I—PERMISSIBLE AVERAGE NOISE LEVEL IN DBA

Total exposure	Number of noise-burst exposures per 8-hour workday						
	1	3	7	15	35	75	150 or more
8 hours	90						
6 hours	91	92	93	94	94	94	94
4 hours	93	94	95	96	98	99	100
2 hours	96	98	100	103	106	109	112
1 hour	99	102	105	109	114	(115)	
30 minutes	102	106	110	114	(115)		
15 minutes	105	110	(115)				
8 minutes	108	(115)					
4 minutes	111	(115)					

Extrapolation between points in this table is permissible.

[F.R. Doc. 70-16534; Filed, Dec. 8, 1970; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[9 CFR Part 311]

MEAT INSPECTION

Disposal of Diseased Cattle Carcasses and Parts Infested With Tapeworm Cysts; Extension of Time

On November 7, 1970, there was published in the FEDERAL REGISTER (35 F.R. 17188-89) a notice that the Department is considering amending § 311.23 of the revised Meat Inspection Regulations (9 CFR 311.23), which became effective December 1, 1970, to prohibit any cattle carcasses from being passed for human food at an establishment subject to the Act if one or more lesions of cysticercus bovis is found in the carcass, unless the carcass is first refrigerated or heated to destroy the infestation.

The notice identified various matters that would be covered in the regulations if the proposal is adopted. A period of 30 days from the date of publication was provided for the submission by interested persons of views, arguments, or written data concerning the proposed amendment.

The Department has received requests for an extension of the time for submission of comments on this notice. The petitioners contend that 30 days is not sufficient time for the development of significant information and data relative to the impact upon the meat industry should the proposal be adopted.

These circumstances are considered as sufficient justification for an extension of the time originally allotted for filing comments. Therefore, notice is hereby given that any person who wishes to submit written data, views, or arguments concerning the proposed amendment, may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular hours in a manner convenient to public business (7 CFR 1.27(b)). Comments on the proposal should bear reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on December 7, 1970.

KENNETH M. MCENROE,
Deputy Administrator, Meat and Poultry Inspection Programs.

[F.R. Doc. 70-16609; Filed, Dec. 8, 1970; 8:51 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Parts 5, 5a]

LABOR STANDARDS FOR RATIOS OF APPRENTICES AND TRAINEES TO JOURNEYMEN ON FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Proposed Implementation of Presidential Policy

Pursuant to section 1 of the National Apprenticeship Act of 1937 (29 U.S.C. 50), Reorganization Plan No. 14 of 1950 (64 Stat. 1267; 3 CFR 1949-53 Comp., p. 1007), the Copeland Act (40 U.S.C. 276c), 5 U.S.C. 301, and the statement by the President on "Combating Construction Inflation and Meeting Future Construction Needs" (6 Weekly Comp. of Pres. Doc. 376 (1970)), it is proposed to amend 29 CFR Subtitle A by adding thereto a new Part 5a to read as set forth below. Conforming changes would be made in Part 5 of the title.

Interested persons may submit written data, views, and arguments concerning this proposal to the Secretary of Labor, U.S. Department of Labor, Washington,

DC 20210, within 30 days after the publication of this document in the FEDERAL REGISTER.

The proposed new Part 5a would read as follows:

PART 5a—LABOR STANDARDS FOR RATIOS OF APPRENTICES AND TRAINEES TO JOURNEYMEN ON FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Sec.
5a.1 Purpose and scope.
5a.2 Definitions.
5a.3 Apprentice and trainee contract clauses.
5a.4 Determination of ratios of apprentices or trainees to journeymen.
5a.5 Variations, tolerances, and exemptions.
5a.6 Enforcement.
5a.7 Effective date.

AUTHORITY: The provisions of this Part 5a issued under sec. 1, 50 Stat. 664, as amended; 29 U.S.C. 50; sec. 2, 48 Stat. 948, as amended; 40 U.S.C. 276c; 5 U.S.C. 301. Reorganization Plan No. 14 of 1950, 64 Stat. 1267; 3 CFR 1949–53 Comp., p. 1007.

§ 5a.1 Purpose and scope.

(a)(1) The National Apprenticeship Act of 1937 (29 U.S.C. 50) authorizes and directs the Secretary of Labor "to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices, to extend the application of such standards by encouraging the inclusion thereof in contracts of apprenticeship, to bring together employers and labor for the formulation of programs of apprenticeship, * * *".

(2) Section B, 4 of Article III of the statement by the President on "Combating Construction Inflation and Meeting Future Construction Needs", dated March 17, 1970 (6 Weekly Comp. of Pres. Doc. 376 (1970)), indicates that training opportunities in construction crafts presently are provided on most Federal construction projects, and directs "the heads of all Federal Government agencies to include a clause in construction contracts that will require the employment of apprentices or trainees on such projects, and that 25 percent of apprentices or trainees on each project must be in their first year of training. The number of apprentices employed shall be the maximum permitted in accordance with established ratios."

(b) The purpose of this part is to implement the President's statement of March 17, 1970, and to implement further the National Apprenticeship Act of 1937 by formulating and promulgating labor standards necessary to promote the full realization of training opportunities on Federal and federally assisted construction in construction occupations, consistent with the general welfare of the journeymen employed in those occupations in the area in which the construction is being undertaken. The provisions of this part will be administered in a practicable manner, in order to avoid undue hardship or unreasonable results. Training opportunities must be provided in construction occupations including, but not limited to: Asbestos worker, boilermaker, bricklayer, cabinetmaker-millman, carpenter, cement mason, electrician, elevator installer, floor coverer, glazier, iron worker, marble polisher, millwright, operating engineer, painter, plasterer, plumber-pipe fitter, roofer, sheet metal worker, sprinkler-fitter, steamfitter, stonemason, terrazzo worker, and tile setter. The implementation is in conjunction with the duties of the Secretary of Labor under Reorganization Plan No. 14 of 1950 (64 Stat. 1267), providing for coordinating the administration and enforcement of the Davis-Bacon Act (40 U.S.C. 276a–276a–7) and related labor standards legislation applicable to Federal and federally assisted construction, and also the duties of the Secretary of Labor under the Copeland Act (40 U.S.C. 276c) for making reasonable regulations for contractors and subcontractors engaged in the construction, prosecution, completion, or repair of public buildings, public works or buildings or works financed in whole or in part by loans or grants from the United States.

§ 5a.2 Definitions.

As used in this part:

(a) "Federal agency" means the United States, the District of Columbia, and any executive department, independent establishment, administrative agency, or instrumentality of the United States or of the District of Columbia, including any corporation all or substantially all of the stock of which is beneficially owned by the United States, by the District of Columbia, or by any of the foregoing departments, establishments, agencies, and instrumentalities.

(b) "Federal or federally assisted construction contract" means any contract for construction work subject to the Davis-Bacon Act, or requiring the payment of minimum wages determined in accordance with the Davis-Bacon Act, entered into (1) by a Federal agency, or (2) by any other agency or person receiving for such work assistance in the form of grants, loans, or guarantees from a Federal agency.

(c) "Apprentice" means (1) a person employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training, or with a State apprenticeship agency recognized by the Bureau; or (2) a person in his first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training or a State Apprentice Council (where appropriate) to be eligible for probationary employment as an apprentice.

(d) "Trainee" means a person receiving on-the-job training in a construction occupation under a program which is approved (but not necessarily sponsored) by the U.S. Department of Labor, Manpower Administration, and which is reviewed from time to time by the Manpower Administration to insure that the training meets adequate standards.

§ 5a.3 Apprentice and trainee contract clauses.

(a) The following contract clauses shall be conditions of each Federal or federally assisted construction contract, and each Federal agency concerned shall include the clauses, or provide for their inclusion, in each such contract:

(1) The contractor agrees:

(i) That he will make a diligent effort to hire for the performance of the contract a number of apprentices or trainees, or both, in each occupation, which bears to the average number of the journeymen in that occupation to be employed in the performance of the contract the applicable ratio as determined by the Secretary of Labor;

(ii) That he will make a diligent effort to assure that 25 percent of such apprentices or trainees in each occupation are in their first year of training; and

(iii) That during the performance of the contract he will, to the greatest extent possible, employ the number of apprentices or trainees necessary to meet currently the requirements of subdivisions (i) and (ii) of this subparagraph.

(2) The contractor agrees to supply after completion of the contract a statement describing the steps he has taken toward making a diligent effort, and containing a breakdown of the number of journeymen, apprentices, and trainees and the wages paid to such journeymen, apprentices, and trainees. Two copies of the statement shall be sent to the agency concerned and two to the Secretary of Labor.

(3) The contractor agrees to maintain, and make available for inspection upon request of the Department of Labor or the Federal agency concerned, records of employment of apprentices, trainees, and journeymen, in each occupation, employed by him on other construction work done during the performance of this contract in the same labor market area.

(4) The contractor agrees to insert in any subcontract under this contract the contract clauses contained in this paragraph (29 CFR 5a.3(a) (1), (2), (3), and (4)). The term "contractor" as used in such clauses in any subcontract shall mean the subcontractor.

(b) The provisions of paragraph (a) of this section shall not apply with regard to any contract, if the head of the Federal agency concerned finds it likely that a making of the contract with the clauses contained in paragraph (a) of this section will prejudice the national security.

§ 5a.4 Determination of ratios of apprentices or trainees to journeymen.

The Secretary of Labor has determined that the applicable ratios of apprentices and trainees to journeymen in any occupation shall be as follows:

(a) In any occupation the applicable ratio of apprentices and trainees to journeymen shall be equal to the predominant ratio for the occupation in the area where the construction is to be undertaken, set forth in collective bargaining agreements or other employment agreements.

(b) For any occupation for which no such ratio is found, the ratio of apprentices and trainees to journeymen shall be determined by the contractor in accordance with the recommendations set forth in the standards of the National

Joint Apprentice Committee for the occupation, which are filed with the U.S. Department of Labor's Bureau of Apprenticeship and Training.

(c) For any occupation for which no such recommendations are found, the ratio of apprentices and trainees to journeymen shall be at least one apprentice or trainee for every five journeymen.

§ 5a.5 Variations, tolerances, and exemptions.

Variations, tolerances, and exemptions from any requirement of this part with respect to any contract or subcontract may be granted when such action is necessary and proper in the public interest, or to prevent injustice, or undue hardship. A request for a variation, tolerance, or exemption may be made in writing by any interested person to the Secretary, U.S. Department of Labor, Washington, DC 20210.

§ 5a.6 Enforcement.

(a) Each Federal agency concerned shall insure that the contract clauses required by § 5a.3(a) are inserted in every Federal or federally assisted construction contract subject thereto. Federal agencies administering assistance programs for construction work for which they do not contract directly shall promulgate regulations and procedures necessary to insure that contracts for the construction work subject to § 5a.3 (a) will contain the clauses required thereby.

(b) Enforcement activities, including the investigation of complaints of violations, to assure compliance with the requirements of this part, shall be the primary duty of the Federal agency awarding the contract or providing the Federal assistance. The Department of Labor will coordinate its efforts with the Federal agencies, as may be necessary, to assure consistent enforcement of the requirements of this part.

§ 5a.7 Effective date.

The provisions of this part shall be applicable to every invitation for bids, and to every negotiation, for a Federal or federally assisted construction contract, published or begun on or after _____, and to every such contract entered into on the basis of such invitation or negotiation.

Signed at Washington, D.C., this 4th day of December 1970.

J. D. HODGSON,
Secretary of Labor.

[F.R. Doc. 70-16526; Filed, Dec. 8, 1970; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 15]

[Docket No. 13883; FCC 70-1266]

FIELD-DISTURBANCE SENSORS

Notice of Proposed Rule Making

In the matter of amendment of Part 15 of the Commission's rules to add regulations governing the use of field-disturbance sensors (formerly designated as radio frequency operated intruder alarms), Docket No. 13883, RM-64, RM-153.

1. Notice is hereby given of further proposed rule making in the above-entitled matter. The Commission has changed the terminology it has heretofore used to designate the class of radio frequency devices contemplated by this proceeding, and uses the term "field-disturbance sensor" instead of "radio-frequency operated intruder alarm". This change is discussed in paragraph 14 below.

2. On December 7, 1960, in response to petitions filed by Radar-Eye Corp. (RM-64) and Electro-Security Corp. (RM-153) which requested amendment of the rules to provide for the operation of field-disturbance sensors (intruder alarms), the Commission issued a notice of inquiry in this proceeding to secure the background information necessary to evaluate these two petitions.[1] The notice sought information on the use to be made of field-disturbance sensors (intruder alarms), on methods of regulation, on the technical operating requirements, and on the interference potential of these sensors (devices). In general the responses to that notice did not elicit the information sought by the Commission. Manufacturers of sensors (intruder alarms) championed their own equipment and attempted to justify continued use of their existing designs on the frequency they were then using. EIA and GE expressed concern about interference to stations in the mobile radio services. One comment suggested licensing. Although specifically requested in the notice of inquiry, the comments were essentially silent on the question of shared use of facilities between the licensed services and the proposed field-disturbance sensors (RF operated intruder alarms).

3. After consideration of the available facts, the Commission on June 20, 1963, issued a notice of proposed rule making (hereafter First NPRM)[2] to amend Part 15 of its rules. This first NPRM proposed to classify a field-disturbance sensor (intruder alarm) as a restricted radiation device under Part 15 proposed that operation be permitted on 915±5 MHz, 2450±15 MHz, and 22,125±100 MHz, and in addition proposed a limit on the field strength of emissions equal to 500 μV/m at 100 feet in the permitted bands and 15 μV/m at 100 feet outside these bands. The notice also proposed that field-disturbance sensors (intruder alarms) be type approved.

4. Each respondent to the first NPRM expressed some dissatisfaction with the proposed rules. The Commission was urged to reconsider its earlier decision and to provide a band at 400 MHz to permit continued operation of sensors (devices) then in production. Objections were raised to the proposal to require type approval. Several respondents contended that the proposed field strength limitations on both the fundamental and out-of-band emissions were too stringent. Sylvania requested that operation in the 1800 MHz band be authorized to permit the sale on the civilian market of a field-disturbance sensor (intrusion detection system) it had recently developed for the U.S. Government.

5. In response to these comments, the Commission issued a second notice of proposed rule making (hereafter second NPRM) on May 5, 1965.[3] The second NPRM proposed to increase the frequency tolerance at 915 MHz from ±5 to ±10 MHz, at 2450 MHz from ±15 MHz to ±25 MHz, and added the frequency 10,525±25 MHz. The allowable level of emissions on the permitted bands was proposed to be increased to 1 volt per meter at 100 feet with harmonic emissions reduced by 60 dB and other spurious by 80 dB. Recognizing the validity of ADT's comment to permit continued operation of field-disturbance sensors (intruder alarm devices) now in use under the provisons of § 15.7, the second NPRM added a proposed regulation to permit operation of field-disturbance sensors (intruder alarms) on frequencies below 905 MHz subject to a field strength limitation of 15 μV/m at a distance of $\lambda/2\pi$. Type approval was dropped and, in lieu thereof, a certification procedure was proposed requiring a detailed measurement report to the Commission.

6. Timely comments were filed by the following manufacturers of field-disturbance sensors (intruder alarms and security systems): Babcock Electronics Corp. (Babcock), Controlled Companies of American District Telegraph Co. (ADT), JMV Laboratories, Inc. (JMV), and Sylvania Electric Products, Inc. (Sylvania). Comments were also received from the police departments of the cities of Indianapolis and Evansville, Ind. Reply comments were received from the following associations representing law enforcement officers: Associated Public Safety Communications Officers, Inc. (APCO), International Association of Chiefs of Police (IACP), and Virginia Association of Chiefs of Police.

7. Additional comments were received during 1968-69: a statement from Sylvania to supplement its 1965 submission, Pacific Technology, Inc., Minnesota Mining and Manufacturing Co. (3M), and Aerospace Research, Inc. (ARI). The 3M comment was accompanied by a petition requesting further rule making in this proceeding to accommodate its recently developed field-disturbance sensor (intrusion alarm device)[4] which could not meet the technical standards in the second NPRM.

8. In its 1965 comment, Sylvania describes a new perimeter protection system that it was developing—a balanced line security system. This system, which is installed as a fence around the property to be protected, consists of a balanced two-wire transmission line fed at the center by a suitable source of RF

[1] 25 F.R. 12956, Dec. 17, 1960.
[2] 28 F.R. 6567, June 26, 1963.
[3] 30 F.R. 6541, May 12, 1965.
[4] U.S. Patent No. 3,407,403 (issued Oct. 22, 1968, to L. H. Charlot, Jr., and assigned to Minnesota Mining and Manufacturing Co.) describes the 3M sensor (device) in detail.

energy and terminated at each end in its characteristic impedance. The system was described as using 27.12 MHz signal modulated by a 1 kHz square wave to reduce noise, and to improve the signal-to-noise ratio. The body of an intruder would act as a capacitance across the line and produce a power deflection which would be detected. A 400-foot line was tested for emission of RF energy, and the field was found to be 0.03 V/m at 38 feet. Sylvania requested, therefore, that the frequencies 13.56 MHz, 27.12 MHz, and 40.68 MHz, with the band limits allowed for ISM equipment, be made available under Part 15, for this development with a level of emission on the fundamental equal to 100,000 μV/m at 100 feet.

9. In its 1968 supplemental statement, Sylvania reiterates its proposal that frequencies in the HF and VHF bands be made available for its "Balanced Transmission Security System." In addition, Sylvania expands its original request for microwave frequencies to include the frequency 5800±75 MHz, an ISM frequency that had not been included in the second NPRM, pointing to a research study which shows that 5000 MHz gives the optimum radar response from a man.[5] Sylvania also contends that a field-disturbance sensor (intrusion detection device) can readily be considered as an industrial equipment rather than a communication device and suggests that such devices be regulated as ISM equipment under Part 18.

10. JMV and Pacific described field-disturbance sensors (intruder alarm devices) operating in the 400 MHz region, which are similar to the sensors (devices) described in the original Radar-Eye and Electro-Security petitions. JMV alleges that its improved design feeds 12 milliwatts of RF power into the antenna and that the emission of RF energy does not exceed 25 μV/m at 1 meter. In view of the successful operation of its device, JMV alleges further that there is no technical requirement for use of the microwave frequencies. The Pacific sensor (device), based on the principle of a Doppler shift, operates on frequencies between 380 and 400 MHz, and produces a field of 50 millivolts per meter at 100 feet. In view of the usefulness of a field-disturbance sensor (RF intruder alarm) in helping to reduce the level of crime, Pacific urges the Commission to make specific frequencies available as soon as possible.

11. A number of the comments propose that modulated sensors (devices) be permitted and deal with the bandwidth required for such sensors (devices). ADT points out that a major problem with continuous wave field-disturbance sensors (intruder alarm systems) is the high incidence of false alarms caused by the movement of persons or objects that are within the detection range of the sensor (alarm), although outside the boundaries of the area sought to be protected, and that to minimize such false alarms by shielding is either impracticable or very expensive. ADT proposes to solve this problem by using a time-distance measuring technique to pick out and disregard alarms caused by movement outside the area to be protected. ARI states that continuous wave sensors (devices) have the inherent limitation that the zone of protection cannot be sharply contained (in order to limit the detection range) without the use of metal fencing (shielding) or absorbing material and points out that, by the use of modulation, "electronic range-truncation" (range shortening) can be achieved and the difficulty alleviated. Sylvania would achieve this objective by using nanosecond pulses to modulate the carrier, while 3M achieves a comparable result through the use of a relaxation oscillator, whose frequency is varied, to modulate the carrier. All parties agree that such modulation schemes demand a greater bandwidth than was proposed in our second NPRM. ARI specifies a requirement for ±20 MHz at 915 MHz, whereas 3M indicates that its sensor (device) would require ±35 MHz. Sylvania indicates that its proposal to use nanosecond pulses would require up to ±100 MHz.

12. Of the various microwave proposals mentioned, only 3M has described its sensor (device) in some detail.[6][7] This sensor (device) operates at 915 MHz and uses a relaxation oscillator to pulse the RF signal. When the environment is static, the reflected signal produces a constant phase shift and the frequency of the oscillator and the pulse repetition rate are constant. During motion in the environment, the reflected signal produces a constantly varying phase, shift. The oscillator, in seeking a frequency to give zero phase shift in the feedback loop, is constantly changing frequency. The change in frequency is designed to change the power consumed by the transmitter oscillator which in turn is designed to change the repetition rate of the relaxation oscillator. The signal processing circuits detect this change in pulse repetition rate and define this as motion in the environment. The processing circuits can be adjusted so that a specific degree of motion or number of movements must take place before an alarm is initiated, thus reducing the number of false alarms. Operating in a pulse mode, the sensor (device) perforce needs a wide bandwidth.[8] However, 3M points to this as an advantage, because it permits operation with reduced emitted field strength to achieve a reduced detection range. According to 3M, operation under these conditions permits a higher density of use for its sensor (device) than is achievable with CW sensors (devices) operating within the technical standards proposed in our second NPRM.

13. In anticipation of the reallocation of the adjacent frequencies for land mobile operation,[9] 3M has calculated the potential interference range of its field-disturbance sensor (intruder alarm device) to an FM mobile communication receiver. The 3M calculation[10] estimates that, for an FM communications receiver having a threshold sensitivity of 0.7 μV and an acceptance band of 10kHz, the potential interference range of its sensor (device) will be about 300 feet.

14. The Commission has become aware that the general public may refer to any device used to warn of wrongful entry upon property as an "intruder alarm". Moreover, the Commission has learned that the term "radiofrequency operated intruder alarm" is frequently used to describe a burglar or "intruder alarm" which uses RF energy to transmit an alarm signal from the point where it is generated to a remote receiver, even though no RF energy is used to detect the intrusion. To clearly set apart that class of radio frequency devices contemplated by this proceeding, and to avoid confusion which may be caused by common usage of the term "intruder alarm" described above, the Commission has changed the term heretofore used for a device regulated by the rules proposed herein from "radio frequency operated intruder alarm" to "field-disturbance sensor". Accordingly, only those intrusion detection devices which establish a radiofrequency field, and which sense disturbances caused by the motion of a person or object within that field are considered to fall within the scope of the instant proceeding.

15. At the same time, the Commission takes cognizance of the fact that the same radio technology principles used by a field-disturbance sensor to warn of a burglar or other human intruder may be used in such other detection applications as material sensing, counting, etc. In view of this, it would appear that our rules proposed herein for a field-disturbance sensor would accommodate the class of microwave proximity controls proposed by Microwave Controls, Inc., in Docket No. 18260.[11] Consequently, the Commission anticipates that certain other RF detector devices will be permitted to operate under the provisions of the rules proposed herein for field-disturbance sensors. Comments are invited from interested persons with respect to field-disturbance sensors used in detection applications.

16. The comments and counterproposals received in response to our second

[5] F. V. Schultz, R. C. Burgener and S. King, "Measurement of the Radar Cross Section of a Man", Proc. IRE, Vol. 46, No. 2, pp. 476–481, Feb. 1958.

[6] See footnote 4 supra.

[7] ADT stated that it had filed an application for a patent for a field-disturbance sensor (intruder alarm device) which utilizes a timebase distance measuring technique for preventing false alarms but did not furnish details.

[8] The experimental sensors (devices) currently being field tested by 3M, operate in a band 70 MHz wide, centered on 915 MHz.

[9] FCC Docket No. 18262 (35 F.R. 8644, June 4, 1970).

[10] Exhibit E, Figure 7, of 3M comment submitted July 24, 1969.

[11] In its report and order in Docket No. 18260 (34 F.R. 17171, Oct. 22, 1969), the Commission said that the device proposed by Microwave Controls, Inc., did not fall within the category of devices using RF energy to measure the characteristics of materials.

NPRM make it clear that technological improvements in solid state devices in the past several years necessitate radical changes in the proposed regulations appended to our second NPRM. It would appear that it is currently possible to use solid state devices with sophisticated modulation systems to control the detection range and thus reduce the number of false alarms, and that such sensors (devices) can be sold at a reasonable price. Thus the matter of price—a major argument for permitting field-disturbance sensors (RF intruder alarms) at 400 MHz—is no longer a controlling factor. The Commission accordingly does not find it in the public interest to add a frequency at 400 MHz to those listed in its proposed rules. On the other hand, it accepts the Sylvania suggestion to make all ISM microwave frequencies available for such sensors (alarms) and has added 5800±25 MHz to the list of permitted frequencies.[12]

17. Taking cognizance of the need to use modulation, the Commission is revising its earlier proposal. The current proposal would permit modulated as well as unmodulated emissions, except on 10.525 GHz where only unmodulated emissions are proposed to be authorized. At the same time, the band limits in which these sensors (devices) may operate has been increased to accommodate the use of modulation. On the other hand, this third notice specifies that the permitted level of emissions from field-disturbance sensors (intruder alarm devices) within the permitted band be 50,000 μV/m at 100 feet—a reduction of 26 dB from the level proposed in the second notice. This reduction is considered necessary in view of the changes in allocations recently made at 900 MHz and to minimize spectrum pollution by unnecessarily high levels of emission.

18. In the course of this proceeding, it has become evident that field-disturbance sensors (intrusion detection devices) can be divided into two general types. One type uses essentially a point source of RF energy to detect motion in a limited area in the vicinity of the source. In this type of sensor (alarm), the emitter and the receiver (or detector) are essentially at the same point and the sensor (alarm) can be described as a space protection system. This is the type of field-disturbance sensor (intruder alarm system) dealt with in these proposed regulations. The second type of sensor (alarm)—perimeter protection system—erects a "RF fence" around the property to be protected. One variation (described in the Sylvania comment of 1965) uses a balanced transmission line as an actual fence around the property. A second variation transmits a narrow beam of RF energy along the boundary line of the property by use of a highly directional emitter and a number of relay or repeater devices.

19. By its very nature, the perimeter protection system is a fixed installation that must be tailored to fit the particular property to be protected. It is not the type of device that is likely to be sold off-the-shelf to the general public. As such, the advantages of operation without an individual license are a minor consideration. Moreover, since such a system normally operates with higher levels of RF energy and will emit such energy over a larger area than the simple space protection system,[13] the Commission feels that a perimeter protection system should be operated as a licensed radio station, not as a Part 15 device. In this connection, it should be pointed out that a perimeter protection system has been classified as a radiolocation device and several have been licensed in the various radiolocation bands in the Public Safety Radio Services (§ 89.101), Industrial Radio Services (§ 91.604) and/or Land Transportation Radio Services (§ 93.112). Notwithstanding the above, the Commission will interpose no objection to the operation of a perimeter protection system as a Part 15 device within the provisions of the rules proposed herein. Thus the Sylvania system (which operates in the 27 MHz band) would have to meet the requirement that the level of RF energy emitted by the system does not exceed 15μV/m at a distance of $\lambda/2\pi$ from the wires constituting the system. Microwave systems will be expected to operate on the microwave frequencies listed herein and meet the emission limitations proposed.

20. The several comments received from police departments and police associations object to operation of field disturbance sensors (intruder alarms) on either 2450 MHz or 10.525 MHz on two grounds. Energy emitted by the field-disturbance sensor (intruder alarm), it is alleged, may interfere with the operation of radar speed meters operated by the police and derogate the validity of speedmeter observations as evidence against speed-law violators. These comments also point out that the emission of energy from the speed meters could beam signals into the field-disturbance sensor (intruder alarm) to produce false alarms. None of the parties, however, submitted data or other evidence to show that operation of field-disturbance sensors (intruder alarms) within the limitations proposed by the Commission would actually result in harmful interference to police radar speedmeters. Lacking such supporting evidence, the Commission is not persuaded that field-disturbance sensors (intruder alarms) operating within the proposed limitations will be a source of harmful interference, especially in view of the reduced field strength limits proposed herein.

21. Sylvania in its 1968 supplement has proposed that field-disturbance sensors (intruder alarms) be considered industrial devices and be permitted to operate under the provisions of Part 18. The question of regulation under Part 15 or Part 18 has been discussed on a number of occasions, most recently in our report and order in Docket No. 18260 adopted October 15, 1969.[14] Part 18 devices use RF energy to produce physical, biological, or chemical effects, whereas Part 15 devices are basically communications devices. Sylvania has not presented any evidence to show that a field-disturbance sensor (intruder alarm) would be encompassed within the categories of Part 18 devices. The Commission can therefore not accept Sylvania's proposal and reaffirm its intention to regulate a field-disturbance sensor (intruder alarm) as a restricted radiation device under Part 15.

22. Under authority granted by section 302 of the Communications Act of 1934, as amended (47 U.S.C. 302), and to conform these proposed regulations to the marketing regulations adopted by our report and order in Docket No. 18426,[15] we are revising the certification procedure set out in our second notice to make it mandatory on manufacturers of field-disturbance sensors (intruder alarm devices) to apply for certification. The sale or distribution of such sensors (devices) prior to the receipt of certification is specifically prohibited.

23. This notice also proposes to amend Part 1, § 1.1120 to add a fee schedule for certification of a field-disturbance sensor (intruder alarm).[16]

24. This proposal to amend the Commission's rules would grant in part the 3M petition for further rule making in this proceeding, and is issued under authority of sections 4(i), 302, 303(g), and 303(r) of the Communications Act of 1934, as amended.

25. Comments in support of or in opposition to the proposed amendment may be filed on or before January 13, 1971. Reply comments may be filed on or before January 25, 1971. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

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

Adopted: December 2, 1970.

Released: December 7, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[17]

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

[12] The Commission has been informally advised that at least two manufacturers are currently designing field-disturbance sensors (intruder alarms) to operate at 5800 MHz.

[13] A more detailed discussion of the perimeter protection system will be found in memorandum opinion and order in RM 1434 adopted Dec. 3, 1969, FCC 69-1328.

[14] 34 F.R. 17171, Oct. 22, 1969.

[15] 35 F.R. 7894, May 22, 1970.

[16] The question of imposing fees for equipment authorizations is discussed in the report and order in Docket No. 18802, adopted July 1, 1970 (35 F.R. 10988, July 8, 1970).

[17] Commissioner Johnson concurring in the result.

Parts 1 and 15 are amended as follows:

1. Section 1.1120 of Part 1 is amended by adding a new item 5 in the fee schedule under Certification to read as follows:

§ 1.1120 Schedule of fees for equipment approval, acceptance, or certification.

* * * * *

Item	Certification	Filing fee	Grant fee
* * *	* * *	* * *	* * *
5.....	Application for certification of a field-disturbance sensor.	$10	$25
* * *	* * *	* * *	* * *

2. Section 15.4 of Part 15 is amended by adding a new paragraph (j) to read as follows:

§ 15.4 General definitions.

* * * * *

(j) *Field-disturbance sensor.* A restricted radiation device which establishes a radio frequency field in its vicinity and detects changes in that field resulting from the movement of persons or objects within the radio frequency field.

3. A new Subpart F (§§ 15.301—15.329) is added to Part 15 to read as follows:

Subpart F—Field-Disturbance Sensors

Sec.

Subpart F—Field-Disturbance Sensors

§ 15.301 Scope of this subpart.

This subpart provides rules governing the operation of restricted radiation devices which establish an electromagnetic radiofrequency field in their vicinity and sense disturbances in that field caused by the movement of persons or objects within it. Devices which establish a radiofrequency field for purposes of communication or control via that field are not within the scope of this subpart. Typical examples of devices regulated by these rules are: Microwave intrusion sensors, devices that use RF energy for production line counting and sensing.

§ 15.303 Restriction on marketing.

No field-disturbance sensor may be shipped, sold or otherwise distributed until a certification of compliance with this part has been issued by the Commission to the manufacturer or importer.

NOTE: For details of application filing procedure see § 15.313 et seq.

§ 15.305 Restriction on operation.

No field-disturbance sensor may be operated unless it has been labeled to show that it has been certificated as complying with the requirements of this part.

§ 15.307 General technical specification.

(a) A field-disturbance sensor may be operated on any frequency (including the frequencies above 900 MHz) subject to the requirement that the emission of RF energy on the fundamental or on harmonic or other spurious frequencies does not exceed 15 μV/m at a distance of $\lambda/2\pi$ (equivalent in feet to 157 divided by the frequency in MHz).

(b) Alternative to paragraph (a) of this section, a field-disturbance sensor may be operated on one of the frequencies listed below subject to the provisions of §§ 15.309–15.311.

915 MHz	10,525 MHz
2450 MHz	22,125 MHz
5800 MHz	

§ 15.309 Permitted bands of operation.

The carrier frequency of a field-disturbance sensor operating on one of the frequencies listed in § 15.307(b), and any modulation components thereof shall be kept within the following band limits.

Nominal operating frequency (MHz):	Band limits (MHz)
915	±13 Note 1.
2450	±15 Note 1.
5800	±15 Note 1.
10,525	±25 Note 1, 2.
22,125	±50 Note 1.

NOTE 1: To minimize the possibility of out-of-band operation because of frequency drift due to aging of components or other causes, it is recommended that the carrier frequency be kept within the central 80 percent of the permitted band.

NOTE 2: A field-disturbance sensor operating on the frequency 10,525±25 MHz may not use modulation and is limited to A0 emission only.

§ 15.311 Emission limitations.

For a field-disturbance sensor operating on one of the frequencies listed in § 15.307(b), the emission of RF energy shall not exceed the following limits:

On the fundamental..	50,000 μV/m at 100 feet.
On harmonics.....	Suppressed 60 dB below the level of the fundamental; however, suppression below 15 μV/m at 100 feet is not required.
On spurious emissions (other than harmonics).	Suppressed 80 dB below the level of the fundamental; however, suppression below 5 μV/m at 100 feet is not required.

§ 15.313 Application for certification.

(a) Each manufacturer of a field-disturbance sensor produced for sale shall file an application for certification which shall include the information required by § 15.315.

(b) In the case of field-disturbance sensors which are imported into the U.S.A., the application for certification may be filed either by the manufacturer of the device or by the importer.

§ 15.315 Content of application.

The application for certification for a field-disturbance sensor shall contain the following information:

(a) Full name of manufacturer.

(b) Mailing address.

(c) Name and title of individual who should be contacted for information concerning the application.

(d) Trade name under which the sensor will be sold.

(e) Model number (or other positive identification) of the device.

(f) An expository statement about operation describing the operation of the sensor. This statement should include both block and schematic diagrams, a description of the circuitry in the sensor, and a description of the antenna used with the sensor.

(g) Photographs of the sensor. Such photographs shall be 8" x 10" and shall clearly show construction and circuit layout. At least one exterior view showing the antenna shall be furnished, together with a sufficient number of views of the interior to define component placement and chassis assembly.

(h) A description of the installation conditions and a statement setting out the operating conditions that must be observed to insure that the sensor will comply with the requirements of this part.

(i) A report of measurements pursuant to §§ 15.319—15.323.

(j) A statement by the manufacturer indicating:

(1) That the sensor can reasonably be expected to comply with the requirements of this part when operated and maintained pursuant to the manufacturer's instructions; and

(2) What controls are available to the user and the effect of varying such controls on the operation of the sensor.

(k) A copy of the installation and operating instructions furnished to the user. A draft copy of these instructions may be submitted with the application, provided a copy of the actual document to be furnished to the user is submitted within 45 days after the grant of certification.

§ 15.317 Who may sign the application.

The application shall be executed by a responsible official of the manufacturer (or the importer) who shall sign the document above his printed name and title.

§ 15.319 Report of measurements.

The report of measurements shall include the following:

(a) Identification of the unit that was tested by name of manufacturer, model number, serial number, and trade name.

(b) A description of the measurement procedure that was used. If a published standard was used, reference to the standard is sufficient, provided any departure from the standard is described in detail.

(c) A list of the measuring equipment that was used identified by manufacturer and model number.

(d) The date when the measuring equipment was last calibrated, and the calibration standard used.

(e) A tabulation of the data that was obtained. The data should show the actual meter reading and the computed value of the field strength and should include representative calculations used to determine field strength from the meter reading, showing each factor that was used and indicating the source of such factor.

(f) A graphical display of the spectrum of the emission. This may be a photograph of a spectrum analyzer display or an equivalent plot obtained by point-by-point measurements. Vertical and horizontal scales shall be adequately identified and sufficient information shall be provided to permit the determination of the occupied bandwidth of the emission.

(g) Date the measurements were made.

(h) A statement certifying to the accuracy of the measurements reported which shall be signed by the engineer responsible for the measurements above his printed name and business address.

§ 15.321 Frequency range over which measurements are required.

(a) For field-disturbance sensors operating below 100 MHz, the spectrum shall be scanned from the lowest frequency generated in the equipment up to 1000 MHz. Measurements shall be made of the field strength of all significant emissions observed.

(b) For field-disturbance sensors operating above 100 MHz the spectrum shall be scanned from the lowest frequency generated in the equipment up to 10 GHz, provided that for sensors operating on frequencies above 5 GHz, the spectrum shall be scanned to the highest frequency feasible. Measurements shall be made of the field strength of all significant emissions observed.

§ 15.323 Who may prepare the report of measurements.

The report of measurements shall be prepared by an engineer skilled in making and interpreting the measurements that are required, and he shall certify to the accuracy of the measurements in accordance with § 15.319(h).

§ 15.325 Labeling of a certificated field-disturbance sensor.

(a) The manufacturer of a field-disturbance sensor for which certification has been issued shall identify his product with a label (which may be part of the name plate) carrying the statement:

This sensor has been certificated as complying with FCC Rules Part 15. Operation is subject to the conditions:

(1) No harmful interference is caused.

(2) Any interference that is received, including interference that causes undesired operation of this sensor, must be tolerated.

Signed:
Name of manufacturer or vendor.
Date of manufacture.

(b) For private label sensors, the certification statement may be signed by the vendor provided there has been filed with the Commission a statement giving the name and address of the manufacturer of the sensor.

(c) The date of manufacture of the sensor required on the certification statement may be expressed in code provided the manufacturer (or vendor) has filed with the Commission the key to such code.

(d) The label shall be permanently affixed to or inscribed on the sensor and shall be readily visible to the prospective purchaser.

§ 15.327 Changes in a certificated field-disturbance sensor.

If changes are made in a field-disturbance sensor which alter its radio-frequency emission characteristics, the certification is voided and application shall be made for a new certification based upon measurements applicable to the modified sensor.

§ 15.329 Interference from a field-disturbance sensor.

(a) Operation of a field-disturbance sensor is subject to the general conditions of operation set out in § 15.3.

(b) The operator of a field-disturbance sensor who is advised that his sensor is causing harmful interference to an authorized radio service shall promptly stop operating the sensor, and operation shall not be resumed until the condition causing the harmful interefereence has been eliminated.

[F.R. Doc. 70-16561; Filed, Dec. 8, 1970; 8:50 a.m.]

[47 CFR Part 73]

[Docket No. 19102; FCC 70-1259]

FM BROADCAST STATIONS

Table of Assignments; Certain Cities in Illinois

1. Notice of proposed rule making is hereby given, proposing channel substitutions in the above-captioned cities presently listed in the FM Table of Assignments.

2. The proposal arises from the result of a site change of Station KRCH, Channel 251, St. Louis, Mo. In moving from zone I to zone II the channel classification of Station KRCH changed from B to C, thus increasing the spacing requirements with respect to a proposed operation on Channel 252A at Benton, Ill.

3. When the Commission assigned Channel 252A at Benton, all spacing requirements of the rules were met. Subsequently Station WVFC was authorized on this assignment. While the construction permit for Station WVFC at Benton was still valid, the Commission waived the spacing requirements of the rules and permitted Station KRCH, Channel 251, St. Louis, Mo., to change its transmitter site from zone I to zone II. (The actual mileage between the stations then became 89 miles, with 105 miles required by the rules.) When the permittee for Station WVFC relinquished its authorization, the reference point for the 252A assignment reverted to the Benton post office. The Commission is then faced with the problem of an assignment in the FM table which is short-spaced 16 miles. An application for construction permit to operate on Channel 252A at Benton is now on file. The applicant requests a waiver of the mileage separations on the basis that no site is available which will meet the separation requirements and provide the required principal community signal. If this application had not been filed, the Commission would have proposed removing the assignment in keeping with its policy of removing from the FM table unused assignments which cannot be used consistent with both the mileage separation and principal-city signal rules.

4. An examination of assignments within the affected area tentatively indicated a feasible solution for the improvement in channel efficiency of Channel 252A at Benton. It would require channel substitutions in three cities: Channel 249A for Channel 292A at West Frankfort, Ill.; Channel 261A for Channel 249A at Salem, Ill.; and Channel 292A for Channel 252A at Benton, Ill. Pending applications for construction permits are on file for all of these channels. The applicant for a Salem Channel 261A facility has been retained in hearing on nontechnical issues after resolving a mutual exclusivity issue. Thus the proposal, if adopted, would require amendments specifying the new channels in these construction permit applications. The application for salem will be allowed to be amended and remain in hearing status, and the provisions of § 1.522(b) of the Commission's rules will be waived to the extent necessary to permit such amendment. No fee will be charged.

5. The benefits of the proposal would be the reduction of the mileage shortage of the Benton assignment from 16 to 2.8 miles (sites appear available 2 miles east of Benton which would meet the separation requirements if the applicant chooses to change site), and also removal of a much smaller short-spacing in the application for the West Frankfort assignment. Since it results in a more efficient assignment pattern, the Commission is of the opinion that the proposed reallocation is in the public interest.

6. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the FM Table of Assignments contained in § 73.202(b) of the Commission's rules, as follows:

City	Present	Proposed
Benton, Ill.	252A	292A
Salem, Ill.	249A	261A
West Frankfort, Ill.	292A	249A

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before January 13, 1971, and reply comments on or before January 25, 1971. All submissions by parties to this proceeding, or by persons acting in behalf of such parties, must be made in written comments, reply

comments, or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

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

[F.R. Doc. 70-16562; Filed, Dec. 8, 1970; 8:50 a.m.]

[47 CFR Part 73]

[Docket No. 19047]

TELEVISION BROADCAST STATIONS

Table of Assignments, New Haven, Conn.; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.606 (b) of the Commission's rules, Television Table of Assignments, substituting Channel 26 for Channel 59 at New Haven, Conn., Docket No. 19047, RM-1361.

1. This proceeding was begun by notice of proposed rule making (FCC 70-1104) adopted October 7, 1970, released October 12, 1970, and published in the FEDERAL REGISTER October 15, 1970, 35 F.R. 16183. The dates for filing comments and reply comments are presently December 1, 1970, and December 15, 1970, respectfully.

2. On November 18, 1970, Impart Systems, Inc. (Impart), filed a request to extend the itme for filing comments and reply comments to and including January 15, 1971, and February 1, 1971, respectively.[1] Impart states that the Commission's notice of proposed rule making sets forth a number of matters relating, in large part, to economic considerations and engineering factors pertaining to the future development of UHF television in various communities in the State of Connecticut. It further states that it has retained both engineering and economic experts to assist in preparing comments in this proceeding; however, given the scope of the problems presented, it does not appear that meaningful comments can be filed on these matters by the present deadline.

3. We are of the view that the additional time is warranted and would serve the public interest. *Accordingly, it is ordered*, That the time for filing comments and reply comments in Docket No. 19047 is extended to and including January 15, 1971, and February 1, 1971, respectively.

[1] The Impart request was received at the Commission the day it was filed; but inadvertently a copy was not sent to the Broadcast Bureau so that it could be acted on. Another party interested in a New Haven UHF assignment later filed a request for extension, requesting a period less than that sought by Impart.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: December 2, 1970.

Released: December 3, 1970.

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

[F.R. Doc. 70-16560; Filed, Dec. 8, 1970; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

IMMINENT HAZARD TO THE PUBLIC HEALTH

Proposed Statement of Interpretation and Policy

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 507, 512, 701(a), 52 Stat. 1052-53, as amended, 1055, 59 Stat. 463, as amended, 82 Stat. 343-51; 21 U.S.C. 355, 357, 360b, 371(a)) and the Federal Hazardous Substances Act (secs. 2, 3, 10(a), 74 Stat. 372-75, as amended, 378; 15 U.S.C. 1261-62, 1269) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes to issue a statement of interpretation and policy regarding "imminent hazard to the public health" by adding a new section to Part 3, as follows:

§ 3._____ **Imminent hazard to the public health.**

(a) Within the meaning of the Federal Food, Drug, and Cosmetic Act and the Federal Hazardous Substances Act, an imminent hazard to the public health is considered to exist when the evidence is sufficient to show that a product or practice, posing a significant threat of danger to health, creates a public health situation (1) that should be corrected immediately to prevent injury and (2) that should not be permitted to continue while a hearing or other formal proceeding is being held. The "imminent hazard" may be declared at any point in the chain of events which may ultimately result in harm to the public health. The occurrence of the final anticipated injury is not essential to establish that an "imminent hazard" of such occurrence exists.

(b) In exercising his judgment on whether an "imminent hazard" exists, the Commissioner will consider the number of injuries anticipated and the nature, severity, and duration of the anticipated injury.

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

Dated: December 7, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70-16602; Filed, Dec. 8, 1970; 8:51 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 240]

[Release Nos. 33-5112, 34-9026]

SIZE OF TYPE USED IN PROSPECTUS AND OTHER DOCUMENTS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration certain proposed amendments to its rules under the Securities Act of 1933 and the Securities Exchange Act of 1934. The amendments would provide that notes to financial statements and other statistical or tabular data which may be set forth in 8-point type shall hereafter be set forth in 10-point type, which is the size of type prescribed for the body of prospectuses, proxy statements and other documents filed with the Commission or sent to security holders.

Information of material importance to investors is often included in documents required to be filed with the Commission or provided to security holders, such as prospectuses, proxy statements and annual reports to security holders, only in notes to financial statements or other statistical or tabular data. This is often the case with respect to notes to financial statements included in annual reports furnished to security holders pursuant to the Commission's proxy rules. For example, notes to financial statements may contain the only disclosure available to security holders and investors with respect to material long-term commitments and contingent liabilities. Permitting such information to be printed in smaller, less readable type may cause it to be overlooked or given less emphasis. While space limitations may make it necessary to set forth financial statements and other statistical or tabular data in 8-point type, this does not apply to the notes to such material and there is no reason why such notes should not be in larger type in the interest of legibility.

The Commission believes that it would be of material assistance to investors and security holders in reviewing documents filed with the Commission, particularly reproduced copies, if the size of type required for notes to financial statements were to be increased. Accordingly,

the Commission is considering amendments to the rules referred to below.

Rule 256(d) of Regulation A (17 CFR 230.256) under the Securities Act of 1933 established requirements for the size of type to be used in printed offering circulars filed with the Commission pursuant to the provisions of that regulation.

Rule 420 (17 CFR 230.420) under the Securities Act of 1933 specifies the size of type to be used in printed prospectuses relating to securities registered under that Act.

Rule 12b–12(c) of Regulation 12B (17 CFR 240.12b–12(c)) under the Securities Exchange Act of 1934 specifies the size of type to be used in printed registration statements and reports filed pursuant to sections 12, 13, or 15(d) of that Act.

Rule 14a–3(b) of Regulation 14A (17 CFR 240.14a–3(b)) under the Securities Exchange Act of 1934 specifies the requirements for financial statements included in the annual reports required to be sent to security holders pursuant to that rule.

Rule 14a–5(d) of Regulation 14A (17 CFR 240.14a–5(d)) and 14c–4(c) of Regulation 14C (17 CFR 240.14c–4(c)) specify the size of the type to be used in proxy and information statements filed pursuant to those regulations.

The Commission is not proposing to revise its requirements with respect to the size of type which may be used for financial statements or other statistical or tabular presentations included in any of the documents filed pursuant to either Act.

The text of the proposed amendments is set forth below.

I. Paragraph (d) of § 230.256 of this chapter would be amended as follows:

§ 230.256 Filing and use of the offering circular.

* * * * *

(d) The offering circular may be printed, mimeographed, lithographed, or typewritten or prepared by any similar process which will result in clearly legible copies. If printed, the body of the offering circular and all notes to financial statements and other statistical or tabular data included therein shall be set in roman type at least as large and as legible as 10-point modern type. However, to the extent necessary for convenient presentation, financial statements and other statistical or tabular data, but not the notes thereto, may be set in type at least as large and as legible as 8-point modern type. All such type shall be leaded at least 2 points.

* * * * *

II. Section 230.420 of this chapter would be amended as follows:

§ 230.420 Legibility of prospectuses.

The body of all printed prospectuses and all notes to financial statements and other statistical or tabular data included therein shall be in roman type at least as large and as legible as 10-point modern type. However, to the extent necessary for convenient presentation, financial statements and other statistical or tabular data, but not the notes thereto, may be in roman type at least as large and as legible as 8-point modern type. All such type shall be leaded at least 2 points.

III. Paragraph (c) of § 240.12b–12 of this chapter would be amended as follows:

§ 240.12b–12 Requirements as to paper, printing and language.

* * * * *

(c) The body of all printed statements and reports and all notes to financial statements and other statistical or tabular data included therein shall be in roman type at least as large and as legible as 10-point modern type. However, to the extent necessary for convenient presentation, financial statements and other statistical or tabular data, but not the notes thereto, may be in type at least as large and as legible as 8-point modern type. All such type shall be leaded at least 2 points.

* * * * *

IV. Paragraph (b)(1) of § 240.14a–3 of this chapter would be amended as follows:

§ 240.14a–3 Information to be furnished to security holders.

* * * * *

(b) If the solicitation is made on behalf of the management of the issuer and relates to an annual meeting of security holders at which directors are to be elected, each proxy statement furnished pursuant to paragraph (a) of this section shall be accompanied or preceded by an annual report to such security holders as follows:

(1) The report shall contain, in comparative columnar form, such financial statements for the last 2 fiscal years, prepared on a consistent basis, as will in the opinion of the management adequately reflect the financial position of the issuer at the end of each such year and the results of operations for each such year: *Provided, however,* That investment companies registered under the Investment Company Act of 1940 need include such financial statements only for the last fiscal year. Consolidated financial statements of the issuer and its subsidiaries shall be included in the report if they are necessary to reflect adequately the financial position and results of operations of the issuer and its subsidiaries, but in such case the individual statements of the issuer may be omitted even though they are required to be included in reports to the Commission. Such financial statements, other than the notes thereto, shall be in roman type at least as large and as legible as 8-point modern type. All notes to such financial statements shall be in roman type at least as large and as legible as 10-point modern type. All such type shall be leaded at least 2 points. The Commission may upon the request of the issuer, permit the omission of financial statements for the earlier of such 2 fiscal years upon a showing of good cause therefor.

* * * * *

V. Paragraph (d) of § 240.14a–5 of this chapter would be amended as follows:

§ 240.14a–5 Presentation of information in proxy statement.

* * * * *

(d) All printed proxy statements shall be set in roman type at least as large and as legible as 10-point modern type, except that to the extent necessary for convenient presentation financial statements and other statistical or tabular data, but not the notes thereto, may be set in roman type at least as large and as legible as 8-point modern type. All such type shall be leaded at least 2 points.

VI. Paragraph (c) of § 240.14c–4 of this chapter would be amended as follows:

§ 240.14c–4 Presentation of information in information statement.

* * * * *

(c) All printed information statements shall be set in roman type at least as large and as legible as 10-point modern type except that to the extent necessary for convenient presentation financial statements and other statistical or tabular data, but not the notes thereto, may be set in roman type at least as large and as legible as 8-point modern type. All such type shall be leaded at least 2 points.

All interested persons are invited to submit their views and comments on the proposed amendments, in writing, to Orval L. DuBois, Secretary, Securities and Exchange Commission, Washington, DC 20549, on or before December 31, 1970. All such communications will be deemed available for public inspection.

By the Commission, November 23, 1970.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70–16536; Filed, Dec. 8, 1970; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

CAPACITORS FROM JAPAN

Determination of Sales at Less Than Fair Value

DECEMBER 7, 1970.

Information was received on March 22, 1968, that aluminum electrolytic and ceramic capacitors from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of September 9, 1970.

I hereby determine that for the reasons stated below, aluminum electrolytic and ceramic capacitors from Japan are being, or likely to be, sold at less than fair value within the meaning of section 201 (a) of the Act.

Statement of reasons on which this determination is based. Capacitors from Japan are sold to the United States to both related and unrelated purchasers within the meaning of section 207 of the Antidumping Act.

Sufficient quantities have been sold in Japan to afford a proper basis of comparison.

The basis of comparison was between purchase price or exporter's sales price and home market price.

Purchase price was calculated by deducting inland freight, mandatory Japanese Government inspection fee, and Japanese customs broker fees as appropriate from f.o.b. Japanese port prices.

Exporter's sales price was determined by deducting U.S. Customs duty, ocean freight, marine insurance, customhouse broker charges, inland freight in the United States and selling expense in the United States, cartage in the Japanese port, mandatory Japanese Government inspection fee, and inland freight in Japan from the resale price of the related U.S. purchaser.

Home market price was based on the weighted averages of delivered prices to customers in Japan. Adjustments were made for differences in packing, for inland freight, interest expenses, bad debt losses, and selling expenses, where appropriate.

Purchase price or exporter's sales price was lower than home market price by amounts that were more than minimal in relation to the total volume of sales.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-16603; Filed, Dec. 8, 1970; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CHIEF, DIVISION OF MANAGEMENT SERVICES, STATE OFFICE, ALASKA, ET AL.

Delegation of Authority

State Director, Alaska supplement to Bureau of Land Management Manual 1510.

Subject: Delegation of authority; contracts and leases.

A. Pursuant to delegation of authority contained in Bureau Manual 1510-03B2, the—

Chief, Division of Management Services, State Office.
Chief, Branch of Administrative Services, State Office.
District Managers.
District Chiefs, Division of Administration.

are authorized:

1. To enter into contracts with established sources for supplies and services, excluding capitalized equipment, regardless of amount, and

2. To enter into contracts on the open market for supplies and materials, excluding capitalized equipment, not to exceed $2,500 per transaction ($2,000 for construction), provided that the requirement is not available from established sources. (Section 302(c)(3) of the FPAS Act)

3. To enter into contracts in an unlimited amount for necessary procurements in the case of emergency fire suppression work for the rental of equipment and aircraft and for supplies and materials, excluding capitalized equipment, required in such operations. (Section 302(c)(2) of the FPAS Act)

B. District Managers may redelegate the authority granted above.

C. All previous delegations of procurement authority are hereby canceled.

BURTON W. SILCOCK,
State Director.

[F.R. Doc. 70-16545; Filed, Dec. 8, 1970; 8:49 a.m.]

[A 5951]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The U.S. Forest Service, Department of Agriculture, has filed an application, Serial No. A 5951, for the withdrawal of lands described below, from location and entry under the mining laws only, subject to existing valid rights.

The Forest Service desires these lands for the enlargement of the Pinegrove Campground for a public recreation area. This withdrawal would be permanent; and it is therefore important that the area be protected from disruption by mining activity.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, AZ 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party.

The lands involved in the application are as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

PINEGROVE CAMPGROUND

T. 19 N., R. 9 E.,
Sec. 16, those parts of the SW¼NW¼, NW¼SW¼, N½SW¼SW¼ not included in area withdrawn by P.L.O. 3152 for Highway No. 3 roadside.
Sec. 17, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼, N½S½SE¼.

The area described aggregates 333.12 acres, more or less, within the Coconino National Forest.

Dated: December 1, 1970.

GLENDON E. COLLINS,
Acting State Director.

[F.R. Doc. 70-16546; Filed, Dec. 8, 1970; 8:49 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands; Correction

DECEMBER 2, 1970.

In F.R. Doc. 70-15820 appearing at page 18065 of the issue for November 25, 1970, the following corrections should be made:

The land description should read:

MOUNT DIABLO MERIDIAN, CALIFORNIA

SEQUOIA NATIONAL FOREST

T. 27 S., R. 33 E.,
Sec. 30, lots 1 to 16, inclusive.

The serial number of the application for withdrawal should read: "R 3493."

WALTER F. HOLMES,
Assistant Land Office Manager.

[F.R. Doc. 70-16547; Filed, Dec. 8, 1970; 8:49 a.m.]

[New Mexico 435]

NEW MEXICO

Notice of Classification of Public Lands for Multiple Use Management

DECEMBER 2, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and the regulations in 43 CFR Parts 2400 and 2460,

the public lands within the areas described below are hereby classified for multiple use management.

2. Publication of this notice has the effect of segregating all the described lands from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. Sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. sec. 1171) and the lands in Group I shall remain open to all other applicable forms of appropriation, including the general mining and mineral leasing laws. The land described in Group II has high recreational values and it is also necessary to protect the Government's proposed improvements. Therefore, this land is further segregated from all forms of entry, including the general mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

3. The record showing comments received following publication of a notice of proposed classification (35 F.R. 14732), and other information is on file and can be examined in the Las Cruces District Office, Bureau of Land Management, 1705 North Seventh Street, Las Cruces, NM 88001. The public lands affected by this classification are located within the following described areas and are shown on maps designated Las Uvas Planning Unit 03–03 and Organ Mountain Planning Unit 03–08 on file in the Las Cruces District Office and in the Land Office of the Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, NM 87501.

NEW MEXICO PRINCIPAL MERIDIAN

GROUP I

T. 21 S., R. 5 W.,
Sec. 19, lot 2, W½W½SW¼NE¼ and SE¼NW¼.
T. 22 S., R. 7 W.,
Sec. 7, W½NE¼, SE¼NE¼ and SE¼;
Sec. 8, E½NW¼, SW¼NW¼ and SW¼;
Sec. 17, N½NW¼, SW¼NW¼ and NW¼SW¼;
Sec. 18, NE¼, E½NW¼, SW¼NW¼, N½SE¼ and SW¼SE¼.
T. 22 S., R. 3 E.,
Sec 14, W½.
T. 26 S., R. 4 E.,
Sec. 31, lots 2, 3, 4, and SE¼NW¼.

The areas described aggregate 1,647.22 acres in Luna and Dona Ana Counties.

GROUP II

T. 21 S., R. 2 E.,
Sec. 19, lot 22.

The area described aggregates 39.85 acres in Dona Ana County.

4. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

MICHAEL T. SOLAN,
Acting State Director.

[F.R. Doc. 70-16519; Filed, Dec. 8, 1970; 8:47 a.m.]

[New Mexico 12723]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 2, 1970.

The Forest Service, U.S. Department of Agriculture, has filed an application, New Mexico 12723, for the withdrawal of lands described below, from location and entry under the U.S. mining laws. The applicant desires the lands for recreation areas and two administrative sites within the Carson National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Land Office Manager, Post Office Box 1449, Santa Fe, NM 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

CARSON NATIONAL FOREST

Lagunitas Administrative Site and Campground

T. 31 N., R. 6 E., unsurveyed,
Sec. 28, S½S½SW¼;
Sec. 33, W½NE¼, NW¼, N½SW¼, and NW¼SE¼.

Potrero Box

T. 25 N., R. 7 E.,
Sec. 8, SE¼SE¼SE¼ and E½SW¼SE¼SE¼;
Sec. 9, SW¼SW¼SW¼ and W½SE¼SW¼SW¼;
Sec. 16, W½NW¼NW¼, W½E½NW¼NW¼, NW¼SW¼NW¼, and W½NE¼SW¼NW¼;
Sec. 17, E½NE¼NE¼ and E½W½NE¼NE¼.

Laguna Larga Campground

T. 31 N., R. 8 E.,
Sec. 28, S½S½SW¼;
Sec. 33, N½NW¼ and N½S½NW¼.

Tres Piedras Administrative Site

T. 28 N., R. 9 E.,
Sec. 15, S½SW¼SE¼, SW¼SE¼SE¼, and W½SE¼SE¼SE¼;
Sec. 22, lots 3, 8, 9, 10, 11, and NW¼NE¼.

The areas described aggregate 765 acres, more or less.

MICHAEL T. SOLAN,
Land Office Manager.

[F.R. Doc. 70-16520; Filed, Dec. 8, 1970; 8:47 a.m.]

[Wyoming 6228]

WYOMING

Notice of Classification of Public Lands

DECEMBER 1, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and the regulations in 43 CFR Parts 2400 through 2461, the existing classification of public lands described below is hereby amended to segregate the lands from appropriation under the general mining laws (30 U.S.C. 21). The lands shall remain open to the mineral leasing laws. These lands were previously classified for multiple use management by notice of classification of lands under item (2) which segregates the land from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). The notice of classification of lands was published in Volume 32, No. 226, FEDERAL REGISTER of November 22, 1967, as F.R. Doc. 67–13680, at pages 16057–16058.

2. One letter supporting the proposed classification was received following its publication in the FEDERAL REGISTER (35 F.R. 186). Objections were received from two parties, concerned about the possibility that their existing mining claims would be invalidated by the proposed classification. The classification in no way affects valid existing claims. No public hearing was held. The record showing the comments received and other information is on file and can be examined in the Lander District Office, Bureau of Land Management, Lander, Wyo., and in the Land Office, Bureau of Land Management, 2120 Capitol Avenue, Cheyenne, WY.

3. Public lands affected by this classification are:

SIXTH PRINCIPAL MERIDIAN

T. 27 N., R. 91 W.,
Sec. 5, NW¼SE¼SE¼.
T. 28 N., R. 91 W.,
Sec. 34, S½NE¼ and NE¼NE¼.
T. 29 N., R. 99 W.,
Sec. 3, lot 4, S½NE¼, E½NW¼, and SW¼NW¼;
Sec. 4, lot 1, SE¼SW¼NE¼, E½SW¼SW¼NE¼, W½SW¼SE¼NE¼, NE¼NW¼SE¼, E½NW¼NW¼SE¼, and W½NW¼NE¼SE¼;
Sec. 6, lots 1, 3, 7, and 9, N½SE¼NW¼, SE¼SE¼NW¼, E½SW¼SE¼NW¼, NE¼NE¼SW¼, SE¼SW¼, and that portion of SE¼NE¼ not included in M.S. 484;
Sec. 7, lot 1;
Sec. 9, SW¼NW¼.
T. 30 N., R. 99 W.,
Sec. 32, W½NW¼, NE¼NE¼; that portion of E½NW¼, and W½NE¼ and S½SE¼NE¼ not included in M.S. 41, 43, 44, 47, 48, and 49; and that portion of S½SW¼ not included in M.S. 45 and 46;
Sec. 33, S½SE¼, S½NW¼SE¼, SW¼, and NW¼SW¼NW¼;
Sec. 34, S½SW¼SW¼.
T. 29 N., R. 100 W.,
Sec. 1, lot 14;
Sec. 3, lots 14, 15, and 18;
Sec. 11, lot 1;
Sec. 12, lot 2, SW¼NE¼, N½SW¼NW¼, W½SE¼NW¼, and NE¼NE¼NE¼;
Sec. 14, lot 5, NW¼NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 17, W½SW¼SW¼;
Sec. 18, lot 6, SE¼SE¼, E½SW¼SE¼, SW¼NE¼SE¼, NW¼SE¼, and E½NE¼SW¼;
Sec. 19, NE¼NE¼ and E½SE¼NE¼;
Sec. 21, W½SW¼ and SW¼SE¼;
Sec. 22, NE¼SW¼ and NW¼NE¼;
Sec. 28, N½NW¼NE¼.

The lands described total approximately 2251 acres in Fremont County, Wyo.

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

DANIEL P. BAKER,
State Director.

[F.R. Doc. 70-16521; Filed, Dec. 8, 1970; 8:47 a.m.]

[Wyoming 15468]

WYOMING

Notice of Classification of Public Lands for Multiple Use Management

DECEMBER 1, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and the regulations in 43 CFR Parts 2400 through 2461, the public lands within the area described in paragraph 3 below are hereby classified for multiple use management. Publication of this notice has the effect of segregating the public lands described in paragraph 3 from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands described in paragraph 4 are further segregated from appropriation under the general mining laws (30 U.S.C. 21). Except as provided above, the lands shall remain open to all other forms of appropriation including the mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No protests or objections were received following publication of the notice of proposed classification (35 F.R. 186). A formal hearing held November 5, 1970 on the proposed classification brought no unfavorable comments. One letter supporting the classification was received. The record showing all comments received and other information is on file and can be examined in the Worland District Office, Bureau of Land Management, Worland, Wyo., and in the Land Office, Bureau of Land Management, 2120 Capitol Avenue, Cheyenne, Wyo.

3. The public lands affected by this classification are shown on the Big Horn County Classification map and are located within the following described area:

SIXTH PRINCIPAL MERIDIAN, WYOMING

BIG HORN COUNTY

T. 55 N., R. 92 W.,
Secs. 4, 5, and 6.
T. 56 N., R. 92 W.,
Secs. 30, 31, and 32.
T. 57 N., R. 92 W.,
Secs. 5, 7, 18, and 19.
T. 58 N., R. 92 W.,
Secs. 17 to 20, inclusive, and secs. 29 to 32, inclusive.
T. 55 N., R. 93 W.,
Secs. 1 to 6, inclusive.
Tps. 56 to 58 N., R. 93 W.
T. 55 N., R. 94 W.,
Secs. 1, 2, 3, 5, and 6.
Tps. 56 to 58 N., R. 94 W.
T. 56 N., R. 95 W.,
Secs. 4, 5, 6, and 12.
Tps. 57 and 58 N., R. 95 W.
T. 56 N., R. 96 W.,
Secs. 1, 2, 3, and 11.
T. 57 N., R. 96 W.,
Secs. 1, 2, 11, 12, 13, 14, 23, 24, 26, and 35.
T. 58 N., R. 96 W.
T. 58 N., R. 97 W.,
Secs. 22, 24, 25, and 26.

The public lands within the area described above aggregate some 112,400 acres.

4. The following described lands are further segregated from appropriation under the mining laws (30 U.S.C. 21):

T. 56 N., R. 92 W.,
Sec. 30.
T. 57 N., R. 92 W.,
Sec. 18, lots 2, 3, and 4, NW¼SE¼, S½SE¼, and E½SW¼;
Sec. 19, N½NE¼.
T. 57 N., R. 93 W.,
Sec. 4, NW¼NW¼, S½NW¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 5, NE¼NE¼;
Sec. 9, NE¼ and N½NW¼;
Sec. 10, N½SW¼, SE¼SW¼, NW¼NW¼, S½NW¼, NW¼SE¼, and S½SE¼;
Sec. 11, SW¼SW¼;
Sec. 13, SE¼NW¼, N½SW¼, S½NE¼, and SE¼;
Sec. 14, NW¼ and NE¼SE¼;
Sec. 15, N½NE¼ and SE¼NE¼.
T. 58 N., R. 93 W.,
Sec. 19, NE¼ and N½NW¼;
Sec. 20, lot 7, SW¼, and S½SE¼;
Sec. 21, S½SW¼;
Sec. 29, E½W½ and SW¼SE¼;
Sec. 32, NE¼, N½SE¼, and SE¼SE¼;
Sec. 33, SW¼SW¼.
T. 57 N., R. 94 W.,
Sec. 23, SE¼;
Sec. 26, NW¼NE¼.
T. 58 N., R. 94 W.,
Sec. 20, lots 3 to 6, inclusive;
Sec. 24, lots 1, 2, 7, and 8;
Sec. 28, S½SE¼.
T. 58 N., R. 95 W.,
Sec. 19, lot 1;
Sec. 20, N½;
Sec. 21, N½, SE¼, and NE diagonal ½ of SW¼;
Sec. 22;
Sec. 23, lots 3, 4, S½NW¼, NW¼SW¼, and SW¼SW¼;
Sec. 26, NW¼NW¼;
Sec. 27, N½;
Sec. 28, NW¼ and NE¼NE¼.

The public lands described above aggregate 7,000.69 acres.

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

DANIEL P. BAKER,
State Director.

[F.R. Doc. 70-16523; Filed, Dec. 8, 1970; 8:48 a.m.]

Bureau of Mines

NOISE MEASUREMENT TRAINING PROGRAM

Tests of Noise Levels at Coal Mines; Qualified Persons

Section 206 of the Federal Coal Mine Health and Safety Act of 1969 provides in part:

> Beginning 6 months after the operative date of this title, and at intervals of at least every 6 months thereafter, the operator of each coal mine shall conduct, in a manner prescribed by the Secretary of Health, Education, and Welfare, tests by a qualified person of the noise level at the mine and report and certify the results to the Secretary and the Secretary of Health, Education, and Welfare * * *

Notice is hereby given that the Bureau of Mines will conduct periodic noise measurement training programs at the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, PA 15213, and at other locations as the need of the coal mine industry may require, in order to provide training for persons wishing to qualify to conduct tests of noise levels at underground coal mines. Applications for attendance should be directed to:

Pittsburgh Field Health Group, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, PA 15213.

The Bureau of Mines will also approve noise measurement training programs established and maintained by any operator, coal mine industry group, labor organization representing miners, or any other person where such programs are conducted by persons certified by the Bureau as qualified to conduct noise measurement training programs, and where such programs include instruction in the following subject matter:

(a) The nature and basic properties of sound;

(b) The organic structure of the human ear and the mechanics of hearing;

(c) The design, construction and use of the sound pressure level meter;

(d) The techniques employed in conducting and evaluating noise measurement surveys;

(e) The methods employed in controlling noise exposure; and,

(f) The substantive noise requirements of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173).

Persons satisfactorily completing a program in noise measurement training conducted or approved by the Bureau of Mines will be certified by the Bureau as qualified to conduct tests of noise levels at underground coal mines.

Approval of programs. Applications for approval of noise measurement training programs should be submitted to:

Director, Bureau of Mines, Department of the Interior, Washington, DC 20240.

Such applications shall contain the following information:

(a) The name, address, and title of the applicant;

(b) The name and address of the instructors;

(c) The address of the facility where the training will be conducted;

(d) The physical capacity of the training facility and the nature of educational aids provided;

(e) The approximate number of persons to be trained;

(f) The format of the training program and the time assigned to each topic;

(g) A general description of the source material to be employed by the instructor and the material to be supplied to each trainee; and

(h) A general description of the practical training to be provided in the use of the sound pressure level meter.

The Bureau of Mines shall certify as approved any noise measurement training program which meets the minimum requirements set forth in this notice. However, the Bureau reserves the right to withdraw such certification where the applicant fails to provide the training set forth in his application for approval.

Instructors. Applications for certification as an instructor in noise measurement training programs should be submitted to:

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

Such applications shall include the following information:

(a) The name and address of the applicant; and

(b) Information showing that the applicant meets at least one of the following criteria:

(1) He is an industrial hygienist currently certified by the American Industrial Hygiene Association Board;

(2) He is an industrial hygienist with a minimum of 10 years practical experience in the mining industry;

(3) He has acquired, by education, training, and experience in the mining industry, a thorough working knowledge of industrial noise criteria, experience in the operation of the instruments employed in conducting sound level studies, and has satisfactorily completed educational training courses in the measurement and control of noise, or has published articles relating to the measurement and control of noise which reflect his knowledge of the subject;

(4) He has conducted or is currently conducting a course in acoustics or industrial noise control and sound level management in a recognized institution of higher learning; or,

(5) He has provided or is currently providing training in acoustics or industrial noise control and sound level measurement in a vocational training program.

Qualified persons. Applications for certification as a person qualified to conduct tests of noise levels at underground coal mines should be submitted to:

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

Such applications shall include the following information:

(a) The name and address of the applicant; and,

(b) Information showing the applicant is certified as an instructor in noise measurement training programs or has satisfactorily completed a program in noise measurement training conducted or approved by the Bureau of Mines.

FRED J. RUSSELL,
Acting Secretary of the Interior.

DECEMBER 1, 1970.

[F.R. Doc. 70-16533; Filed, Dec. 8, 1970; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 6]

SALES OF CERTAIN COMMODITIES

Monthly Sales List

The CCC Monthly Sales List for the fiscal year ending June 30, 1971, published in 35 F.R. 10922, is amended as follows:

1. Section 33 entitled "Linseed Oil (Raw) Unrestricted Use Sales" is amended by the insertion of the following sentence after the first sentence: "For December the price will be $0.1175 per pound."

2. Section 48 entitled "Nonfat Dry Milk Unrestricted Use Sales" is revised to read as follows: "Sales are in carlots only in-store at storage location of products. Announced prices, under MP-14: Spray process, U.S. Extra Grade, 29.9 cents per pound packed in 50-pound bags."

Signed at Washington, D.C., on December 3, 1970.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 70-16568; Filed, Dec. 8, 1970; 8:51 a.m.]

Office of the Secretary

GEORGIA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Georgia natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

GEORGIA

Appling.	Montgomery.
Bacon.	Telfair.
Baldwin.	Toombs.
Burke.	Treutlen.
Jeff Davis.	Washington.
Jenkins.	Wayne.
Jefferson.	Wheeler.
Laurens.	Wilkinson.
Miller.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1971, except to applicants who previously received emergency or special livestock loan assistance and can qualify under established policies and procedures.

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

J. PHIL CAMPBELL,
Acting Secretary.

[F.R. Doc. 70-16569; Filed, Dec. 8, 1970; 8:51 a.m.]

NORTH DAKOTA

Designation of Area for Emergency Loans

On the basis of (1) a determination that natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources, and (2) the June 5, 1970, declaration by the President of a major disaster and the June 9, 1970 (as amended July 14, 1970) areas determination by the

Director, Office of Emergency Preparedness, the following county in the State of North Dakota is hereby designated for the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 7 of the Disaster Relief Act of 1969 (42 U.S.C. 1855fff):

NORTH DAKOTA

Ramsey.

Emergency loans will not be made in this county under this designation after June 30, 1971, except subsequent loans to qualified borrowers hereunder.

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

J. PHIL CAMPBELL,
Acting Secretary.

[F.R. Doc. 70-16570; Filed, Dec. 8, 1970; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce

COLLEGE OF THE HOLY CROSS

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

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

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

Docket No. 70-00704-01-77030. Applicant: College of the Holy Cross, Worcester, Mass. 01610. Article: NMR spectrometer, Model R-20. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used for research in a program to be carried out to a large degree by undergraduate and graduate students. Experiments concern kinetic studies of the decomposition of iodo cyclopropanes; determination of the structure of electrolyte solutions; and determination of conformational equilibria and kinetics in substituted cyclohexane systems. As a teaching tool, the article will be used in four chemistry courses in the undergraduate program and in the master's degree program.

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

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

Reasons: Captioned application is a resubmission of Docket No. 68-00606-01-77030 which was received on May 22, 1968, and which was denied without prejudice to resubmission due to informational deficiencies in the original application. At the time the original application was received, the most closely comparable domestic instrument was the Model HA-60 Nuclear Magnetic Resonance Spectrometer (NMR) manufactured by Varian Associates. The foreign article provides a wide single sweep band of 20 kilohertz (kHz).

We are advised by the National Bureau of Standards (NBS) in its memorandum dated August 14, 1970, that the wide single sweep band of 20 kHz is pertinent to the studies of conformational equilibria using 19 fluorine for which the foreign article is intended to be used. NBS further advises that the Varian Model HA-60 which was available at the time the applicant submitted the original application provided a 2 kHz wide sweep span.

We, therefore, find that the Varian Model HA-60 was not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used at the time the original application was received.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[F.R. Doc. 70-16486; Filed, Dec. 8, 1970; 8:45 a.m.]

MEDICAL COLLEGE OF GEORGIA

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

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

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

Docket No. 70-00829-33-46500. Applicant: Medical College of Georgia, 1459 Gwinnett Street, Augusta, GA. 30902. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for research concerning the regeneration of capillary basement membrane; the ultrastructural and histochemical character of protein; the observation of highly vascularized muscular tissue; and to evaluate tissue specimens produced in ultrathin sections for electron microscopy and electron histochemical studies.

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

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

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult."

The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of October 23, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the study of capillary basement membranes in healing wound sites which will require many long series of ultrathin uniform sections for electron microscopy and electron histochemical techniques. HEW cites as a precedent its prior recommendation relating to Docket No. 70-00547-33-46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such

article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[F.R. Doc. 70-16487; Filed, Dec. 8, 1970; 8:45 a.m.]

UNIVERSITY OF MICHIGAN

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

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

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

Docket No. 70-00840-33-46500. Applicant: The University of Michigan, Department of Physiology, 7737 Medical Science Building, Ann Arbor, MI 48104. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for research projects concerning the study of the morphological correlates of the biochemical and physiological alterations occurring when the gastric mucosa is damaged by such agents as aspirin and alcohol and the study of the morphological correlate of altered function of the cerebral cortex simulating epilepsy.

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

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

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult."

The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of October 23, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies involving soft specimens and embeddings in the serial sectioning of gastric mucosa, which has a variable consistency and is difficult to section, and brain tissue.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[F.R. Doc. 70-16488; Filed, Dec. 8, 1970; 8:45 a.m.]

UNIVERSITY OF UTAH

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

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

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

Docket No. 70-00833-33-46500. Applicant: University of Utah, Purchasing Department, Building 40, Salt Lake City, UT 84112. Article: Ultramicrotome, Model LKB 8800. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used to produce ultrathin sections for electron microscope examination. The primary uses are for studies of the ultrastructure of chromosomes of eukaryotic cells in order to make the highest possible resolution studies of the interrelations of the various chromosomal and synaptinemal complex elements in cells in the pachytene stage of meiosis.

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

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

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult."

The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of October 23, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the production of long series of extremely thin sections of the softer cell specimens involved in the applicant's study of chromosome-synaptinemal complex of eukaryotic cells. HEW cites as a precedent its prior recommendation relating to Docket No. 70-00519-33-46500 which conforms in many particulars to the captioned application. We therefore find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such

article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[F.R. Doc. 70-16489; Filed, Dec. 8, 1970; 8:45 a.m.]

Maritime Administration

CONSTRUCTION OF ORE/BULK/OIL VESSELS

Computation of Estimated Foreign Costs

Notice is hereby given of the intent of the Maritime Subsidy Board to compute the estimated foreign costs for the construction of Ore/Bulk/Oil vessels pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended. The vessels to be constructed will have the following approximate tabulations:

Length, about 800'.
Beam, about 105'.
Depth, about 63'.
Deadweight, about 77,000 d.w.t.
Power, about 24,000 hp. steam.
Crew, 27.

Any person, firm or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on December 23, 1970, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th and E Streets, NW., Washington, DC 20235.

Dated: December 7, 1970.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 70-16601; Filed, Dec. 8, 1970; 8:51 a.m.]

National Oceanic and Atmospheric Administration

[Docket No. C-329]

ROGER W. DAVIES

Notice of Loan Application

DECEMBER 3, 1970.

Roger W. Davies, 3580 25th Avenue, Sacramento, CA 95820, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 57-foot length overall steel vessel to engage in the fishery for salmon and albacore.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building—Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[F.R. Doc. 70-16543; Filed, Dec. 8, 1970; 8:49 a.m.]

[Docket No. S-525]

PETER B. HANSEN

Notice of Loan Application

DECEMBER 3, 1970.

Peter B. Hansen, 5525 Glenwood Drive, Everett, WA 98201, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used, 82.3-foot registered length, wood vessel to engage in the fishery for crab, shrimp, clams, cod, halibut, and albacore, and for salmon off the Oregon and Washington coasts.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[F.R. Doc. 70-16544; Filed, Dec. 8, 1970; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

COMMITTEE TO CLARIFY STATUS OF AUTOMATIC PYRETHRIN DISPENSERS

Denial of Petition for Food Additive Pyrethrins in Conjunction With *N*-Octyl Bicycloheptene Dicarboximide and Piperonyl Butoxide

In the FEDERAL REGISTER of April 17, 1970 (34 F.R. 6288), notice was given of the filing of a petition (FAP 0H2515) by the Committee to Clarify Status of Automatic Pyrethrin Dispensers, 1625 K Street NW., Washington, DC 20002, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of automatic insecticide dispensers containing butoxypolypropylene glycol or pyrethrins in conjunction with piperonal bis[2-(2-butyoxyethoxy) ethyl] acetal and/or *N*-octyl bicycloheptene dicarboximide and/or piperonyl butoxide in areas where food and beverages are prepared and served.

The petitioner subsequently amended the petition by withdrawing from the proposed food additive regulation the compounds butoxypolypropylene glycol and piperonal bis[2-(2-butoxyethoxy) ethyl] acetal.

Based on consideration of the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that use of the dispenser adds residues of the pesticide chemicals to exposed food, and that such residues vary widely from nondetectable to 1 part per million or above, depending on the type and form of food, ventilation of the area, location of the food with respect to the dispenser, and length of time the food is exposed. Additionally, the use of devices that automatically dispense pesticides, regardless of need, and that expose food and food utensils continuously to the pesticide do not meet the requirement of the Federal Food, Drug, and Cosmetic Act that no more additive be added to food than that necessary to accomplish the intended effect.

Section 409(c)(4)(A) of the act restricts tolerances to a level no higher than "reasonably required to accomplish the physical or other technical effect for which such additive is intended." This restriction is reasonable because scientists are not generally able with certainty (1) to translate the results of animal studies to man, (2) to evaluate the results of uncontrolled human exposure to the pesticide chemical, and (3) to set up and carry out controlled studies on human subjects so as to give absolute assurance of safety. All exposures to pesticides involve some risk to man's health; therefore, the quantity of any

pesticide in the air man breathes or in the food he eats should be minimized. Exposing man and his food continually to an atmosphere lethal to insects does not conform to the requirements of the act.

Therefore, pursuant to provisions of the act (sec. 409(c)(1)(B), 72 Stat. 1786; 21 U.S.C. 348(c)(1)(B)) and under authority delegated to the Commissioner (21 CFR 2.120), the petition (FAP 0H2515) is denied and it is so ordered.

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

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

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

Dated: December 1, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70-16515; Filed, Dec. 8, 1970; 8:47 a.m.]

[DESI 2302V]

CERTAIN DRUG PRODUCTS CONTAINING PHENOTHIAZINE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations:

1. Phenazoid Liquid; each 30 milliliters contains 12.5 grams of phenothiazine microcrystalline; by Pitman-Moore, Inc., Camp Hill Road, Fort Washington, Pa. 19034.

2. PTZ Powder; contains 98 percent phenothiazine N.F.; by Hess & Clark, Division of Richardson-Merrell Inc., Ashland, Ohio 44805.

3. Phenothiazine, N.F.; one level tablespoonful of phenothiazine powder weighs approximately 5 grams; distributed by L. A. Mosher Co., Atlanta, Ga. 30301.

4. Phenothiazine Cattle Drench; each fluid oz. contains 10 grams of phenothiazine N.F.; by Texas Phenothiazine Co., Fort Worth, Tex. 76101.

5. Phenothiazine Suspension (Red); each fluid ounce contains 190 grains (42 percent) of phenothiazine (thiodiphenylamine); by Haver-Lockhart Laboratories, Post Office Box 676, Kansas City, Mo. 64141.

6. Phenothiazine N.F. Powder; contains 97 percent phenothiazine; resold by E. I. du Pont de Nemours & Co. (Inc.), Grasselli Chemicals Department, Wilmington, Del. 19898; and manufactured by Interstate Chemical Products Co., 1228 West 12th Street, Kansas City, Mo. 64101.

7. Phenothiazine N.F.; contains 97 percent phenothiazine; by Interstate Chemical Co., 609 Livestock Exchange Bldg., Kansas City, Mo. 64101.

8. Franklin Phenothiazine Drench Compound-Powder; contains 98.5 percent phenothiazine N.F.; packed by O. M. Franklin Serum Co., Post Office Box 22335, Welshire Station, Denver, Colo. 80222.

9. Greever's Phenothiazine & Lead Arsenate Drench Powder; contains 95.05 percent phenothiazine N.F. and 3.83 percent lead arsenate (by weight); by Greever's Inc., Chilhowie, Va. 24319.

10. Pfizer Phenothiazine Drench with Lead Arsenate; contains 37.62 percent phenothiazine and 0.75 percent lead arsenate (by weight), each fluid ounce contains 12.5 grams of phenothiazine; by Chas. Pfizer & Co., Inc., Agricultural Division, New York, N.Y. 10017.

11. Dr. Rogers' Tena-Bov Drench; each fluid ounce contains 10 grams phenothiazine purified and 0.25 gram of lead arsenate; by Texas Phenothiazine Co.

12. Dr. Rogers' Puri-Phene Purified Phenothiazine Drench; each fluid ounce contains 12.5 grams of phenothiazine purified; by Texas Phenothiazine Co.

The Academy evaluated these anthelmintic preparations as labeled as effective (item No. 1, 2, 4, 6, 7, 10, 11, and 12), probably effective (item No. 3, 5, and 8), and probably not effective (item No. 9). The Academy concluded that phenothiazine and lead arsenate are effective anthelmintic agents for the removal and control of certain parasites in animals and poultry if properly labeled.

The Food and Drug Administration concurs with the Academy's findings.

Supplemental new animal drug applications are invited to revise the labeling provided in new animal drug applications for this drug to limit the claims and present the conditions of use substantially as follows:

INDICATIONS

For the removal and control of specified parasites in animals and poultry.

DOSAGE AND ADMINISTRATION

Phenothiazine

Horses:	
Removal of strongyles (*strongylus spp.*)	2.5 grams/100 lbs. body weight up to a maximum of 30 grams.
Control of strongyles (*strongylus spp.*)	For continuous use; feed 2 grams per head per day for 21 consecutive days then none for 9 days. Repeat the feeding schedule as long as worm control is desired.
Cattle:	
Removal of stomachworms (*Haemonchus, Ostertagia,* and *Trichostrongylus* spp.); nodularworm (*Oesophagostomum* spp.); and large-mouth bowelworms (*Chabertia* spp.).	10 grams/100 lbs. body weight, up to a maximum of 70 grams.
Hookworms (*Bunostomum* spp.)	20 grams/100 lbs. body weight, up to a maximum of 80 grams. Micronized (2-3 micron size particles) —10 grams/100 lbs. body weight, up to a maximum of 60 grams.
Control of cattle parasites listed above	0.25 gram/100 lbs. body weight/day. For adult average dose is 2 grams in feed, salt, or supplement. When mixed with salt, mineral supplements or mineral protein supplements providing salt, direct self-feeding continuously as the sole source of salt.
Sheep and Goats:	
Removal of stomachworms (*Haemonchus, Ostertagia,* and *Trichostrongylus* spp.); large-mouth bowelworms (*Chabertia* spp.); and hookworms (*Bunostomum* spp.).	25-60 lbs. body weight —12.5 grams. Over 60 lbs. body weight —25 grams.
Control of parasites listed above	1 gram/head/day/ in feed, salt, or supplement. When mixed with salt, mineral supplement or mineral-protein supplements providing salt, direct self-feeding continuously as the sole source of salt.
Swine:	
Removal of nodularworm (*Oesophagostomum* spp.).	5 grams—up to 25 lbs. body weight. 8 grams—26-50 lbs. body weight. 10 grams—51-100 lbs. body weight. 20 grams—101-200 lbs. body weight. 30 grams—201 lbs. body weight, and up.

DOSAGE AND ADMINISTRATION—continued

Chickens:	
Removal of cecalworms (*Heterakis gallinarum*).	0.5 gram/bird. 1 day only.
Turkeys:	
Removal of cecalworms (*Heterakis gallinarum*).	1.0 gram/bird. 1 day only.

Lead arsenate may be added to phenothiazine for the additional claim:

Sheep and Goats:	
Removal of tapeworms[1] (*Moniezia* spp.)	0.5 gram—up to 60 lbs. body weight. 1.0 gram—over 60 lbs. body weight.

[1] NOTE: Lead arsenate is not effective against the fringed tapeworms (*Thysanosoma actinioides*).

CONTRAINDICATIONS

Do not administer to animals that are weak, anemic, emaciated, or show signs of severe constipation. Do not administer to pregnant animals in the last 4 weeks of pregnancy.

CAUTIONS

Avoid exposure of recently treated animals to bright sunlight because of danger to photosensitization.

To avoid staining of the wool, keep treated animals on an absorbent bedding or porous soil while urine is discolored. Certain parasites may become resistant to phenothiazine therapy. Consult a veterinarian before using in severely dibilitated animals. Individual animals are occasionally sensitive to phenothiazine.

WARNINGS

Do not use with organophosphates as phenothiazine may potentiate organophosphate toxicity.

Do not treat lactating dairy animals with low-level phenothiazine therapy. Milk from lactating animals treated individually with a therapeutic dose should not be used for food for 96 hours (8 milkings) following treatment.

All labels for phenothiazine bearing a claim for "aid in preventing the breeding of horn flies and face flies in manure of treated cattle" are also subject to registration by the U.S. Department of Agriculture as required by the Federal Insecticide, Fungicide, and Rodenticide Act.

This evaluation is concerned only with these drugs' effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new animal drug applications for which labeling is not adequate in that it differs from the labeling presented above are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit revised labeling or adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holders of the new animal drug applications for the listed drugs have been mailed a copy of the NAS–NRC reports. Any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, as amended, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: November 20, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-16514; Filed, Dec. 8, 1970; 8:47 a.m.]

[Docket No. FDC-D-222; NADA No. 9-903V, etc.]

DR. MAYFIELD LABORATORIES ET AL.

Arsenic Trioxide—Vitamin Preparations; Notice of Opportunity for Hearing

In the FEDERAL REGISTER of February 1, 1969 (34 F.R. 1610), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration and the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, following evaluation by the Administration of a report received from the Academy on the following preparation: Dr. Mayfield ML–23; labeled as containing per pound 2 percent arsenic trioxide, 2 percent iron oxide, 1 percent potassium iodide, 1 percent cobalt carbonate, 1 percent manganese sulfate, 1 percent magnesium carbonate, 1 percent zinc phenosulfonate, 720,000 U.S.P. units vitamin A, 112,500 U.S.P. units vitamin D_3, 172 milligrams vitamin B_1, 432 milligrams riboflavin, 1.98 grams niacin, 450 milligrams *d*-pantothenic acid, 21.6 milligram choline, and 0.27 milligram of vitamin B_{12} activity; by Dr. Mayfield Laboratories, 1209 South Main Street, Charles City, IA 50616; NADA (new animal drug application) No. 9-903V.

The announcement invited the above-named holder of said new animal drug application and any other interested persons to submit pertinent data on the drug's effectiveness.

No data were received in response to the announcement and available information still fails to provide substantial evidence of effectiveness of the drug for its recommended use as a vitamin, trace mineral supplement for certain poultry and swine.

Efficacy data covering the following products which are similar in composition and labeling to the above-named product, although not furnished for review by the Academy as requested in the notice regarding drug effectiveness which was published in the FEDERAL REGISTER of July 9, 1966 (31 F.R. 9426), and therefore not evaluated by the Academy, have been reviewed by the Administration. The above-cited findings of the Administration regarding drug effectiveness apply equally to the following:

1. Globe Veterinary Tonic Powder; by Globe Laboratories, 166 Commerce Street, Fort Worth, TX 76102; NADA No. 318V.

2. Veterinary Powder; by L. A. Mosher, Inc., 268 Spring Street NW., Atlanta, GA 30303; NADA No. 1-328V.

Therefore, notice is given to the above-named firms, and any interested person who may be adversely affected, that the Commissioner proposed to issue an order under the provisions of section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of the new animal drug applications listed above, and all amendments and supplements thereto, held by said firms for the listed drug products on the grounds that:

Information before the Commissioner with respect to the drugs, evaluated together with the evidence available to him when the applications were approved, does not provide substantial evidence that the drugs have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner will give the applicants, and any interested person who would be adversely affected by an order

withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of the above-named new animal drug applications should not be withdrawn. Promulgation of the order will cause any drug similar in composition to the above-listed drug products and recommended for similar conditions of use to be a new animal drug for which an approved new animal drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

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

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

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

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new animal drug applications.

Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

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

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to the grounds for this notice. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order making findings and conclusions on such data. If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence. This time shall be not more than 90 days after the expiration of such 30 days unless the hearing examiner and the applicant otherwise agree.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: November 24, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-16518; Filed, Dec. 8, 1970; 8:47 a.m.]

NUCLEAR POLYHEDROSIS VIRUS OF HELIOTHIS ZEA

Notice of Establishment of Temporary Exemption From Requirement of Tolerance for Microbial Pesticide

Notice is given that at the request of the International Minerals and Chemical Corp., Libertyville, Ill. 60048, a temporary exemption from requirement of a tolerance is established for residues of the insecticide nuclear polyhedrosis virus of *Heliothis zea* in or on cottonseed. The Commissioner of Food and Drugs has determined that this temporary exemption is safe and will protect the public health.

Conditions under which this temporary exemption is established are that:

1. The insecticide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the International Minerals and Chemical Corp.'s name.

2. Each lot of active viral insecticide shall have the following specifications:

a. The level of bacterial contamination as determined by an aerobic plate count on trypticase soy agar will not exceed 10^7 colonies per gram of active viral insecticide.

b. Absence of any pathogen, e.g. *Salmonella, Shigella, Vibrio.*

c. Safety to mice as demonstrated by standardized intraperitoneal injections and a standardized 21-day feeding study.

d. Integrity of the viral product as determined by standardized serological tests.

This temporary exemption will expire December 1, 1971.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: December 1, 1970.

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

[F.R. Doc. 70-16516; Filed, Dec. 8, 1970; 8:47 a.m.]

NUCLEAR POLYHEDROSIS VIRUS OF HELIOTHIS ZEA

Notice of Establishment of Temporary Exemption from Requirement of Tolerance for Microbial Pesticide

Notice is given that at the request of Nutrillite Products, Inc., 5600 Beach Boulevard, Buena Park, Calif. 90620, a temporary exemption from requirement of a tolerance is established for residues of the insecticide nuclear polyhedrosis virus of *Heliothis zea* in or on cottonseed. The Commissioner of Food and Drugs has determined that this temporary exemption is safe and will protect the public health.

Conditions under which this temporary exemption is established are that:

1. The insecticide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the above firm's name.

2. Each lot of active viral insecticide shall have the following specifications:

a. The level of bacterial contamination as determined by an aerobic plate count on trypticase soy agar will not exceed 10^7 colonies per gram of active viral insecticide.

b. Absence of any pathogens, e.g. *Salmonella, Shigella, Vibrio.*

c. Safety to mice as demonstrated by standardized intraperitoneal injections and a standardized 21-day feeding study.

d. Integrity of the viral product as determined by standardized serological tests.

This temporary exemption will expire December 1, 1971.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: December 1, 1970.

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

[F.R. Doc. 70-16517; Filed, Dec. 8, 1970; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO. ET AL.

Notice of Application for Construction Permit and Operating License

The Portland General Electric Co., 621 Southwest Alder Street, Portland, OR; the city of Eugene, Eugene Water & Electric Board, 500 East Fourth Street, Eugene, OR; and Pacific Power & Light Co., 920 Southwest Sixth Avenue, Portland, OR (the applicants), pursuant to the Atomic Energy Act of 1954, as amended, filed an application, dated

June 25, 1969, for a permit to construct and a license to operate a pressurized water nuclear power reactor at the Trojan Nuclear Plant, an approximately 623-acre site on the west bank of the Columbia River, about 31 miles north of Portland, Oreg., 4 miles south-southeast of Rainier, Oreg., and 3 miles northwest of Kalama, Wash., in Columbia County, Oreg.

In amendments to its application, the Portland General Electric Co. (the applicant) and the city of Eugene, Oreg., acting by and through the Eugene Water & Electric Board and the Pacific Power & Light Co. (the coapplicants) will be coowners of the proposed Trojan Nuclear Plant. Portland General Electric Co. will act as representative of the owners with respect to design, construction and operation of the facility.

The proposed reactor, designated as the Trojan Nuclear Plant, is designed for initial operation at approximately 3,423 thermal megawatts with a net electrical output of approximately 1,106 megawatts.

A copy of the application and the amendments thereto are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Law Library, Columbia County Circuit Court, St. Helens, Oreg.

Dated at Bethesda, Md., this 27th day of November 1970.

For the Atomic Energy Commission.

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

[F.R. Doc. 70-16031; Filed, Dec. 1, 1970; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22713]

COMPAGNIE NATIONALE DE TRANSPORTS AERIENS ROYAL AIR MAROC

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on December 28, 1970, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., December 3, 1970.

[SEAL] JOHN E. FAULK,
Hearing Examiner.

[F.R. Doc. 70-16567; Filed, Dec. 8, 1970; 8:51 a.m.]

[Docket No. 22738; Order 70-12-1]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order to Show Cause

Issued under delegated authority December 1, 1970.

The Postmaster General filed a notice of intent November 10, 1970, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air tax operator, a final service mail rate of 56.5 cents per great circle aircraft mile for the transportation of mail by aircraft between Omaha and Grand Island, Nebr., based on 12 round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft 18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Line, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 56.5 cents per great circle aircraft mile between Omaha and Grand Island, Nebr., based on 12 round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f):

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Frontier Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objections is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, and Frontier Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-16566; Filed, Dec. 8, 1970; 8:51 a.m.]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

CIVIL SERVICE COMMISSION

GENERAL PHYSICAL SCIENCE SERIES

Notice of Establishment of Prescribed Minimum Educational Requirements

In accordance with section 3308 of title 5, United States Code, the Civil Service Commission has decided that minimum educational requirements should be established for positions in the General Physical Science Series, GS-1301. The requirements, the duties of the positions, and the reasons for the Commission's decision that the requirements are necessary are set forth below.

THE GENERAL PHYSICAL SCIENCE SERIES, GS-1301 (GRADES GS-5 THROUGH GS-15)

Minimum educational requirements. Candidates must have successfully completed one of the following requirements:

A. A full 4-year or longer curriculum in an accredited college or university leading to a bachelor's or higher degree in physical science, engineering or mathematics that included 24 semester hours in physical science and/or closely related engineering science such as mechanics, dynamics, properties of materials, and electronics.

B. A combination of 4 years of experience and education that included 24 semester hours in physical science and/or closely related engineering science such as mechanics, dynamics, properties of materials, and electronics in an accredited college or university. This combination of education and experience must have demonstrated that the candidate has acquired a mastery of the fundamental physical and mathematical sciences comparable in scope and intensity to that which would have been

acquired through the successful completion of a 4-year college or university curriculum as in paragraph A.

For those positions in any grade involving highly complicated or fundamental scientific research or similar difficult scientific duties candidates must have successfully completed the college curriculum specified in A above.

Duties. The General Physical Science Series includes positions which involve professional work primarily in the physical sciences when there is no other more appropriate series, that is, the positions are not elsewhere classifiable. Thus, included in this series are positions that involve (1) a combination of several physical science fields with no one predominant, or (2) a specialized field of physical science not identified with other existing series.

Reasons for establishing requirements. The duties of these positions cannot be performed without a sound basic knowledge of the scientific principles, theories, and concepts that have application to the professional physical science fields, and the mathematical tools that are used in the analysis and treatment of physical science data. The duties of the positions require the application of highly technical scientific information and skills which can only be acquired through the successful completion of a course of study in an accredited college or university which has scientific libraries, well-equipped laboratories and thoroughly trained instructors, gives expert guidance, and evaluates progress competently.

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

[F.R. Doc. 70-16494; Filed, Dec. 8, 1970; 8:45 a.m.]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

INTERPRETATIONS AND OPINIONS OF THE COMMISSION

The Equal Employment Opportunity Commission (hereinafter referred to as the Commission), in order to dispel an apparent misunderstanding, on the part of a number of respondents, with respect to the materials constituting a "written interpretation or opinion of the Commission" within the meaning of section 713(b) of the Civil Rights Act of 1964, 42 U.S.C. section 2000e-12(b), invites specific attention to the provisions of § 1601.30 of the Commission's Procedural Regulations, 29 CFR 1601.30. The provision referred to has, since July 1, 1965, specifically restricted the meaning of the phrase "written interpretation or opinion of the Commission" to correspondence entitled "opinion letter" and signed by the General Counsel on behalf of the Commission (29 CFR 1601.30(a)). Matter issued pursuant to 29 CFR 1601.30(a) is issued to a specific addressee(s) and has no effect upon situations other than that of the specific addressee(s).

Accordingly, matter appearing in the Quarterly and Annual Digests of Legal Interpretations, formerly issued by the Office of the General Counsel and discontinued subsequent to July 1, 1966, neither met nor were intended to meet the standards required of a "written interpretation or opinion of the Commission" within the meaning of the Commission's procedural regulations, 29 CFR 1601.28–1601.30, or section 713(b), 42 U.S.C. section 2000e-12(b). Similarly, matter appearing in the commercial reporting services erroneously entitled, "opinion letter" or "General Counsel Opinion" do not meet the standard required of a "written interpretation or opinion of the Commission" within the meaning of the Commission's procedural regulations, 29 CFR 1601.28–1601.30, or section 713(b), 42 U.S.C. section 2000e-12(b).

This notice shall be effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 1st day of December 1970.

WILLIAM H. BROWN III,
Chairman.

[F.R. Doc. 70-16503; Filed, Dec. 8, 1970; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19126; FCC 70-1257]

BELK BROADCASTING COMPANY OF FLORIDA, INC.

Order Designating Application for Hearing on Stated Issues

In regard application of Belk Broadcasting Co. of Florida, Inc., Docket No. 19126, File No. BR-1186, for renewal of license of Radio Station WPDQ, Jacksonville, Fla.

1. The Commission has before it for consideration (a) the captioned application and (b) its inquiries into the operation of Station WPDQ.

2. Information before the Commission raises a number of serious questions bearing upon whether the applicant possesses the qualifications to be or to remain a licensee of the Commission. In view of these questions, the Commission is unable to find that a grant of the captioned application would serve the public interest, convenience, and necessity, and must, therefore, designate the application for hearing.

3. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the captioned application is designated for hearing at Jacksonville, Fla., at a time to be specified in a subsequent order, upon the following issues:

(1) To determine whether the licensee made misrepresentations to the Commission or was lacking in candor in statements and documents given to the Commission in the course of its inquiry into the operation of Station WPDQ.

(2) To determine whether the licensee willfully or repeatedly failed to observe the provisions of section 509(a) (3), (4), or (5) of the Communications Act.

(3) To determine whether the licensee at all times has exercised control or supervision over the operation of WPDQ in a manner consistent with the responsibility of a licensee.

(4) To determine whether ownership or control of Station WPDQ was at any time transferred to another party or parties without a finding by the Commission that the public interest, convenience and necessity would be served thereby, in violation of section 310(b) of the Communications Act.

(5) To determine whether the licensee broadcast announcements which mislead the public regarding the value of prizes to be made available at certain times of the day during the broadcast of the "$60,000 Thank You" and "Green Satellite" contests in 1967.

(6) To determine whether the licensee willfully or repeatedly failed to observe the provision of § 73.112(a)(2)(iii) of the Commission's rules and regulations in July or August of 1967 in connection with the broadcast of announcements sponsored by Paks Zippy Food Mart or Duval Motors.

(7) To determine whether the licensee willfully or repeatedly violated section 317(c) of the Communications Act of 1934, as amended.

(8) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether the applicant possesses the requisite qualifications to be and to remain a licensee of the Commission.

(9) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether the grant of the captioned application would serve the public interest, convenience and necessity.

4. *It is further ordered,* That the Chief, Broadcast Bureau, is directed to serve upon the applicant within 30 days of the release of this order, a bill of particulars setting forth the basis for adoption of hearing issues (1) through (7).

5. *It is further ordered,* That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to issues (1) through (7), and that the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be a licensee of the Commission and that a grant of its application would serve the public interest, convenience, and necessity.

6. *It is further ordered,* That Don W. Burden be made a party to this proceeding.

7. *It is further ordered,* That the Chief Hearing Examiner assign the same Hearing Examiner to conduct this hearing who is assigned to conduct the hearing ordered this day to determine whether the licensees of Stations WIFE, WIFE-FM, KOIL, KOIL-FM, and KISN possess the requisite qualifications to be and remain licensees of the Commission, and that the said Hearing Examiner shall

take cognizance, with respect to each proceeding, of any findings of fact in the other proceeding which bear upon the qualifications of the licensee or licensees in that proceeding.

8. *It is further ordered*, That to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney, shall file with the Commission, within twenty (20) days of the mailing of this order, a written appearance in triplicate, 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 applicant herein, pursuant to section 311 (a) (2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by § 1.594 of the rules.

10. *It is further ordered*, That the Secretary of the Commission send copies of this order by certified airmail—return receipt requested to Belk Broadcasting Co. of Florida, Inc., and Don W. Burden.

Adopted: December 2, 1970.

Released: December 3, 1970.

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

[F.R. Doc. 70-16563; Filed, Dec. 8, 1970; 8:51 a.m.]

[Dockets Nos. 19099-19101; FCC 70-1241]

COMMUNITY TELEVISION OF SOUTHERN CALIFORNIA ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Community Television of Southern California, Los Angeles, Calif., Docket No. 19099, File No. BPET-300; Los Angeles Unified School District, Los Angeles, Calif., Docket No. 19100, File No. BPET-306; and Viewer Sponsored Television Foundation, Los Angeles, Calif., Docket No. 19101, File No. BPET-325; for construction permit for new noncommercial educational television broadcast station.

1. The Commission has before it for consideration the above-captioned applications each requesting a construction permit for a new noncommercial educational television broadcast station to operate on reserved Channel *58, Los Angeles, Calif.

2. On September 24, 1970, Community Television of Southern California (Community) filed a "Petition For Special Action By The Commission To Facilitate Compromise Among Applicants So As To Avoid A Wasteful Comparative Hearing For A Noncommercial Television Channel At Los Angeles, California." In its petition, Community states that it is willing to enter into a share-time agreement with the other applicants in order to eliminate the necessity for a costly and lengthly evidentiary hearing. In order to facilitate such an agreement, Community requests that the Commission adopt one or more of the following proposals: (1) Summon the applicants to appear at a conference before the Commission where the needs of the applicants would be explored and where the Commission would advise the parties as to what it would regard as a reasonable solution; (2) instruct the Hearing Examiner to hold a conference with the parties, either before or after designation of the applications for hearing, in order to determine whether any possible basis exists for compromise; and (3) designate an issue to determine whether a share-channel arrangement among qualified applicants would be the most effective use of the reserved channel. On October 8, 1970, Viewer Sponsored Television Foundation (Foundation) stated that it would be willing to meet at any time to discuss various possibilities for the operation of the channel without the necessity of a comparative hearing. However, on October 27, 1970, the Los Angeles Unified School District (Unified) stated that since it required a full-time educational television station in order to meet the needs and interests of the Los Angeles Community, it was opposed to a share-time operation and would only discuss the complete withdrawal of the other competing applications. The Commission has considered the alternatives suggested by Community and in view of the opposition to a share-time arrangement evidenced by Unified, we believe that the only appropriate course of action would be to specify a share-time issue. Therefore, an issue will be specified to determine whether a share-time arrangement among qualified applicants would be the most effective use of the frequency. In the event that this issue is resolved in the affirmative, an issue will also be specified to determine the nature of a share-time arrangement which would best serve the public interest. It should be noted that our action specifying a share-time issue is not intended to preclude the applicants, either before the commencement of the hearing or at any time during the course of the hearing, from participating in negotiations with a view toward establishing a share-time agreement.

3. Based on the information contained in the application of Foundation, cash in the amount of $558,297 will be needed for the construction and first-year cost of operation of the proposed station, consisting of security deposit on leased equipment—$28,922; monthly lease payments on equipment—$134,967; building—$12,000; other items—$24,148; and first-year cost of operation—$358,260. To meet these cash requirements, the applicant indicates that it expects to obtain funds from the following sources: Subscription of viewers—$315,000; auction/marathon—$150,000; contributions by institutions—$130,000; grants—$80,000; sinking fund debentures—$328,617; loans—$91,000; equipment donations—$15,000; benefits—$25,000; special program fund appeal—$20,000; and program distribution fees—$21,000, for a total of $1,175,617. While the applicant has submitted information in an attempt to support the future availability of some of these funds, we are unable to conclude that sufficient data has been furnished to demonstrate that the necessary funds will be available. Therefore, an appropriate financial issue has been specified.

4. While all three applicants propose the use of directional antenna systems, Foundation proposes to operate with a directional antenna with the radiation in the horizontal plane to the northeast to be suppressed approximately 22 db below the radiation in the maximum lobe. Since the ratio of maximum to minimum radiation in the horizontal plane is in excess of the maximum value of 15 db permissible under § 73.685(e) of the Commission's rules, a waiver has been requested.[1] Foundation states that this radiation pattern was selected because radiation is concentrated over the densely populated Los Angeles areas and relatively little radiation is directed toward the uninhabited mountainous and desert regions to the northeast. The Commission is of the view that waiver of § 73.685(e) of the rules is warranted. Therefore, we shall provide that in the event of a grant of Foundation's application, we shall waive the provisions of § 73.685(e) of the rules.

5. Since the present proceeding involves competing noncommercial educational applicants, the standard comparative issue shall be modified in accordance with our prior action in New York University, FCC 67-673, 10 RR 2d 215 (1967), and the Review Board's action modifying the hearing order in Pacifica Foundation, FCC 70R-11, 18 RR 2d 55 (1970).

6. Community Television of Southern California and Los Angeles Unified School District are both qualified to construct, own and operate the proposed new noncommercial educational television broadcast station and except as indicated by the issue specified below, Viewer Sponsored Television Foundation is qualified to construct, own and operate the proposed new noncommercial educational television broadcast station. The applications are, however, mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission is, therefore, unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

7. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Community Television of Southern California, Los Angeles Unified School District, and Viewer Sponsored Television Foundation are designated for hearing in a consolidated proceeding at

[1] Section 73.685(e) provides, in part, as follows: "(e) * * * Stations operating on Channels 14-83 with transmitters delivering a peak visual power output of more than 1 kilowatt may employ directional transmitting antennas with a maximum to minimum radiation in the horizontal plane of not more than 15 decibels * * *"

a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine with respect to the application of Viewer Sponsored Television Foundation:

(a) Whether the applicant will have available sufficient funds to construct and operate the proposed station for the first year.

(b) Whether, in view of the evidence adduced pursuant to the foregoing issue, the applicant is financially qualified.

(2) To determine the extent to which each of the proposed operations will be integrated into the overall cultural and educational operation and objectives of the respective applicants as well as the manner in which such objectives meet the needs of the community to be served; or whether other factors in the record demonstrate that one applicant will provide a superior educational television broadcast service.

(3) To determine whether a share-time arrangement among qualified applicants would be the most effective use of the channel.

(4) If issue (3) above is decided in the affirmative, to determine the terms of a share-time arrangement which would best serve the public interest.

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

8. *It is further ordered*, That, in the event of a grant of the application of Viewer Sponsored Television Foundation, the applicant's request for waiver of § 73.685(e) of the Commission's rules, shall be granted.

9. *It is further ordered*, That, the petition filed by Community Television of Southern California is granted to the extent indicated herein and is denied in all other respects.

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 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 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 25, 1970.

Released: December 4, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-16564; Filed, Dec. 8, 1970; 8:51 a.m.]

[2] Commissioner Bartley absent.

[Dockets Nos. 19122-19125; FCC 70-1256]

STAR STATIONS OF INDIANA, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Star Stations of Indiana, Inc., Docket No. 19122, File Nos. BR-1144, BRH-1276, for renewal of license of WIFE and WIFE-FM, Indianapolis, Ind.; Indianapolis Broadcasting, Inc., Docket No. 19123, File No. BP-18706, for a construction permit for a standard broadcast station, Indianapolis, Ind.; Central States Broadcasting, Inc., Docket No. 19124, File Nos. BR-516, BRH-992, for renewal of license of KOIL and KOIL-FM, Omaha, Nebr.; and Star Stations, Inc., Docket No. 19125, File No. BR-1027, for renewal of license of KISN, Portland, Oreg.

1. The Commission has before it for consideration: (a) The above captioned applications for renewal of licenses of Stations WIFE and WIFE-FM, Indianapolis, Ind.; KOIL and KOIL-FM, Omaha, Nebr.; and KISN, Portland, Oreg.; (b) Commission field inquiries into the operations of these stations; (c) the Commission's formal inquiry instituted pursuant to the provisions of section 403 of the Communications Act of 1934, as amended;[1] and (d) the application of Indianapolis Broadcasting, Inc. (Broadcasting) for the frequency occupied by Station WIFE.

2. Star Stations of Indiana, Inc., is the licensee of WIFE and WIFE-FM; Central States Broadcasting, Inc., is the licensee of KOIL and KOIL-FM; and Star Broadcasting, Inc., is the licensee of KISN. Star Stations, Inc., is the 100 percent stockholder of the licensee corporations. Don W. Burden, by virtue of his ownership of approximately 76 percent of the stock of the parent corporation, owns the controlling interest in all of the licensees.

3. Information before the Commission raises a number of serious questions relating to the captioned applications for renewal of licenses of Stations WIFE and WIFE-FM, KOIL and KOIL-FM and KISN. Adverse resolution of any one of these issues would raise a question whether the licensees possess the qualifications to remain or to be licensees of the Commission. In view of these questions, the Commission is unable to find that a grant of the renewal applications would serve the public interest, convenience and necessity, and must, therefore, designate the applications for hearing.

4. Except as indicated by the issues set forth below, Star Stations of Indiana, Inc., is qualified to own and operate Station WIFE and Indianapolis Broadcasting, Inc. is qualified to own and operate the proposed new standard broadcast station in Indianapolis, Ind. The application of Star Stations of Indiana, Inc., for renewal of license of Station WIFE and that of Indianapolis Broadcasting, Inc., are, however, mutually exclusive in that each requests the same frequency in the same community. The Commission is, therefore, unable to make the statutory finding that a grant of either of these applications would serve the public interest, convenience, and necessity. Additionally, in light of the fact that Don W. Burden owns the controlling interest in all of the licensees herein, we believe that the orderly dispatch of the Commission's business would be served by having all of the captioned applications heard at one time in a consolidated proceeding with all parties participating. Image Radio, Inc., FCC 68-19, Edina Corp., FCC 63R-101, 24 RR 1167.

5. In light of the fact that the renewal application of WIFE is being opposed by the mutually exclusive construction permit proposal of Broadcasting, that aspect of the proceeding will be governed by our Policy Statement on Comparative Hearings Involving Regular Renewal Applicants, 22 FCC 2d 424 (1970). Thus, as in similar instances,[1] prehearing discovery, pursuant to §§ 1.311-1.325 of the Commission's rules, for the purposes of making a comparative evaluation of the competing applications should await a determination with regard to Star Stations of Indiana, Inc., as to (i) whether it is basically qualified, (ii) whether WIFE's program service has been substantially attuned to meeting the needs and interests of its area, and (iii) whether WIFE's operation has been characterized by serious deficiencies.

6. Examination of the Indianapolis Broadcasting, Inc. proposal indicates that $567,525 will be required to construct and operate the new facility for a period of 3 months without reliance on revenue.[2] This total consists of: Down payment on equipment, $18,275; first-year payment on equipment with interest, $20,000; professional fees and miscellaneous items, $131,500; first year bank loan repayment with interest, $204,000; 3 months working capital, $193,750. The applicant plans to finance the proposed operation with existing capital of $27,000, $198,000 in new capital to be raised from stock subscriptions by its present stockholders, and a bank loan of $750,000. However, the bank loan is contingent upon the applicant having $250,000 in unencumbered capital at the time of the loan. Thus, assuming each of the 12 stockholders meets his stock commitments, the applicant would still appear to be shy of meeting the $250,000 condition imposed by the bank. In addition, examination of the balance sheet of Jerry L. Kunkel, one of the 12 stockholders, indicates that he has insufficient cash or liquid assets to meet his commitment to purchase $28,000 in stock. Accordingly, an appropriate financial issue will be included.

[1] See order released Mar. 3, 1970 (FCC 70-223).

[1] See Southern Broadcasting Company (WGHP-TV), FCC 70-706, released July 8, 1970.

[2] Where an applicant seeks to replace a station with an established record of advertising revenue, we will apply a 3 months rather than the usual 1 year standard. Orange Nine, Inc., 7 FCC 2d 788, 9 RR 2d 1157 (1967).

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

(1) To determine whether the licensee, in the rates charged on Station WIFE in 1964 for advertising by or in support of candidates for public office, violated section 315 of the Communications Act of 1934 and/or the provisions of § 73.120(c) of the Commission's rules and regulations.

(2) To determine whether Stations WIFE and WIFE–FM were operated in 1964 in accordance with the licensee's obligations under the fairness doctrine.

(3) To determine whether, in 1964, the licensee of Stations WIFE and WIFE–FM violated 18 U.S.C. 610 by providing free broadcast time to a candidate for the U.S. Senate.

(4) To determine whether, in 1964, the licensee deliberately slanted or distorted its news broadcasts on WIFE or WIFE–FM, or deliberately presented the news in such a manner as to favor one qualified candidate for public office over his opponent.

(5) To determine whether the licensee of Stations WIFE and WIFE–FM filed with the Commission true, complete and accurate Political Broadcast Reports (FCC Form 322) for the primary and general election campaign of 1964.

(6) To determine whether the licensee of Stations WIFE and WIFE–FM was evasive, lacking in candor or misrepresented facts in connection with Commission inquiries concerning matters set forth in (1) through (5), supra.

(7) To determine whether Station KISN was operated in 1966 in accordance with the licensee's obligations under the fairness doctrine.

(8) To determine whether, in 1966, the licensee deliberately slanted or distorted KISN news broadcasts, including news promotional announcements, or deliberately presented the news in such a manner as to favor one qualified candidate for public office over his opponent.

(9) To determine whether Star Stations, Inc. and/or its principals violated 18 U.S.C. 610 by making a corporate contribution in 1966 to a candidate for the U.S. Senate.

(10) To determine whether the licensee of Station KISN was evasive, lacking in candor or misrepresented facts in connection with Commission inquiries concerning matters set forth in (7) through (9), supra.

(11) To determine the facts and circumstances surrounding the 1966 request by Star Broadcasting, Inc. for local zoning approval of its proposed construction of antenna towers at the KISN antenna site, including any plans of the licensee to make payments to public officials in connection with such request.

(12) To determine whether the licensee of Station KISN was evasive, lacking in candor or misrepresented facts in connection with Commission inquiries concerning the 1966 zoning request.

(13) To determine the facts and circumstances surrounding the grant of gifts and/or favors by Star Stations, Inc., and/or its principals to officials of C. E. Hooper, Inc.[3]

(14) To determine the facts and circumstances surrounding the interception or monitoring of any telephone calls of government witnesses by the applicant for WIFE or by persons acting on applicant's behalf during or preceding the Commission hearing on renewal of license of Stations WIFE and WIFE–FM.

(15) To determine the facts and circumstances surrounding the filing by Star Stations, Inc., and/or its principals of a claim for property alleged to have been lost or destroyed as the result of a fire in Omaha, Nebr., in 1965 or 1966, and whether such claim was false or fraudulent.

(16) To determine whether in connection with the "Grocery Boy Contest," Central States Broadcasting, Inc., failed to file with the Commission within 30 days of the execution thereof, copies of contracts relating to the sale of broadcast time to "time brokers" for resale, in violation of § 1.613(c) of the Commission's rules.

(17) To determine whether any or all of the licensees have failed to supervise the conduct and presentation of contests in a manner adequate to protect the public from deception as to the ways in which winners of contests were determined, and whether in their broadcasts regarding contests, any or all of the licensees have misled the public as to the number, nature or value of prizes to be awarded.

(18) To determine the method of accounting of Stations WIFE, WIFE–FM, KOIL, KOIL–FM, and KISN relative to national trade-outs during the period 1964 to date; the purpose for such procedures and whether this in any way resulted in the concealment of revenue derived from national trade-outs.

(19) To determine whether Star Stations, Inc. and/or its principals and agents have engaged in efforts to coerce, harass, and intimidate employees and former employees of Stations WIFE, WIFE–FM, KOIL, KOIL–FM, and KISN, for the purpose of frustrating or interfering with the Commission's processes.

(20) To determine in light of the evidence adduced pursuant to the foregoing issues and the fact that short-term renewals for WIFE AM–FM were granted (see 3 RR 2d 745, FCC 64–949) by Commission action on October 28, 1964 and September 17, 1969 (see 19 FCC 2d 991), whether the applicants for renewal of Stations WIFE, WIFE–FM, KOIL, KOIL–FM, and KISN possess the requisite qualifications to be and remain licensees of the Commission.

[3] It is pertinent to note that the Commission action on Oct. 28, 1964, granting WIFE AM–FM short term renewals (see 3 RR 2d 745, FCC 64R–998), was predicated on the improper use of an audience survey prepared by C. E. Hooper, Inc.

(21) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of any of the captioned renewal applications would serve the public interest, convenience and necessity.

(22) To determine, in the event the applicant of Station WIFE is not disqualified, whether a comparative demerit or demerits should be assessed against it in this proceeding.

(23) To determine with respect to the application of Indianapolis Broadcasting, Inc.:

(a) Whether Jerry L. Kunkel has sufficient funds to meet his stock purchase commitment;

(b) Whether the applicant can raise the $250,000 in unencumbered capital upon which its bank loan is contingent; and

(c) Whether, in light of the evidence adduced pursuant to (a) and (b), above, the applicant is financially qualified.

(24) To determine which of the mutually exclusive applications for a license to operate a standard broadcast station in Indianapolis, Ind., would better serve the public interest, convenience and necessity.

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

8. *It is further ordered*, That the Chief, Broadcast Bureau, is directed to serve upon the above-captioned parties within thirty (30) days of the release of this order, a Bill of Particulars with respect to Issues (1) through (19).

9. *It is further ordered*, That the Broadcast Bureau shall proceed with the initial presentation of evidence, with respect to Issues (1) through (19) and that each of the renewal applicants shall then proceed with its evidence and have the burden of establishing that each possesses the requisite qualifications to be a licensee of the Commission and that a grant of its application would serve the public interest, convenience and necessity.

10. *It is further ordered*, That the Chief Hearing Examiner assign the same Hearing Examiner to conduct this hearing who is assigned to conduct the hearing ordered this day to determine whether the licensee of Station WPDQ possesses the requisite qualifications to be and remain a licensee of the Commission, and that the said Hearing Examiner shall take cognizance, with respect to each proceeding, of any findings of fact in the other proceeding which bear upon the qualifications of the licensee or licensees in that proceeding.

11. *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.

12. *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 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: December 2, 1970.

Released: December 3, 1970.

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

[F.R. Doc. 70-16565; Filed, Dec. 8, 1970; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI71-449]

BURMAH OIL DEVELOPMENT, INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

NOVEMBER 27, 1970.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

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

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

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

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondent shall execute and file under its above-designated docket, number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 26, 1971.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-449...	Burmah Oil Development, Inc.	3	1	Transcontinental Gas Pipe Line Corp. (Ship Shoal Block 239 Unit Offshore Louisiana).	$11,025	4 11-9-70	12-10-70	12-11-70	1 2 18.5	3 4 20.0	

*The pressure base is 15.025.
1 Area base rate for third vintage offshore gas well gas as established in Opinion No. 546.
2 Subject to quality adjustments.
3 Conditioned initial rate for gas well gas pursuant to temporary certificate issued May 27, 1970, in Docket No. C169-671.
4 Pursuant to paragraph (A) of Opinion No. 546-A.
5 Requests waiver of the notice requirements and a 1-day suspension, if suspended

The proposed increase of Burmah Oil Development, Inc. (Burmah), involving sales of third vintage gas well gas from offshore Louisiana, was filed pursuant to Opinion No. 546-A. Burmah requests waiver of the Commission's statutory notice requirement to permit the proposed increase to be effective as of the date of filing and, if suspended, such increase be suspended for 1 day. Consistent with Commission action, the proposed increase is suspended for 1 day from the date of expiration of statutory notice or for 1 day from the date of initial delivery, whichever is later. Thereafter, the proposed rate may be placed in effect subject to refund pending the outcome of Docket No. AR69-1.

[F.R. Doc. 70-16412; Filed, Dec. 8, 1970; 8:45 a.m.]

[Docket No. RI71-437, etc.]

GETTY OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

NOVEMBER 27, 1970.

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

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

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

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice

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

and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 12, 1971.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-437..	Getty Oil Co.	118	2	Michigan-Wisconsin P/L Co. (Holly Ridge Field, Tensas Parish, North Louisiana).	$2,250	11- 2-70	12- 3-70	5- 3-71	[1] [3] 18.50	[1] [3] 22.50	
RI71-438..	Continental Oil Co.	220	[2] 7	Lone Star Gas Co. (Doyle Field, Stephens County, Okla. "Other" area).	(4)	10-29-70	11-29-70	4-29-71	[2] 15.01	[2] 19.01	RI68-153.
RI71-439..	Hall-Jones Oil Corp.	4	2	Arkansas Louisiana Gas Co. (Arkoma Area, Latimer County, Okla. "Other" area).	324	11- 2-70	12- 3-70	5- 3-71	[2] 15.0	[2] 16.0	
RI71-440..	Skelly Oil Co.	219	[7] 10	Arkansas Louisiana Gas Co. (Acreage in Latimer County, Okla. "Other" area).	67	10-30-70	11-30-70	4-30-71	[2] 15.0	[2] 16.0	
RI71-441..	Sohio Petroleum Co.	35	15	Texas Eastern Transmission Corp. (Greenwood-Waskom Field, Caddo Parish, North Louisiana).	11	11- 9-70	12-10-70	5-10-71	[2] [13] 17.8519	[2] [13] 18.2622	RI69-100.
RI71-442..	Roland S. Bond	2	[2] 3	Lone Star Gas Co. (East Durant Field, Bryan County, Okla. "Other" area).	105	11- 3-70	12- 4-70	5- 4-71	15.0	18.5	
RI71-443..	Hunt Oil Co.	30	7	Louisiana-Nevada Transit Co. (North Shongaloo-Red Rock Field, Webster Parish, North Louisiana).	4,500	11- 9-70	1- 1-71	6- 1-71	[2] [14] 18.75	[2] [15] 19.75	RI66-270.
RI71-444..	Humble Oil & Refining Co.	195	7	Louisiana-Nevada Transit Co. (Red Rock and East Red Rock Fields, Webster Parish, North Louisiana).	[12]	11- 9-70	1- 1-71	6- 1-71	[2] [15] 18.75	[2] [15] 19.75	RI68-2.
	do.	412	2	Lone Star Gas Co. (East Nellis Field, Stephens County, Okla. "Other" area).	[12]	11- 9-70	1- 1-71	(-) 1-71	[2] 15.0102	[2] 16.01	RI68-154.
RI71-446..	Earlsboro Oil & Gas Co., Inc.	12	3	Lone Star Gas Co. (Southeast Durant Field, Bryan County, Okla. "Other" area).	3,480	11- 9-70	12-10-70	5-10-71	17.9	18.5	RI68-712.
RI71-447..	Arthur J. Wessely	6	4	Arkansas Louisiana Gas Co. (South Quinton Field, Pittsburg County, Okla. "Other" area).	14,616	[16] 11-12-70	12-13-70	5-13-71	[2] 15.0	[2] 16.015	
RI71-448..	Elizabeth M. Brown	[16]	[16]	El Paso Natural Gas Co. (Calvin (Dean) Field, Reagan County, Tex., RR. District 7-C Permian Basin).	7,159	10-28-70	11-28-70	4-28-71	14.5	19.3278	

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Includes 1.5 cents per Mcf tax reimbursement.
[2] Applicant filing rate increase to contract rate from certificated rate.
[3] Includes 0.01 cents per Mcf tax reimbursement.
[4] No production at present time.
[5] Subject to downward B.t.u. adjustment.
[6] Includes 1.75 cents per Mcf tax reimbursement.
[7] Applicable only to production from the White "G" Unit.
[8] Filed pursuant to Opinion No. 586, however, area involved is not covered by such opinion.
[9] Subject to downward B.t.u. adjustment.
[10] As corrected by later filing.
[11] Not used.
[12] No current deliveries.
[13] Includes 1.75-cent tax reimbursement.
[14] No rate schedule on file—Pertains to contract dated Jan. 8, 1957.
[15] The pressure base is 15.025 p.s.i.a.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56). Continental Oil Co.; Hall-Jones Oil Corp.; Earlesboro Oil and Gas Co., Inc., and Arthur J. Wessely request effective dates for which adequate notice was not given. Good cause has not been shown for granting any of these requests and they are denied.

[F.R. Doc. 70-16413; Filed, Dec. 8, 1970; 8:45 a.m.]

[Docket No. CP70-138]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

NOVEMBER 30, 1970.

Take notice that on November 20, 1970, El Paso Natural Gas Co. (El Paso) Post Office Box 1492, El Paso, TX 79999, filed in Docket No. CP70-138 a petition to amend the order of the Commission authorizing the importation of natural gas from Canada issued on May 12, 1970, in the subject docket so as to conform such order to the Fourth Service Agreement, as amended, as hereinafter described, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

El Paso states that by order issued May 12, 1970, in Docket No. CP70-138, El Paso was authorized to import from Canada, at a point on the international boundary near Sumas, Wash. (Sumas Import Point), natural gas to be purchased from Westcoast Transmission Co., Ltd. (Westcoast), in accordance with the terms and conditions of an agreement between El Paso and Westcoast dated October 10, 1969 (Fourth Service Agreement). Provision is made under the Fourth Service Agreement for the delivery and receipt of 725,000 Mcf daily commencing on no earlier than November 1, 1971, which daily quantity will increase to 800,000 Mcf daily on November 1, 1972. The authorization was conditioned upon the receipt by Westcoast of appropriate, complemental authorizations from the National Energy Board of Canada.

On September 9, 1970, as approved by Order in Council P.C. 1970-1707 dated September 29, 1970, the National Energy Board of Canada issued License No. GL-41 authorizing Westcoast to sell and export up to the said quantity of 800,000 Mcf under the Fourth Service Agreement, subject to certain price conditions.

El Paso states that El Paso and Westcoast have entered upon an amending agreement dated October 1, 1970, amending the Fourth Service Agreement to reflect the price conditions attached to the

aforesaid Canadian authorizations.

El Paso requests that the Commission amend its said import order of May 12, 1970, to the extent necessary to conform to the terms and conditions of the Fourth Service Agreement, as so amended.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 21, 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). 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.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16497; Filed, Dec. 8, 1970; 8:45 a.m.]

[Docket No. CP71-148]

GREAT LAKES TRANSMISSION CO.

Notice of Application

NOVEMBER 30, 1970.

Take notice that on November 20, 1970, Great Lakes Gas Transmission Co. (applicant), 1 Woodward Avenue, Detroit, MI 48226, filed in Docket No. CP71-148 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of emergency service interconnections with the facilities of Northern Natural Gas Co. (Northern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that during August of 1970, an emergency interconnection of applicant's facilities with those of Northern near Carlton, Minn., was made to provide standby security for a scheduled pressure test of a portion of Northern's system north of Farmington, Minn. Applicant requests authorization to permanently operate this emergency interconnection. In addition, both Northern and applicant now seek authority to install permanent interconnections of their facilities at two other points where their lines meet, namely, Grand Rapids, Minn., and Wakefield, Mich.

Applicant states that an Emergency Service Exchange Agreement between the parties is presently being negotiated under the terms of which gas would be delivered by either party to the other during emergency situations so that service to customers of either could be maintained.

Applicant states that the total estimated cost of the proposed facilities is $40,812, which will be financed from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 21, 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.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16495; Filed, Dec. 8, 1970; 8:45 a.m.]

[Project No. 2427]

WOODS FALLS B. HYDRO, INC.

Notice of Application for Surrender of License for Unconstructed Project

NOVEMBER 30, 1970.

Public notice is hereby given that application for surrender of license has been filed under the regulations under the Federal Power Act (16 U.S.C. 791a-825r) by Woods Falls B. Hydro, Inc. (correspondence to: Frank E. Peacock, President, Woods Falls B. Hydro, Inc., 2425 Oxford Street, Rockford, IL 61103) for surrender of the license for the Woods Falls Project No. 2427, to have been located on the Black River in Jefferson County, N.Y., within the village of Glen Park.

The proposed project would have consisted of: (1) A dam about 15 feet high; (2) a powerhouse containing a generator rated at 10,000 kilowatts; (3) a substation; (4) a 23-kv. transmission line about 4,500 feet long; and (5) all other facilities and interests appurtenant to operation of the project.

The application states that the project has become uneconomical to construct due to increase in construction costs during the period of obtaining licenses and to the refusal of the power company to increase the price to be paid for power.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 18, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16496; Filed, Dec. 8, 1970; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIDELITY UNION BANCORPORATION

Order Approving Action To Become Bank Holding Company

In the matter of the application of Fidelity Union Bancorporation, Newark, N.J., for approval of action to become a bank holding company through the acquisition of 100 percent of the voting shares of (1) Fidelity Union Trust Co., Newark, N.J., and (2) Bank of West Jersey, Delran, N.J.; and 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The National Bank of New Jersey, New Brunswick, N.J.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Fidelity Union Bancorporation, Newark, N.J., for the Board's prior approval of action whereby applicant would become a bank holding company through the acquisition of 100 percent of the voting shares of (1) Fidelity Union Trust Company, Newark, N.J., and (2) Bank of West Jersey, Delran, N.J.; and 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The National Bank of New Jersey, New Brunswick, N.J.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and the Commissioner of Banking of the State of New Jersey, and

requested their views and recommendations. Both the Comptroller and the Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on October 6, 1970 (35 F.R. 15659), which provided an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[2] December 2, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-16499; Filed, Dec. 8, 1970; 8:46 a.m.]

FIRST ARKANSAS BANKSTOCK CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First Arkansas Bankstock Corp., which is a bank holding company located in Little Rock, Ark. for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of The Stephens Security Bank, Stephens, Ark.

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

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

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

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

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

By order of the Board of Governors, December 2, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-16530; Filed, Dec. 8, 1970; 8:48 a.m.]

UNITED TENNESSEE BANCSHARES CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of United Tennessee Bancshares Corp., Johnson City, Tenn., for approval of acquisition of 48.02 percent or more of the voting shares of First Peoples Bank, Johnson City, Tenn.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of United Tennessee Bancshares Corporation, Johnson City, Tenn. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 48.02 percent or more of the voting shares of First Peoples Bank, Johnson City, Tenn. (Bank). Applicant presently owns 31.98 percent of the voting shares of Bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Tennessee Superintendent of Banks, and requested his views and recommendation. The Superintendent responded that he does not object to the transaction.

Notice of receipt of the application was published in the FEDERAL REGISTER on October 17, 1970 (35 F.R. 16346), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Bank is one of two banks controlled by Applicant. These two subsidiaries have combined deposits of $54 million, which represent only 0.8 percent of the deposits in Tennessee. (All banking data are as of June 30, 1970, adjusted to reflect holding company formations and acquisitions approved by the Board to date.) Acquisition by Applicant of additional voting shares of Bank will not increase Applicant's share of statewide deposits because Applicant is regarded as already controlling all of Bank's deposits.

First Peoples Bank ($37 million deposits) operates six offices in Washington County. Applicant's other subsidiary, located in contiguous Carter County, operates four offices, the closest of which is located 5 miles from Bank's main office. Four other banking organizations, with 12 offices, compete in the Washington-Carter Counties area. Applicant is slightly the largest banking organization in this market with control of 37 percent of market deposits. This proposal would solidify the affiliate relationship of Applicant's subsidiaries, but the possibility that a party other than Applicant could gain control of Bank and make it a competitor of Applicant's subsidiary in Carter County is remote. Therefore, it appears that consummation of the proposal will neither eliminate existing competition nor foreclose potential competition.

On the basis of the foregoing, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area. The banking factors, as they relate to Applicant, Bank, and Applicant's other subsidiary, are consistent with approval of the application. The convenience and needs of the communities involved will be unaffected by the transaction. It is the Board's judgment that consummation of the proposed transaction is in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth above, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] December 2, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-16500; Filed, Dec. 8, 1970; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Maisel, and Sherrill. Absent and not voting: Chairman Burns and Governors Daane and Brimmer.

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

UNITED TENNESSEE BANCSHARES CORP.

Order Approving Acquisition of Bank Stock By Bank Holding Company

In the matter of the application of United Tennessee Bancshares Corp., Johnson City, Tenn., for approval of acquisition of 80 percent or more of the voting shares of National Bank of Commerce, Memphis, Tenn.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by United Tennessee Bancshares Corp., Johnson City, Tenn. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of National Bank of Commerce, Memphis, Tenn. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency, and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on October 17, 1970 (35 F.R. 16346), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant controls two banks with combined deposits of $54 million, which represent only 0.8 percent of the deposits in Tennessee. (All banking data are as of June 30, 1970, adjusted to reflect holding company formations and acquisitions approved by the Board to date.) Upon acquisition of Bank, Applicant would increase its share of statewide deposits by 3.1 percentage points and would become the State's seventh largest banking organization.

Bank ($205 million deposits) is the ninth largest banking organization in the State and the third largest of 14 banks in the Memphis metropolitan area, the relevant market. Bank controls 13 percent of market deposits. Applicant's two subsidiaries are located more than 500 miles from Bank. In view of this great distance, it appears that consummation of the proposal will neither eliminate existing competition nor foreclose potential competition.

On the basis of the foregoing, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area. The banking factors lend weight to approval of the application because the addition of Commerce Bank to Applicant's system should provide Applicant and its present subsidiaries with greater management depth and the ability to raise additional capital as needed. Furthermore, inclusion of Bank in Applicant's system should lead to improvement in the ability of Applicant's present subsidiaries to offer specialized services and accommodate large borrowers in the Washington-Carter Counties area. It is the Board's judgment that consummation of the proposed transaction is in the public interest and that the application should be approved.

It is hereby ordered, For the reasons set forth above, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] December 2, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-16501; Filed, Dec. 8, 1970; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2719]

BULLOCK FUND, LTD., ET AL.

Notice of and Order for Hearing on Application for Order of Exemption

NOVEMBER 24, 1970.

In the matter of Bullock Fund, Ltd., Canadian Fund, Inc., Dividend Shares, Inc., Nation-Wide Securities Co., Inc., and Calvin Bullock, Ltd.; 1 Wall Street, New York, NY 10005.

Notice is hereby given that Bullock Fund, Ltd., Canadian Fund, Inc., Dividend Shares, Inc., and Nation-Wide Securities Co., Inc., all open-end diversified management investment companies registered under the Investment Company Act of 1940 (Act), and Calvin Bullock, Ltd., investment adviser and underwriter for each of the applicant investment companies, hereinafter referred to collectively as "Applicants," have filed an application pursuant to section 6(c) of the Act for consideration of the question whether an exemption from the provisions of section 22(c) of the Act and Rule 22c-1 thereunder is necessary for certain Periodic Accumulation Plans and Custodial Accounts for Self-Employed Individuals Retirement (Keogh) Plans (the Plans), and if so, an order pursuant to section 6(c) of the Act exempting the Applicants and any dealer through whom shares are sold under the Plans from section 22(c) and Rule 22c-1 with respect to the Plans. The exemption is requested if and to the extent that such provisions might be construed to prevent Applicants from continuing their practice of maintaining the Plans under which Morgan Guaranty Trust Co. (bank), Applicants' transfer agent and agent under Applicants' Plans, now invests monthly amounts received from the participants in the Plans and, commencing November 30, 1970, will invest weekly amounts received from participants in Periodic Accumulation Plans. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

All the investment company Applicants are managed by Calvin Bullock, Ltd. In accord with the Applicants' present policy, purchase payments received under the Plans are held by the Bank and not invested in shares of the Applicant investment companies and/or fractional interests therein until the first business day of the month following receipt of the investor's money by the Bank (Investment Date). Under the Plans, payments are invested at the net asset value per share of the Applicant investment companies computed as of the close of business of the New York Stock Exchange (NYSE) on the Investment Date. Purchase payments not received by the Bank prior to the 25th day of the month preceding the Investment Date are held by the Bank and are invested at the price computed at the close of business on the Investment Date of the following month. Commencing on November 30, 1970, payments received each week under Periodic Accumulation Plans will be invested on the last business day of such week.

Under the Plans, capital gains distributions are automatically reinvested on the record date in full and fractional shares of the investment company Applicants at net asset value without sales charge. Under the Periodic Accumulation Plans, income dividends are automatically reinvested at net asset value on the date the dividend is payable, while under Keogh Plans income dividends are automatically reinvested at the offering price on the date the dividend is payable.

For purposes of direct purchases of securities of the Applicant investment companies not involving one of the Plans, the Applicants' present policy is to make sales at a price based on the current net asset value of the securities next computed after receipt of an order to purchase such securities. Current net asset value is computed once daily on each day the New York Stock Exchange is open for trading.

Rule 22c-1 provides, in pertinent part, that a redeemable security of a registered investment company must be sold at a price based on the current net asset value of such security (computed on each day during which the New York Stock Exchange is open for trading, not less frequently than once daily as of the time of

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

the close of trading on such exchange) which is next computed after receipt of an order to purchase such security.

Applicants assert that the date set for pricing an investment under the Plans is consistent with the forward pricing provisions of Rule 22c-1, insofar as those provisions may be applicable, in that, by participation in the Plans, investors voluntarily contract with the Bank to place their orders on the first business day of the month following receipt of their money by the Bank at a price computed as of the close of the New York Stock Exchange on the Investment Date.

Applicants represent that investments are presently made under their Plans once each month as a matter of administrative practicality and cost. Applicants represent further that they have been informed by the Bank that it could not presently handle a daily investment arrangement, and that it is not yet possible for it to make a change to weekly investments under the Keogh Plans as will be done in the case of Periodic Accumulation Plans beginning on November 30, 1970.

Section 6(c) of the Act, provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, from any provision or provisions of the Act or from any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

It appears to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the said application.

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the application under the applicable provisions of the Act, and rules of the Commission thereunder be held on January 18, 1971, at 10 a.m., in the offices of the Commission, 500 North Capitol Street NW., Washington, DC 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person, other than Applicants, desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission, on or before January 11, 1971, his application pursuant to Rule 9(c) of the Commission's rules of practice. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address noted above, and proof of such service (by affidavit, or, in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That any officer or officers of the Commission to be designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation has advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters are presented for consideration without prejudice to the Division specifying additional matters upon further examination:

(1) Whether the present practice of pricing applicants' shares for sale to participants in the Plans, and the proposed practice to commence November 30, 1970, are in conformity with the provisions of the Act and the rules thereunder; and if not,

(2) Whether the requested exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this order by certified mail to the Applicants, and that notice to all persons shall be given by publication of this order in the FEDERAL REGISTER; and that a general release of the Commission in respect of this order be distributed to the press and mailed to the persons on the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-16535; Filed, Dec. 8, 1970; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

BERKELEY SCIENCE CAPITAL CORP.

Notice of Surrender of License To Operate as Small Business Investment Company

Notice is hereby given that Berkeley Science Capital Corp., San Francisco, Calif., incorporated on October 10, 1961, under the laws of the State of California, has surrendered its license (No. 12/12-0057), issued by the Small Business Administration on February 14, 1962.

Under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Berkeley Science Capital Corp., is hereby accepted and it is no longer licensed to operate as a small business investment company.

A. H. SINGER,
Associate Administrator for Investment.

NOVEMBER 23, 1970.

[F.R. Doc. 70-16529; Filed, Dec. 8, 1970; 8:48 a.m.]

[Declaration of Disaster Loan Area 789, Amdt. 1]

CALIFORNIA

Amendment to Declaration of Disaster Loan Area

Declaration of Disaster Loan Area 789 dated September 29, 1970, is hereby amended as follows:

1. By adding "November 13, 1970" after "September 25, 1970" in paragraph No. 1.

2. By substituting "April 30" for "March 31" in paragraph No. 2.

Dated: November 24, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-16528; Filed, Dec. 8, 1970; 8:48 a.m.]

[Delegation of Authority No. 30; Region II-NY, Disaster 1]

MANAGER AND SUPERVISORY LOAN OFFICER, DISASTER BRANCH OFFICE, VIRGIN ISLANDS

Delegation of Authority Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30-H, 35 F.R. 11603, as amended (35 F.R. 15033) the following authority is hereby redelegated to the positions as indicated herein:

A. *Manager, Virgin Islands Disaster Branch Office.* 1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (b) $350,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; to approve disaster guaranteed loans up to $350,000, and to decline disaster guaranteed loans in any amount.

2. To execute loan authorizations for Central, Region, and District office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,

By _____
Manager, Disaster Branch Office.

3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

B. *Supervisory Loan Officer, Virgin Islands Disaster Branch Office.* I. To approve unsecured disaster loans up to $2,500 (SBA share).

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

Effective date: October 9, 1970.

CARLOS A. VILLAMIL,
Regional Director,
New York, Region II.

[F.R. Doc. 70-16527; Filed, Dec. 8, 1970; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[42085]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 3, 1970.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42085—*Iron or steel articles from Cudahy, Wis.* Filed by Southwestern Freight Bureau, agent (No. B-199), for interested rail carriers. Rates on iron or steel articles, in carloads, as described in the application, from Cudahy, Wis., to stations in Louisiana and Texas.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 185 to Southwestern Freight Bureau, agent, tariff ICC 4753.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70-16555; Filed, Dec. 8, 1970; 8:50 a.m.]

[Ex Parte No. MC-19 (Sub-No. 10)]

GENERAL ELECTRIC CO.

Filing of Petition

NOVEMBER 27, 1970.

Notice is hereby given that General Electric Co., Medical Systems Department, joined by Ace World Wide Moving and Storage Co., by their Attorney, William L. Slover, 1224 17th Street NW., Washington, DC 20003, have filed a petition with the Interstate Commerce Commission praying that the Commission institute a rulemaking proceeding for the purpose of considering a proposed amendment to the Commission's rules and regulations covering motor common carriers of household goods, in connection with the pending proceedings in Ex Parte No. MC-19 (Sub-No. 7) (34 F.R. 8265). The proposed amendment reads as follows:

§ 1056.6 *Prohibition against carrier acting as agent for another carrier.* No such common carrier shall act as agent for any other such common carrier in the solicitation of shipments of household goods, in interstate or foreign commerce, between points which such agent is authorized to serve and for which it shall have established different rates than those of its principal. This rule shall not apply to the transportation of machinery which, because of its unusual nature or value, requires the specialized handling and equipment usually employed in moving household goods.

Any person interested in any of the matters in the petition, and desiring to participate therein may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the petition indicating whether they support or oppose the determination sought. An original and 15 copies of such replies must be filed with the Commission and must show service of two copies upon the petitioners. Thereafter, the nature of further proceedings herein, if any, will be designated.

Notice of the filing of this petition will be given by publication in the FEDERAL REGISTER.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70-16556; Filed, Dec. 8, 1970; 8:50 a.m.]

[Notice 29]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 4, 1970.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 10422(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commision's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 568) (Cancels Deviation No. 500), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed November 12, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction Interstate Highway 77 and U.S. Highway 64 near Statesville, N.C., over Interstate Highway 77 to junction U.S. Highway 21 near Cornelius, N.C., with the following access roads: (a) From Statesville, N.C., over U.S. Highway 70, to junction Interstate Highway 77, (b) from Mooresville, N.C., over North Carolina Highway 115 to junction Interstate Highway 77, (c) from Mooresville, N.C., over North Carolina Highway 150 to junction Interstate Highway 77, (d) from Mount Mourne, N.C., over access road to junction Interstate Highway 77, and (e) from Davidson, N.C., over access road to junction Interstate Highway 77, and (2) from Charlotte, N.C., over Interstate Highway 77 to junction U.S. Highway 21 at the North Carolina-South Carolina State line, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Statesville, N.C., over U.S. Highway 21 to junction North Carolina Highway 115, thence over North Carolina Highway 115 via Mooresville, Mount Mourne, and Davidson, N.C., to junction U.S. Highway 21 approximately 3 miles north of Charlotte, N.C., thence over U.S. Highway 21 via Charlotte, N.C., to the North Carolina-South Carolina State line, and return over the same route.

No. MC-1515 (Deviation No. 569) GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed November 13, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Ohio Turnpike and U.S. Highway 21 at Interchange No. 11 over U.S. Highway 21 to junction Miller Road, thence over Miller Road (an access road) to junction Interstate Highway 77, thence over Interstate Highway 77 to junction Rockside Road, near Independence, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Cleveland, Ohio, over Ohio Highway 176 to junction Rockside Road, thence over Rockside Road to junction U.S. Highway 21, thence over U.S. Highway 21 to junction Cleveland-Massilon Road (formerly U.S. Highway 21) thence

over Cleveland-Massilon Road to junction Ohio Highway 176, thence over Ohio Highway 176 to junction Ohio Highway 18, (2) from junction Ohio Turnpike and Ohio Highway 18 near the Niles-Youngstown interchange (west of Youngstown, Ohio) over the Ohio Turnpike to the Ohio-Indiana State line near Columbia, Ohio, and (3) from Cleveland, Ohio, over U.S. Highway 21 (Willow Freeway) to junction Rockside Road just north of Independence Ohio, and return over the same routes.

No. MC 1515 (Deviation No. 570) (Cancels Deviation No. 531), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113 filed November 18, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspaper* in the same vehicle with passengers, over deviation routes as follows: (1) From junction Rockside Road and U.S. Highway 21, over Rockside Road to junction Interstate Highway 77, thence over Interstate Highway 77 to junction Ohio Highway 176, southeast of Ghent, Ohio, (2) from junction U.S. Highway 21 and Ohio Highway 82 over Ohio Highway 82 to junction Interstate Highway 77, (3) from Akron, Ohio, over Interstate Highway 77 to Canton, Ohio, (4) from Canton, Ohio, over Interstate Highway 77 to junction U.S. Highway 21, 3 miles north of Pocatalico, W. Va., (5) from Strasburg, Ohio, over U.S. Highway 21 to junction Interstate Highway 77, (6) from Dover, Ohio over Ohio Highway 39 to junction Interstate Highway 77, (7) from New Philadelphia, Ohio, over U.S. Highway 21 to junction Interstate Highway 77, (8) from Newcomerstown, Ohio, U.S. Highway 36 to junction Interstate Highway 77, (9) from Newcomerstown, Ohio, over U.S. Highway 21 to junction Interstate Highway 77, (10) from junction Ohio Highway 541 and U.S. Highway 21 over Ohio Highway 541 to junction Interstate Highway 77, (11) from Cambridge, Ohio over U.S. Highway 22 to junction Interstate Highway 77, (12) from junction Interstate Highway 70 and U.S. Highway 21 south of Cambridge, Ohio, over Interstate Highway 70 to junction Interstate Highway 77, (13) from junction Ohio Highway 313 and U.S. Highway 21 over Ohio Highway 313 to junction Interstate Highway 77, (14) from junction U.S. Highway 21 and Interstate Highway 77, north of Caldwell, Ohio, over U.S. Highway 21 to Caldwell, Ohio,

(15) From junction Ohio Highway 78 and U.S. Highway 21 just south of Caldwell, Ohio, over Ohio Highway 78 to junction Interstate Highway 77, (16) from Macksburg, Ohio, over Washington County Road 301 to junction Interstate Highway 77, (17) from Marietta, Ohio, over U.S. Alternate Highway 50 to junction Interstate Highway 77, (18) from Parkersburg, W. Va., U.S. Highway 50 to junction Interstate Highway 77, and (19) from Ripley, W. Va., over U.S. Highway 33 to junction Interstate Highway 77, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Cleveland, Ohio, over Ohio Highway 176 to junction Rockside Road, thence over Rockside Road to junction U.S. Highway 21, thence over U.S. Highway 21 to junction Cleveland-Massilon Road (formerly U.S. Highway 21), thence over Cleveland-Massilon Road to junction Ohio Highway 176, thence over Ohio Highway 176 to junction Ohio Highway 18, thence over Ohio Highway 18 to Akron, Ohio, thence over Ohio Highway 5 to junction unnumbered highway approximately 1 mile south of Strasburg, Ohio, thence over unnumbered highway via Parral and Dover, Ohio, to New Philadelphia, Ohio, thence over U.S. Highway 21 via Newcomerstown, Ohio, to junction Interstate Highway 77 just south of Kimbolton, Ohio, thence over Interstate Highway 77 to junction U.S. Highway 22, thence over U.S. Highway 22 to Cambridge, Ohio, thence over Ohio Highway 209 to junction U.S. Highway 21 in Byesville, Ohio, thence over U.S. Highway 21 to Marietta, Ohio, (2) from Cleveland, Ohio, over U.S. Highway 8 via Bedford and Akron, to Dover, Ohio, thence over U.S. Highway 250 to New Philadelphia, Ohio, (3) from Massillon, Ohio, over U.S. Highway 30 to Canton, Ohio, (4) from Massillon over Ohio Highway 241 via Greensburg, Ohio, to Akron, Ohio, (5) from Cleveland, Ohio, over new U.S. Highway 21 (Willow Freeway) to junction Rockside Road just north of Independence, Ohio, and (6) from Bridgeport, Ohio, over Ohio Highway 7 to Belpre, Ohio, thence across the Ohio River to Parkersburg, W. Va., thence over U.S. Highway 21 to Ripley, W. Va., thence over relocated U.S. Highway 21 to Fairplain, W. Va., thence over U.S. Highway 21 via Oak Hill, and Glen Jean to Beckley, W. Va., and return over the same routes.

No. MC 45626 (Deviation No. 33), VERMONT TRANSIT CO., INC., Burlington, Vt. 05401, filed November 20, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation routes as follows: From junction New York Highway 32 and access road to Interstate Highway 787, in the Village of Menands, N.Y., over access road to junction Interstate Highway 787, thence over Interstate Highway 787 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction access road, thence over access road to junction New York Highway 32 in Albany, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Bennington, Vt., over Vermont Highway 9 to the Vermont-New York State line, thence over New York Highway 7 to Watervliet, N.Y., thence over New York Highway 32 to Albany, N.Y., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-16548; Filed, Dec. 8, 1970; 8:49 a.m.]

[Notice 38]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 4, 1970.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 59680 (Deviation No. 84), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, TX 75222, filed November 24, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 20 and U.S. Highway 6 (near Fremont, Ohio), over U.S. Highway 20 to Norwalk, Ohio, thence over Ohio Highway 18 to junction Interstate Highway 71; thence over Interstate Highway 71 to junction Interstate Highway 271, thence over Interstate Highway 271 to junction U.S. Highway 21, thence over U.S. Highway 21 to Cleveland, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from St. Louis, Mo., over U.S. Highway 66 to junction Illinois Highway 48, thence over Illinois Highway 48 to junction U.S. Highway 54, thence over U.S. Highway 54 via Onarga, Gilman and Kankakee, Ill., to Chicago, Ill., thence over Alternate U.S. Highway 30 via Calumet City, Ill., to junction U.S. Highway 6, thence over U.S. Highway 6 to Lorain, Ohio, thence over Ohio Highway 57 to junction Ohio Highway 254, thence over Ohio Highway 254 to Cleveland, Ohio, thence

over Ohio Highway 84 to junction Ohio Highway 46, thence over Ohio Highway 46 to Ashtabula, Ohio, thence over U.S. Highway 20 to junction New York Highway 78, thence over New York Highway 78 to junction New York Highway 33, thence over New York Highway 33 to Batavia, N.Y., thence over New York Highway 5 to Albany, N.Y., thence over New York Highway 9J to junction U.S. Highway 9, thence over U.S. Highway 9 to Newark, N.J., and return over the same route.

No. MC 42487 (Deviation No. 86), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025, filed November 27, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Wichita, Kans., over Interstate Highway 35W (or U.S. Highway 81 where Interstate Highway 35W is not complete) to junction Interstate Highway 70 (also U.S. Highway 40), thence over Interstate Highway 70 to junction Kansas Highway 27 (near Goodland, Kans.), thence over Kansas Highway 27 to junction U.S. Highway 36 (near Wheeler, Kans.), thence over U.S. Highway 36 to junction Interstate Highway 70 (near Strasburg, Colo.), thence over Interstate Highway 70 to Denver, Colo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Wichita, Kans., over U.S. Highway 54 to Liberal, Kans.; (2) from Liberal, Kans., over U.S. Highway 83 to junction U.S. Highway 24, thence over U.S. Highway 24 to Colby, Kans.; (3) from Bucklin, Kans., over unnumbered highway to junction U.S. Highway 154, thence over U.S. Highway 154 to Dodge City, Kans., thence over U.S. Highway 50 to Garden City, Kans.; and (4) from Denver, Colo., over U.S. Highway 40 via Agate, Colo., to Limon, Colo., thence over U.S. Highway 24 to junction U.S. Highway 83, thence over U.S. Highway 83 via Halford, Kans., to Oakley, Kans. (also from Limon, Colo., over U.S. Highway 40 to Oakley), and return over the same routes.

No. MC 30504 (Deviation No. 8), TUCKER FREIGHT LINES, INC., 1415 South Olive Street, South Bend, IN 46621, filed November 18, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Michigan City, Ind., over U.S. Highway 421 to Reynolds, Ind., thence over Indiana Highway 43 to Lafayette, Ind., thence over U.S. Highway 52 to Indianapolis, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Michigan City, Ind., over U.S. Highway 35 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 31, thence over U.S. Highway 31 to Indianapolis, Ind., and return over the same route.

No. MC 56640 (Sub-No. 22) (Deviation No. 1), DELTA LINES, INC., 8201 Edgewater Drive, Oakland, CA 94621, filed November 17, 1970. Carrier's representative: Edward J. Hegarty, 100 Bush Street, San Francisco, CA 94104. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction California Highway 99 (formerly U.S. Highway 99) and California Highway 14 (near San Fernando, Calif.), over California Highway 14 to junction U.S. Highway 395 (near Inyokern, Calif.), thence over U.S. Highway 395 to Reno, Nev., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction California Highway 99 (formerly U.S. Highway 99) and California Highway 14, over California Highway 99 to junction U.S. Highway 40, at Sacramento, Calif., thence over U.S. Highway 40 to Reno, Nev., and return over the same route.

No. MC 108298 (Deviation No. 10), ELLIS TRUCKING CO., INC., 1600 Oliver Avenue, Indianapolis, IN 46221, filed November 19, 1970. Carrier's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Cincinnati, Ohio, over U.S. Highway 127 to Mercer, Ohio, thence over U.S. Highway 33 to Fort Wayne, Ind.; and (2) from Dayton, Ohio, over Ohio Highway 49 to Greenville, Ohio, thence over U.S. Highway 127 to Mercer, Ohio, thence over U.S. Highway 33 to Fort Wayne, Ind., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Flint, Mich., over Michigan Highway 21 to Owosso, Mich., thence over Michigan Highway 47 to junction Michigan Highway 78m, thence over Michigan Highway 78 to Lansing, Mich., thence over U.S. Highway 27 to Fort Wayne, Ind., thence over U.S. Highway 24 to Huntington, Ind., thence over Indiana Highway 9 via Anderson, Ind., to junction U.S. Highway 36, thence over U.S. Highway 36 to Indianapolis, Ind.; and (2) from Indianapolis, Ind., over U.S. Highway 40 to junction U.S. Highway 35, thence over U.S. Highway 35 to Dayton, Ohio, thence over U.S. Highway 25 to Cincinnati, Ohio, also from Dayton over U.S. Highway 23 to junction Ohio Highway 73, thence over Ohio Highway 73 to Middletown, Ohio, thence over Ohio Highway 4 to Cincinnati, Ohio, and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-16549; Filed, Dec. 8, 1970; 8:49 a.m.]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 4, 1970.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 94350 (Sub-No. 261) (Republication), filed April 17, 1970, published in the FEDERAL REGISTER issue of May 21, 1970, and republished this issue. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, SC 29602. Applicant's representatives: Mitchell King, Jr. (same address as above), and Ames, Hill & Ames, 666 11th Street NW., Suite 705, McLachlen Bank Building, Washington, DC 20001. The modified procedure has been followed in this proceeding and a report and order of the Commission, Review Board No. 3, decided November 17, 1970, and served November 25, 1970, finds: that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, (1) of trailers designed to be drawn by passenger automobiles, in initial movements; and (2) of buildings, in sections, mounted on wheeled undercarriages, from an origin which is a point of manufacture, from Lawrenceville, Va., to points in South Carolina, North Carolina, Tennessee, Kentucky, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order of authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which

period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 113024 (Sub-No. 91) (Republication), filed June 16, 1970, published in the FEDERAL REGISTER issue of July 2, 1970, and republished this issue. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, South Du Pont Highway, Smyrna, DE 19977. Applicant's representative: S. Earnshaw, 835 Washington Building, Washington, DC 20005. The modified procedure has been followed in this proceeding and an order of the Commission, Operating Rights Board, dated November 20, 1970, and served November 27, 1970, finds that applicant's proposed operations do not meet the definition of a contract carrier by motor vehicle as defined in section 203(a)(15) of the Interstate Commerce Act, and have not been shown to be consistent with the public interest and the national transportation policy; and that the proposed operations are those of a *common carrier* by motor vehicle. That the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *rubber hose*, from Wilmington, Del., to Mishawaka, Ind.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. And that an appropriate certificate should be issued concurrently with or subsequent to the issuance to applicant of appropriate certificates and the cancellation of applicant's outstanding permits in No. MC 113024 and subnumbers thereunder, and, that should the conversion proceedings be disapproved by the Commission, the instant application will stand denied in its entirety. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order a notice of authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133655 (Sub-No. 15) (Republication), filed October 20, 1969, published in the FEDERAL REGISTER November 14, 1969, and republished this issue. Applicant: TRANS-NATIONAL TRUCK, INC., Post Office Box 894, Hurst, TX 76053. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, IL 60602. The modified procedure has been followed in this proceeding, and an order of the Commission, Division 1, Acting as an Appellate Division, dated November 19, 1970, and served December 1, 1970, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of outdoor cooking supplies, and advertising material used in connection therewith, from the plantsites of Timberland Products Co., Inc., at Jacksonville, Ocala, and Romeo, Fla., to points in the United States (except Alaska, Hawaii, and Florida). Because it is possible that other persons, who relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in the proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITION

No. MC 133378 (Notice of Filing of Petition To Add Additional Origin Points), filed November 4, 1970. Petitioner: CHEESE BARN TRUCKING, INC., Tacoma, WA 98409. Petitioner's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, WA 98101. Petitioner states it is authorized in No. MC 133378 to transport (1) foodstuffs (except candy, frozen foods, meat and packinghouse products); and (2) sausages and imported candy, from points in Illinois, Wisconsin, Minnesota, and Iowa to points in Washington under contract with Cheese Barn Inc. and Roger C. Derby, doing business as Cheese Barn. By the instant petition, petitioner seeks to add the States of New York and Pennsylvania as origin States to those above authorized with no other change in the Permit as to commodity description. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 8958 (Sub-No. 24), filed November 5, 1970. Applicant: THE YOUNGSTOWN CARTAGE CO., a corporation, 825 West Federal Street, Youngstown, OH 44501. Applicant's representative: Arnold L. Burke, 69 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities*, except those of unusual value, dangerous explosives, commodities in bulk, and those requiring special equipment; (1) Regular routes: between Chicago, Ill., and Somonauk, Ill., over U.S. Highway 34, and return over the same routes, serving Somonauk, Sandwich, Plano, Yorksville, Oswego, Naperville, and Chicago, Ill., as intermediate and off-route points; and (2) Irregular routes: between points in Winnebago, Ogle, Lee, La Salle, Grundy, Livingston, Kankakee, Will, Lake, Kendall, Cook, De Kalb, Kane, DuPage, and Boone Counties, Ill. NOTE: This application is a matter directly related to MC-F-10941, published in the FEDERAL REGISTER issue of September 16, 1970. The instant application seeks to convert the certificate of registration of Harold E. Van Winkle, doing business as Bennett Motor Express into a certificate of public convenience and necessity. Applicant states it intends to tack the requested authority with existing authority wherein it conducts operations in the States of Pennsylvania, Ohio, West Virginia, New York, New Jersey, Michigan, Massachusetts, Rhode Island, Connecticut, Delaware, District of Columbia, Maryland, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 15821 (Sub-No. 13), filed November 16, 1970. Applicant: GRAF BROS. INC., 180 Main Street, Salisbury, MA 01950. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, MA 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between points in Rhode Island. NOTE: Applicant states it will tack with proposed authority at points in the commercial zone of Attleboro, Mass., namely Providence, Pawtucket, and Central Falls, R.I. This application is a matter directly related to MC-F-11020, published in the FEDERAL REGISTER issue of November 25, 1970. The instant application seeks to convert the certificate of registration of Jet Service Motor Transportation Co., under MC 120632 (Sub-No. 1) into a certificate of public convenience and necessity. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Providence, R.I.

No. MC 39300 (Sub-No. 9), filed November 14, 1970. Applicant: MIDDLE STATES MOTOR FREIGHT, INC., 5723 Este Avenue, Cincinnati, OH 45232. Applicant's representatives: Paul F. Beery, 88 East Broad Street, Columbus, OH 43215 and James W. Muldon, 500 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, livestock, and commodities in bulk) between Columbus, Ohio, on the one hand, and, on the other, points in Ohio. NOTE: Applicant states that the requested authority can be tacked with its existing authority at Columbus, Ohio, with applicant's regular and irregular routes under certificate MC 39300, so as to serve portions of Kentucky, Indiana, and Illinois. This

application is a matter directly related to MC-F-10972, published in the FEDERAL REGISTER of October 14, 1970, wherein applicant seeks to convert the certificate of registration of E. C. Jones, Inc., under MC 97411 (Sub-No. 1), into a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10868. (Amendment) (LEE MOTOR LINES, INC.—Purchase—OLIVE L. KNECHT, Administratrix of the Estate of LEO V. KNECHT, doing business as KNECHT TRUCKING CO.), published in the July 1, 1970, issue of the FEDERAL REGISTER, on page 10716 should be amended to show that *Strip and window glass; cullet; canned goods; window glass, plate glass, counter display cases* (glass, wood and steel, set up or knocked down), *metal store display racks, hardware and iron; agricultural implements; sheet iron and sheet steelware shelves, wire, tinware, and steelware* for kitchen cabinets; *vitrified sewer pipe and flue lining; lime;* and *fertilizer*, from Lockland and Cincinnati, Ohio, should be canceled.

No. MC-F-10945. (Second Correction) (WESTERN GILLETTE, INC.—Purchase (Portion)—DEATON, INC.), published in the issue of the FEDERAL REGISTER, as modified on November 4, 1970, at page 17022, should be further amended to show (1) that the routes sought to be acquired by WESTERN GILLETTE, INC., also includes authority to serve intermediate and off-route points within 65 miles of Birmingham, (2) that the regular route authority to be acquired including the authority indicated in (1) would be restricted to traffic moving *from*, to or through Memphis, Tenn., and (3) that WESTERN GILLETTE, INC., also holds authority to operate in Iowa and Ohio.

No. MC-F-11010. (Correction) (ACE LINES, INC.—Purchase—LINDSAY TRANSFER, INC.), published in the November 18, 1970, issue of the FEDERAL REGISTER, on page 17766. This corrected notice is to delete a portion of the authority sought to be purchased which was erroneously included: The authority to be deleted reads: *Agricultural machinery, implements, and parts therefor, and binder twine*, from Chicago, Canton, Moline, East Moline, and Rock Island, Ill., to points in 26 counties in central Nebraska, from Moline, East Moline, and Rock Island, Ill., to points in eight counties in Kansas and 32 counties in western and southern Nebraska.

No. MC-F-11033. Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of service. Applicants: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Post Office Box 958, Oakland, Calif. 94604, MC-730, and CARSTENSEN FREIGHT LINES, INC., Post Office Box 878, Clinton, IA 52732, MC 15511, seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving in interstate commerce between Calamus, Clarence, Clinton, DeWitt, Lisbon, Lowden, Low Moor, Mechanicsville, Mt. Vernon, Stanwood, and Wheatland, Iowa. Attorney: W. S. Pilling, 1417 Clay Street, Post Office Box 958, Oakland, Calif. 94604. NOTE: PACIFIC INTERMOUNTAIN EXPRESS CO., holds authority from this Commission to operate from Coast to Coast.

No. MC-F-11034. Authority sought for purchase by BROWN TRANSPORT CORP., Post Office Box 351, Waynesboro, GA 31566, of a portion of the operating rights and certain property of WILSON BROTHERS TRUCK LINE, INC., Post Office 636, Carthage, MO 64836, and for acquisition by CLAUDE P. BROWN, 125 Milton Avenue SE., Atlanta, GA 30315, of control of such rights and certain property through the purchase. Applicants' attorney: John P. Carlton, 327 Frank Nelson Building, Birmingham, AL 35203. Operating rights sought to be transferred: *Flour* (other than in bulk), as a *common carrier* over irregular routes, from points in Kansas, and St. Joseph and Kansas City, Mo., and Alva, Okla., to points in Florida, from Kansas City and St. Joseph, Mo., and points in Kansas and Oklahoma, from Winona, Minn., to points in Florida and Georgia, from certain specified points in Minnesota, to points in Florida and Georgia; *meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo., to points in Alabama, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis, Tenn.), from the plantsite or storage facilities utilized by Pawnee Packing Co. in Adams County, Nebr., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina, from the plant or storage facilities of Spencer Foods, Inc., at Schuyler, Nebr., to points in North Carolina and South Carolina, from the plantsites and warehouse facilities of Swift and Co., Grand Island, Nebr., to points in North Carolina and South Carolina, from the plantsite of Missouri Beef Packers, Inc., near Friona, Tex., to points in Georgia, North Carolina, and South Carolina, from Dodge City, Kans., to Georgia, North Carolina, and South Carolina, with restrictions; *animal feed*, except in bulk, from the plantsite at or near Golden Meadow, La., and storage facilities at or near Lockport, La., of Lipton Pet Foods, Inc., to points in Georgia, Florida, and Alabama; and *meats*, from the plantsite and storage facilities of Wilson & Co., near Hereford, Tex., to Georgia, North Carolina, and South Carolina. Vendee is authorized to operate as a *common carrier* in Georgia, North Carolina, Tennessee, Washington, Oregon, Utah, Minnesota, Wisconsin, Texas, Alabama, Florida, Louisiana, Delaware, Ohio, South Carolina, West Virginia., Virginia., Mississippi, Missouri, Indiana, Illinois, Kentucky, Michigan, Arizona, California, North Dakota, Nevada, New Mexico, Idaho, Colorado, New York, New Jersey, Kansas, Nebraska, Oklahoma, Montana, Wyoming, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11035. Authority sought for control by THE BALTIMORE SECURITY WAREHOUSE COMPANY, Hillen and High Streets, Baltimore, MD 21202, of BOYD TRANSFER COMPANY, 4600 East Fayette Street, Baltimore, MD 21224, and for acquisition by JAMES FRENKIL, 338 West Pratt Street, Baltimore, MD 21201, and MAURICE H. BURMAN, Hillen and High Streets, Baltimore, MD 21202, of control of BOYD TRANSFER COMPANY, through the acquisition by THE BALTIMORE SECURITY WAREHOUSE COMPANY. Applicants' attorney: William J. Augello, Jr., 103 Fort Salonga Road, Northport, NY 11768. Operating rights sought to be controlled: *Paper boxes*, as a *common carrier*, over irregular route, from New York, N.Y., to Baltimore, Md.; *furniture frames*, from Jersey City, N.J., to Baltimore, Md.; *new furniture*, from Baltimore, Md., to Newark and Jersey City, N.J., New York, N.Y., and Washington, D.C.; *new upholstered furniture*, uncrated, from Baltimore, Md., to points in Pennsylvania, West Virginia, Virginia, Connecticut, Rhode Island, Massachusetts, and Delaware, points in New York except New York City, and points in New Jersey except Newark and Jersey City; *new furniture* (except new upholstered furniture), in crates or cartons, from Baltimore, Md., to certain specified points in New Jersey and Pennsylvania. THE BALTIMORE SECURITY WAREHOUSE COMPANY, holds no authority from this Commission. However, it is affiliated with CHESAPEAKE BULK TERMINALS, INC., 2767 Wilkens Avenue, Baltimore, MD 21223, which is authorized to operate as a *common carrier* in Virginia, Maryland, Delaware, Pennsylvania, Connecticut, West Virginia, New York, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11036. Authority sought for purchase by RAILWAY EXPRESS AGENCY, INC., 219 East 42d Street, New York, NY 10017, of the operating rights of RAILWAY EXPRESS MOTOR TRANSPORT, INCORPORATED, 219 East 42d Street, New York, NY 10017. Applicants' attorney: Arthur M. Wisehart, 219 East 42d Street, New York, NY 10017. Operating rights sought to be transferred: *General commodities*, with and without specified exceptions, as a *common carrier*, over regular routes,

between Indianapolis and Kokomo, Ind., between Indianapolis and Covington, Ind., between Logansport and Goodland, Ind., between Fort Wayne and Muncie, Ind., between junction Indiana Highway 213 and Indiana Highway 38 and junction Indiana Highway 26 and U.S. Highway 31, between South Bend and Demotte, Ind., between Logansport and Crown Point, Ind., between Logansport and Richmond, Ind., between Anderson and Greensburg, Ind., between South Bend and Plymouth, Ind., between Indianapolis and Vincennes, Ind., between Indianapolis and Fort Benjamin Harrison, Ind., between Indianapolis and New Lebanon, Ind., between Indianapolis and Bloomington, Ind., between Fort Wayne and New Haven, Ind., between Hammond and Gary, Ind., between Bloomington and Bainbridge, Ind., between Terre Haute and Carbon, Ind., between Indianapolis and Anderson, Ind., between Hartford City and Muncie, Ind., between the junction of Indiana Highways 26 and 221 (approximately 2 miles north of Matthews) and junction U.S. Highway 35 and unnumbered county highway (south of Matthews), between junction U.S. Highway 35 and unnumbered county highway (near Stockport, Ind.), and Gaston, Ind., between Marion, Ind., and junction Indiana Highways 13 and 21 (at or near Mier, Ind.), between Fort Wayne and Plymouth, Ind., between Jasonville, Ind., and junction Indiana Highways 59 and 54, between Goodland and Monon, Ind., between Bluffton and Reiffsburg, Ind., between junction U.S. Highway 35 and Indiana Highway 18, and Flora, Ind., between Wheeling and Logansport, Ind., between Covington, Ind., and junction unnumbered highway located 2 or 3 miles north of Rileysburg, Ind., and U.S. Highway 136, between junction Indiana Highways 135 and 45 and Bloomington, Ind., between Stanford, Ind., and junction Indiana Highways 45 and 54, between Kokomo and Peru, Ind., between junction U.S. Highway 35 and Indiana Highway 18, and junction Indiana Highway 18 and U.S. Highway 31, between Crawfordsville and Indianapolis, Ind., between Campbellsburg and New Albany, Ind., between Indianapolis and Monticello, Ind., between Richmond and Hagerstown, Ind., between Indianapolis and Union City, Ind., between French Lick and Orleans, Ind.; *express matter* moving in express service, between Lafayette and Medaryville, Ind.; serving certain intermediate and off-route points on the above specified routes; with restrictions. Vendee is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11037. Authority sought for purchase by DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, MI 49508, of the operating rights of BELL DIAMOND EXPRESS, INC., 6901 North Michigan Road, Indianapolis, IN 46268, and for acquisition by BERT GLUPKER, also of Grand Rapids, Mich., of control of such rights through the purchase. Applicants' attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit, MI 48226. Operating rights sought to be transferred: *Brick* and *tile*, as a common carrier, over irregular routes, from the plantsite of Metropolitan Brick, Inc., near West Darlington, Pa., and from Bessemer, Beaver Falls, and Eastvale, Pa., to points in Indiana; *fertilizer and rock salt*, in bulk, from points in Cook County, Ill., to points in Indiana; *rock salt*, in bags, from points in Cook County, Ill., to points in Indiana on and south of U.S. Highway 6 and on and east of Indiana Highway 15; *empty containers or other articles* used in the transportation of the above-specified commodities, from the above-specified destination points to their respective origin points; *building stone*, from points in Indiana on and south of U.S. Highway 36 (except Indianapolis, and points in Lawrence and Monroe Counties, Ind.), to points in Wisconsin on and south of U.S. Highway 10, and those in Iowa and Missouri on and east of U.S. Highway 63; *building blocks and clay products*, other than pottery, from points in Indiana and Illinois, to points in Iowa, on and east of U.S. Highway 63; *empty pallets and skids* used in the transportation of the above-described commodities, from the above-specified destination points to their respective origin points; *lime*, in bulk, from Gary, Ind., and Montague, Mich., and points within 5 miles of each, to points in Illinois, Iowa, Missouri, and Wisconsin, from Montague, Mich., and points within 5 miles thereof, to points in Lake County, Ind.;

Building contractor's equipment, materials, and supplies, between points in Indiana, on the one hand, and, on the other, Louisville, Ky., and points in Illinois and Ohio; *household goods* as defined by the Commission, between Indianapolis, Ind., and points within 50 miles of Indianapolis, on the one hand, and, on the other, St. Louis, Mo., Louisville, Ky., and points in Ohio and Illinois, between Indianapolis, Ind., on the one hand, and, on the other, points in Kentucky; *canned goods*, from Chicago, Washington, Morton and Eureka, Ill., to Indianapolis and Greenburg, Ind.; *glass containers*, from Indianapolis, Ind., to Dayton and Cincinnati, Ohio, Louisville, Ky., and Chicago and Peoria, Ill.; *cement and insulated pipe covering*, from Indianapolis, Ind., to Versailles, Ohio; *fertilizer*, from Indianapolis, Ind., to points in Ohio and Illinois; *iron and steel articles*, from the plantsite of Jones & Laughlin Steel Corp., located in Putnam County, Ill., to points in Indiana; *railroad ties, and timbers*, from Louisville, Ky., to points in Illinois, Indiana, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin; *iron and steel and iron and steel articles*, from the plantsite of Continental Steel Corp. to Kokomo, Ind., to points in Ohio, Illinois, Missouri, Iowa, Wisconsin, Pennsylvania, and Louisville, Ky. Vendee is authorized to operate as a *common carrier* in Michigan, Illinois, Ohio, Indiana, Wisconsin, Iowa, Missouri, Minnesota, West Virginia, Kentucky, Delaware, Maryland, New Jersey, New York, Pennsylvania, Tennessee, Virginia, Kansas, Nebraska, Connecticut, Maine, Massachusetts, Mississippi, New Hampshire, Rhode Island, and Vermont. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11038. Authority sought for purchase by HARBOURT AIR FREIGHT SERVICE, INC., Post Office Box No. 1, West Trenton, NJ 08628, a portion of the operating rights of POLLARD DELIVERY SERVICE, INC., Washington National Airport, Washington, DC 20001, and for acquisition by RICHARD A. HARBOURT and MARION HARBOURT both of Conover Road, Rural Route 1, Trenton, N.J., and OTTO MAGNUS, 1056 Stuyvesant Avenue, Trenton, N.J., of control of such rights through the purchase. Applicants' attorney: Russell S. Bernhard, 1625 K Street NW., Washington, DC 20006. Operating rights sought to be transferred: *General commodities*, excepting, among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, Newark Airport, Newark, N.J.; with restriction. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, and New Jersey. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11039. Authority sought for purchase by H. S. ANDERSON TRUCK-INC COMPANY, Post Office Box 3656, Port Arthur, TX 77640, of a portion of the operating rights of M. A. DAVIS TRANSPORT, INC., 11201 Beaumont Highway, Houston, TX 77011, and for acquisition by H. S. ANDERSON, 3733 Platt, Port Arthur, TX 77640, of control of such rights through the purchase. Applicants' attorneys: Thomas E. James, The 904 Lavaca Building, Austin, TX 78701, and Jerry Prestridge, Post Office Box 1148, Austin, TX 78767. Operating rights sought to be transferred: *Machinery, materials, supplies, and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum as a *common carrier* over irregular routes, between points in Texas and Louisiana, on the one hand, and, on the other, points in Arkansas and Alabama, between points in Texas, on the one hand, and, on the other, points in Oklahoma; *machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in Texas and Louisiana, on the one hand, and, on the other points in Arkansas and Alabama, between points in Texas, on the

one hand, and, on the other, points in Oklahoma; and *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holds or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities into or from holes or wells, between points in Texas and Louisiana, on the one hand, and, on the other, points in Arkansas and Alabama, between points in Texas, on the one hand, and, on the other, points in Oklahoma. Vendee is authorized to operate as a *common carrier* in Louisiana, Texas, Arkansas, and Alabama. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11040. Authority sought for purchase by EXHIBITORS FILM DELIVERY & SERVICE CO., INC., 101 West 10th Avenue, North Kansas City, MO 64116, of the operating rights of INTERSTATE FILM DELIVERY, INCORPORATED, Carthage, MO 64836, and for acquisition by EARL E. JAMESON, JR., 8522 Cherokee Lane, Leawood, Kans., of control of such rights through the purchase. Applicants' attorney: Warren A. Goff, 2111 Sterick Building, Memphis, TN 38103. Operating rights sought to be transferred: *Books*, as a *common carrier*, over irregular routes, between Carthage, Mo., on the one hand, and, on the other, points in that part of Kansas south of U.S. Highway 54 and east of Kansas Highway 99; *film and associated commodities*, between Carthage, Mo., on the one hand, and, on the other, points in that part of Missouri south of U.S. Highway 160 and west of U.S. Highway 65; and points in that part of Kansas south of U.S. Highway 54 and east of Kansas Highway 99; *newspapers, periodicals, magazines, and other dated publications*, between Carthage, Mo., on the one hand, and, on the other, points in that part of Missouri south of U.S. Highway 160 and west of U.S. Highway 65; and points in that part of Kansas south of U.S. Highway 54 and east of Kansas Highway 99; including points on the indicated portions of the highways specified; *frosted and frozen foods*, from Carthage, Mo., to points in Missouri on and south of U.S. Highway 160 and on and west of U.S. Highway 65, and points in Kansas on and south of U.S. Highway 54 and on and east of Kansas Highway 99. Vendee is authorized to operate as a *common carrier* in Missouri, Nebraska, Kansas, Arkansas, and Colorado. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-16552; Filed, Dec. 8, 1970; 8:50 a.m.]

[Notice 623]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 3, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72398. By order of November 30, 1970, the Motor Carrier Board approved the transfer to Trenco, Inc., Williamsport, Pa., of the operating rights in certificates Nos. MC-124392 and MC-124392 (Sub-No. 2) issued April 11, 1963, and January 18, 1963, respectively, to Victor C. McCollum, doing business as H. C. Byrol Trucking Co., Lock Haven, Pa., authorizing the transportation of uncrated and partially crated airplanes and airplane parts, from Lock Haven, Pa., to Teterboro Airport, Bergen County, N.J., Newark Airport, Newark, N.J., Idlewild Airport, Queens County, N.Y., and La Guardia Airport, Queens County, N.Y., subject to restrictions; airplanes, crated, and airplane parts, from Lock Haven, Pa., to New York, N.Y.; sitka spruce, from Utica, and New York, N.Y., to Lock Haven, Pa.; and airplane parts (new and used), and damaged airplanes, and damaged airplane parts, between Lock Haven, Pa., on the one hand, and, on the other, points in Delaware, Maryland, Michigan, New Jersey, New York, Ohio, Virginia, West Virginia, and the District of Columbia. Robert H. Griswold, Post Office Box 1166, Harrisburg, PA 17108, attorney for applicants.

No. MC-FC-72432. By order of November 30, 1970, the Motor Carrier Board, approved the transfer to Dorothy R. Zummo doing business as Air Delivery Service, Scranton, Pa., of the operating rights in certificate No. MC-133871 issued September 18, 1970, to Shelly's Express, Inc., Fort Washington, Pa., authorizing the transportation of general commodities, with exceptions, between Philadelphia International Airport, Pa., on the one hand, and, on the other, points in Berks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., points in a specified part of Bucks County, Pa., points in Atlantic, Camden, and Ocean Counties, N.J., and points in that part of Burlington County, N.J., lying south of the Rancocas Creek and Mirror Lake. Restricted to the transportation of shipments having an immediate prior or subsequent movement by aircraft. Russell S. Bernhard, 1625 K Street NW., Washington, DC 20006, attorney for applicants.

No. MC-FC-72450. By order of November 30, 1970, the Motor Carrier Board approved the transfer to Leona Anna Eversgerd and Maurice H. Eversgerd, a partnership, doing business as Eversgerd Truck Service, Germantown, Ill., of the operating rights in certificate No. MC-90779 issued July 26, 1941, to Vincent Eversgerd, doing business as Eversgerd Truck Service, Germantown, Ill., authorizing the transportation of livestock, poultry, and eggs, from Germantown, Ill., and points within 10 miles of Germantown, to St. Louis, Mo.; and general commodities, from St. Louis, Mo., to Germantown, Ill., and return, with no transportation for compensation except as otherwise authorized, to the above-specified origin points.

No. MC-FC-72511. By order of November 30, 1970, the Motor Carrier Board approved the transfer to Douglass Moving and Transfer Co., a corporation, Girard, Ohio, of certificate No. MC 69376 issued to Andrew J. Douglass, dba Douglass Moving and Transfer Co., Youngstown, Ohio, authorizing the transportation of: Household goods, as defined by the Commission, between points in Mahoning County, Ohio, on the one hand, and, on the other, points in New York, Pennsylvania, West Virginia, and Lower Peninsula of Michigan. Edwin H. Van Dusen, attorney, 50 West Broad Street, Columbus, OH 43215.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-16553; Filed, Dec. 8, 1970; 8:50 a.m.]

[Notice 623A]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 4, 1970.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-72535. By application filed December 1, 1970, AWAWEGO DELIVERY, INC., Town Line and E. Molloy Roads, Syracuse, NY 13211, seeks temporary authority to lease the operating rights of ROBERT L. PARROTT, SR., and ROBERT L. PARROTT, JR., doing business as FLYING FREIGHT (HOWARD C. NOLAN, JR., TRUSTEE), 18 Fredericks Road, Scotia, NY, under section 210a(b). The transfer to AWAWEGO DELIVERY, INC., of the operating rights of ROBERT L. PARROTT, SR., and ROBERT L. PARROTT, JR., doing business as FLYING FREIGHT (HOWARD C. NOLAN, JR., TRUSTEE), is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-16554; Filed, Dec. 8, 1970; 8:50 a.m.]

[No. MC 16682]

MURAL TRANSPORT, INC.

Extension of Time Regarding Petition

DECEMBER 2, 1970.

At the request of interested persons, the time for filing written representations supporting or opposing the relief sought by applicant in its petition of October 22, 1970 (as published in the November 11, 1970, issue of the FEDERAL REGISTER), is extended to January 11, 1970.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70-16550; Filed, Dec. 8, 1970; 8:49 a.m.]

[No. MC 107012]

NORTH AMERICAN VAN LINES, INC.

Notice of Filing of Petition for Modification of Certificates

DECEMBER 4, 1970.

Petitioner: North American Van Lines, Inc., Fort Wayne, Ind., Petitioner's representative: Martin A. Weissert, Post Office Box 988, Fort Wayne, IN 46801.

Petitioner presently holds a certificate in Nos. MC-107012, MC-107012 (Sub-No. 61), MC-107012 (Sub-No. 75), MC-107012 (Sub-No. 76), MC-107012 (Sub-No. 79), MC-107012 (Sub-No. 80), MC-107012 (Sub-No. 82), MC-107012 (Sub-No. 84), MC-107012 (Sub-No. 85), MC-107012 (Sub-No. 86), MC-107012 (Sub-No. 88), MC-107012 (Sub-No. 89), MC-107012 (Sub-No. 90), MC-107012 (Sub-No. 91), MC-107012 (Sub-No. 92), MC-107012 (Sub-No. 94), MC-107012 (Sub-No. 96), MC-107012 (Sub-No. 97), MC-107012 (Sub-No. 98TA), MC-107012 (Sub-No. 100), MC-107012 (Sub-No. 102), and MC-107012 (Sub-No. 104), issued August 19, 1969, October 16, 1969, October 2, 1968, October 2, 1968, September 27, 1968, November 8, 1968, August 28, 1969, June 13, 1969, May 16, 1969, May 16, 1969, August 4, 1969, August 4, 1969, August 4, 1969, January 8, 1970, January 20, 1970, September 22, 1970, May 21, 1970, April 16, 1970, February 3, 1970, September 22, 1970, September 22, 1970, and October 22, 1970, respectively, authorizing operations as a common carrier by motor vehicle, over irregular routes, in the transportation among other things of: (1) Store fixtures and store furniture other than fixtures and store equipment other than fixtures when transported in conjunction with and incidental to a shipment of store fixtures, between Los Angeles, Calif., on the one hand, and, on the other, points in Arizona and Nevada; (2) new furniture, uncrated, and store and office fixtures and equipment (except office and business machines), uncrated:

(a) from points in Arkansas, to points in the United States (except Alaska and Hawaii), with no transportation for compensation on return except as otherwise authorized; (b) from points in Colorado, to points in Minnesota, Iowa, Missouri, Arkansas, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Nevada, Washington, Oregon, California, and that part of Louisiana west of the Mississippi River, with no transportation for compensation on return except as otherwise authorized; and (c) from Oklahoma City, Okla., to points in California, Arizona, New Mexico, Texas, Kansas, Missouri, Arkansas, Louisiana, Alabama, Mississippi, Florida, and Tennessee with no transportation for compensation on return except as otherwise authorized; (3) new furniture and new store and office fixtures and equipment, uncrated (except new office and business machines), from points in Texas to points in the United States, including Alaska (except points in Connecticut, Delaware, Hawaii, Illinois (other than Chicago, Ill.), Indiana, Maine, Massachusetts, Maryland, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, Wisconsin, and the District of Columbia), with no transportation for compensation on return except as otherwise authorized; (4) new furniture, uncrated, and store fixtures and equipment, office fixtures, and kitchen fixtures, uncrated, when moving to a store, office or kitchen for installation, from points in Los Angeles and Orange Counties, Calif., to points in the United States (except Alaska and Hawaii), with no transportation for compensation on return except as otherwise authorized;

(5) New store fixtures crated, from Grand Rapids, Mich., to points in Connecticut, Delaware, Illinois (except Chicago), Indiana, Iowa, Kentucky, Massachusetts, Maryland, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, West Virginia, Wisconsin, and the District of Columbia, and returned or damaged shipments from the destination points specified to Grand Rapids, Mich.; (6) new furniture, new office and store fixtures, new household fixtures and appliances, and new household and office furnishings, uncrated: (a) between points in Connecticut, Delaware, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia, on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming; (b) between points in Illinois, Indiana, Michigan, Missouri, Ohio, and Wisconsin, on the one hand, and, on the other, points in the United States (except points in Connecticut, Delaware, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, the District of Columbia, Alaska and Hawaii); restricted in (a) and (b) above against the transportation of store fixtures (i) between Chicago, Ill., on the one hand, and, on the other, points in the United States, and (ii) between points in Milwaukee County, Wis., on the one hand, and, on the other, points in Illinois; (7) store fixtures uncrated, from Salt Lake City, Utah, to points in Washington, Oregon, California, Idaho, Montana, Wyoming, Nevada, Colorado, Arizona, New Mexico, Kansas, and Nebraska, with no transportation for compensation on return except as otherwise authorized;

(8) New furniture, new store fixtures and equipment, and new kitchen equipment, from points in Kentucky and Tennessee (except points in Hamblen County, Tenn.), to points in the United States, including Alaska but excluding Hawaii, with no transportation for compensation on return except as otherwise authorized; (9) new furniture and store and office fixtures and equipment, between points in Greene and Craighead Counties, Ark., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted against the transportation of new furniture from Morristown, Tenn., and from points in Cocke, Washington, Carter, Greene, Hamblen, and Knox Counties, Tenn.; (10) new furniture and store fixtures from points in Sedgwick County, Kans., to points in the United States, including Alaska but excluding Hawaii, with no transportation for compensation on return except as otherwise authorized; and (11) new furniture, uncrated, and store fixtures uncrated, from ports of entry on the United States-Canada boundary line in New York, to points in Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, Maine, New Hampshire, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized.

By the instant petition, petitioner states that it now seeks to have the Commission modify certain language in its certificates of public convenience and necessity which authorize the above-described operations by substituting the words "commercial and institutional fixtures" for the words "store fixtures", wherever the latter now appear. Any person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petitions within 30 days from the date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70-16551; Filed, Dec. 8, 1970; 8:49 a.m.]

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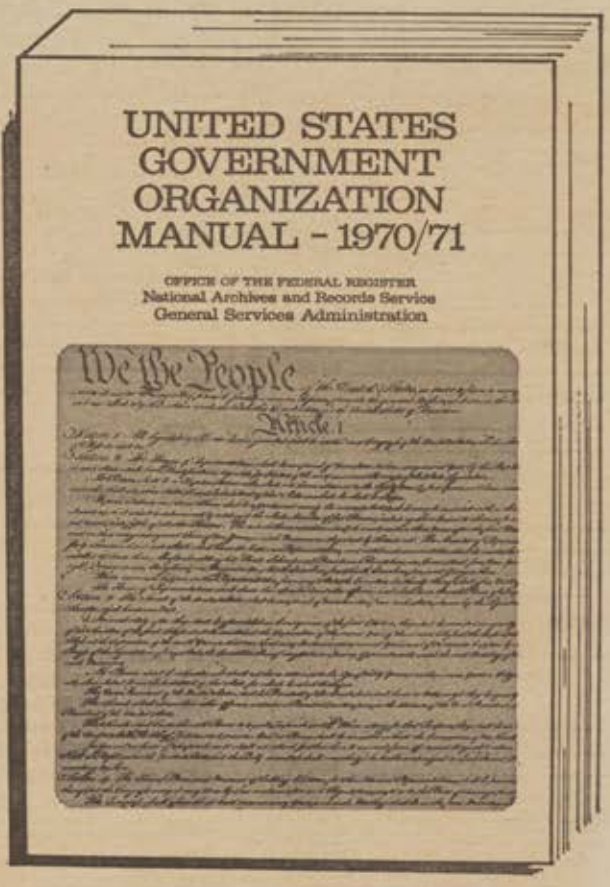

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