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Title 4—ACCOUNTS

Chapter I—General Accounting Office

PART 52—FREIGHT TRANSPORTATION SERVICES FURNISHED FOR THE ACCOUNT OF THE UNITED STATES

Revision of Storage-in-Transit Certificate

In § 52.42 the certificate language shown in subparagraph (c) (1) is revised to read as follows:

§ 52.42 Motor carrier or freight forwarder destination storage-in-transit of household goods or mobile dwellings (including house trailers) payment of transportation and accessorial services.

* * * * *

(c) * * *

(1) That the described household goods were placed in storage in _____
(Name of destination
_____ at _____
warehouse) (City and State)
on _____:
(Date) or
that the mobile dwellings (including house trailers) were placed in destination storage at
_____
(Name and location of designated facility)
on _____;
(Date)

(Sec. 11, 42 Stat. 25, 31 U.S.C. 52; interpret or apply sec. 322, 54 Stat. 955, as amended, 49 U.S.C. 66)

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[F.R. Doc. 70-16862; Filed, Dec. 15, 1970; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 70-311]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, in paragraph (e) (7) relating to the State of North Carolina, subdivision (ii) relating to Hertford and Northampton Counties is deleted; and a new subdivision relating to Pitt County is added to read:

(7) *North Carolina.* That portion of Pitt County bounded by a line beginning at the junction of Secondary Roads 1416 and 1424; thence, following Secondary Road 1424 in a southeasterly direction to Secondary Road 1522; thence, following Secondary Road 1522 in a southeasterly direction to Secondary Road 1521; thence, following Secondary Road 1521 in a northeasterly direction to Secondary Road 1523; thence, following Secondary Road 1523 in a southeasterly direction to Secondary Road 1525; thence, following Secondary Road 1525 in a southerly direction to Secondary Road 1529; thence, following Secondary Road 1529 in a southwesterly direction to Secondary Road 1528; thence, following Secondary Road 1528 in a northwesterly direction to U.S. Highway 13; thence, following U.S. Highway 13 in a southwesterly direction to the Tar River; thence, following the north bank of the Tar River in a northwesterly direction to Johnsons Mill Run; thence, following Johnsons Mill Run in a northeasterly direction to Secondary Road 1401; thence, following Secondary Road 1401 in a northwesterly direction to Secondary Road 1402; thence, following Secondary Road 1402 in a northeasterly direction to Secondary Road 1001; thence, following Secondary Road 1001 in a northwesterly direction to Secondary Road 1415; thence, following Secondary Road 1415 in a northeasterly direction to Secondary Road 1416; thence, following Secondary Road 1416 in a northeasterly direction to its junction with Secondary Road 1424.

2. In § 76.2, the reference to the State of South Carolina in the introductory portion of paragraph (e) and paragraph (e) (9) relating to the State of South Carolina are deleted.

3. In § 76.2, in paragraph (e) (11) relating to the State of Texas, subdivision (xx) relating to Wise County is deleted; and a new subdivision (xx) relating to Wise and Parker Counties is added to read:

(11) *Texas.* The adjacent portions of Wise and Parker Counties bounded by a line beginning at the junction of Farm-to-Market Road 51 and U.S. Highways 81, 287; thence, following U.S. Highways 81, 287 in a southeasterly direction to Farm-to-Market Road 730; thence, following Farm-to-Market Road 730 in a southeasterly direction to the junction of the Wise-Parker-Tarrant County lines; thence, following the Parker-Tarrant County line in a southerly direction to State Highway 199; thence, following State Highway 199 in a northwesterly direction to Farm-to-Market Road 1707; thence, following Farm-to-Market Road 1707 in a southwesterly direction to U.S. Highways 80, 180; thence, following U.S. Highways 80, 180 in a westerly direction to Farm-to-Market Road 51; thence, following Farm-to-Market Road 51 in a northeasterly direction to its junction with U.S. Highways 81, 287.

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

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

The amendments quarantine a portion of Pitt County, N.C., and portions of Wise and Parker Counties in Texas, because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portions of such counties.

The amendments also exclude portions of Hertford and Northampton Counties in North Carolina and a portion of Horry County, S.C., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded areas. The amendments release South Carolina from the list of States quarantined because of hog cholera.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days

after publication in the FEDERAL REGISTER.

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

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

[F.R. Doc. 70-16885; Filed, Dec. 15, 1970; 8:49 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev. of the Export Regs., Amdt. 12]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 370, 371, 372, 373, 374, 376, 379, and 386 of the Code of Federal Regulations are amended to read as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

Effective date: December 12, 1970.

RAUER H. MEYER,
Director,
Office of Export Control.

PART 370—EXPORT LICENSING GENERAL POLICY AND RELATED INFORMATION

In § 370.2, the 11th definition is amended to read as follows:

§ 370.2 Definitions of export control terms.

* * * * *

Reexport. The term "reexport" in the Export Control Regulations, or any license, order, or export control document issued thereunder, includes reexport, transshipment, or diversion of commodities of technical data from one foreign destination to another.

* * * * *

PART 371—GENERAL LICENSES

In § 371.16, paragraph (d) is amended to read as follows:

§ 371.16 General license GTF–F; goods temporarily exported for display at foreign exhibitions or trade fairs.

* * * * *

(d) *Request for authorization to dispose of commodities outside the United States.* If the U.S. exporter wishes to sell or otherwise dispose of the commodities outside the United States, he shall request authorization therefor by submitting Form IA–1145, Request to Dispose of Commodities or Technical Data Previously Exported, or a letter to the Office of Export Control (Attention: 854). (See § 374.3 of this chapter.) Such request shall comply with any special provisions of the Export Control Regulations covering export directly from the United States to the proposed destination, and shall be accompanied by any documents that would be required in support of an export license application for shipment of the same commodities directly from the United States to the proposed destination. (Reexport or distribution authority does not relieve any person from complying with foreign laws. See § 374.9 of this chapter.)

* * * * *

PART 372—INDIVIDUAL VALIDATED LICENSES AND AMENDMENTS

In § 372.8(c), paragraphs (4) and (5) are amended to read as follows:

§ 372.8 Special types of individual license applications.

* * * * *

(c) * * *

(4) *Commodities not returned to the United States.* If it is decided that the commodities are not to be returned to the United States, Form IA–1145, Request to Dispose of Commodities or Technical Data Previously Exported, or a letter, shall be sent to the Office of Export Control (Attention: 854), requesting authorization to dispose of the commodities. (See § 374.3.) In addition, except where the commodities are to be displayed at another trade fair or exhibition, or transferred to another destination for demonstration or testing, the reexport request shall be accompanied by any documents that would be required in support of an export license application for shipment of the same commodities directly from the United States to the proposed destination.

(5) *Action by Office of Export Control.* If Form IA–1145 or the letter request is approved, the Office of Export Control will validate and issue the second copy of Form IA–1145. If the request is disapproved, applicant will be advised of such action. If it is subsequently desired to make any other use of disposition of the commodities that is not authorized by the validated Form IA–1145, a properly documented written request for amendment of the form shall be submitted. (Reexport or distribution authority does not relieve any person from complying with foreign laws. See § 374.9.)

PART 373—SPECIAL LICENSING PROCEDURES

Sections 373.3(i) (3) and (4), 373.3(l) (3)(iv), 373.4(f) (1), (2), and (3), and § 373.6(f) are amended to read as set forth below.

In § 373.3, paragraphs (i) (3) and (4) are amended and (l)(3)(iv) is added to read as follows:

§ 373.3 Distribution license.

* * * * *

(i) * * *

(3) *Request for specific reexport authorization.* A request for specific authorization for any reexport under a Distribution License that is not authorized by the provisions of subparagraphs (1) or (2) of this paragraphs shall be submitted on Form IA–1145, Request to Dispose of Commodities or Technical Data Previously Exported, or by letter, to the Office of Export Control (Attention 854). (See § 374.3 of this chapter.) Each request shall be supported by any document that is required under the provisions of Part 375 of this chapter in support of an individual export license application for shipment of the same commodities directly from the United States to the proposed destination.

(4) *Permissive reexport provisions inapplicable.* The permissive reexport provisions of § 374.2 of this chapter relating to the reexport of commodities within the established GLV dollar value limits shown on the Commodity Control List (§ 399.1) do not apply to exports, reexports, or distributions under this procedure.

* * * * *

(l) * * *

(iv) Date of sale or reexport.

* * * * *

In § 373.4(f), subparagraphs (1), (2), and (3) are amended to read as follows:

§ 373.4 Foreign-based warehouse procedure.

* * * * *

(f) * * *

(1) *Validated Form FC–243 required.* In no case may an export, reexport, distribution, or resale be made under the Foreign-Based Warehouse Procedure to any person or firm until the exporter has received a validated Form FC–243 showing approval by the Office of Export Control of that person or firm as a customer (except when otherwise specifically authorized by the U.S. Government or except as provided for government agencies in paragraph (c)(3) of this section).

(2) *Request for specific authorization.* A request for specific authorization to reexport, distribute, resell, or make other disposition of a commodity under the provisions of the Foreign-Based Warehouse Procedure to any person or firm not approved under this procedure shall be submitted on Form IA–1145, Request to Dispose of Commodities or Technical Data Previously Exported, or by letter, to the Office of Export Control (Attention 854). (See § 374.3 of this chapter.) Each request shall be supported by any document that is required in support of an individual export license application to export the same commodities directly from the United States to the proposed destination.

(3) *Permissive reexport provisions inapplicable.* The permissive reexport provisions of § 374.2 of this chapter relating to the reexport of commodities within the established GLV dollar value limits shown on the Commodity Control List (§ 399.1 of this chapter) do not apply to exports, reexports, distributions, or resale under this procedure.

In § 373.6, paragraph (f) is amended to read as follows:

§ 373.6 Time limit (TL) license.

* * * * *

(f) *Reexports.* Reexport may be made between ultimate consignee named on outstanding Time Limit Licenses, issued to the same licensee, without the necessity of obtaining specific approval from the Office of Export Control. Authority to reexport to other importers in Country Group T may be requested on the license application or, where the license has already been issued, by submitting Form IA–1145, Request to Dispose of Commodities or Technical Data Previously Exported, or a letter, to the Office of Export Control (Attention: 854). (See § 374.3 of this chapter.)

PART 374—REEXPORTS

Section 374.3 is amended and a new Supplement 1 to Part 374 is established to read as set forth below.

§ 374.3 How to request reexport authorization.

(a) *Requests for reexport authorization for commodities exported under general license.* In order to obtain authorization to reexport commodities previously exported from the United States under a general license, a request shall be submitted on Form IA–1145, Request to Dispose of Commodities or Technical Data Previously Exported,[1] to the Office of Export Control (Attention: 854), U.S. Department of Commerce, Washington, D.C. 20230. (See Supplement S–_____ for facsimile of form and Supplement No. 1 to this Part 374 for instructions on completing the form.) If the request is approved, the second copy of Form IA–1145 will be validated and returned to applicant. If disapproved, applicant will be advised of such action. If Form IA–1145 is not readily available, a letter may be submitted setting forth the name and address of applicant; general license under which shipment was previously made from the United States, name and address of new ultimate consignee; original ultimate consignee; whether reexport, sale, or other disposition is requested; description of commodities, quantity, and dollar value; and end use by new ultimate consignee. Applicant shall certify that the above statements are true to the best of his knowledge and belief and that, if authorization is granted, he will be strictly accountable for its use in accordance with the Export Control Regulations and all terms and conditions specified on the authorization. If the request is approved, the second copy of the form will be validated and forwarded to applicant. If disapproved, applicant will be advised of such action. If a reexport is to be made to any of the countries listed in paragraph (d)(1) of this section, the documentation required by paragraph (d)(1)(i) of this section shall also be submitted with Form IA–1145 or the letter request.

NOTE: Optional ports of unlading. When an export is being made to Country Group T, V, or W under the provisions of General License G–DEST and the exporter does not know, prior to the departure of the exporting carrier, which of several countries is the country of ultimate destination, he may name optional ports of unlading on the Shipper's Export Declaration and bill of lading even when more than one foreign country is involved, as provided by § 386.3(o) of this chapter.

(b) *Requests for reexport authorization accompanying license application.* In order to obtain authorization to reexport commodities at the time of submission of a license application to export such commodities from the United States, the reexport request shall be included on the license application. The application shall specify the country to which the reexport will be made and include the information required by paragraph (d) of this section, if applicable. If it is stated on an individual export license application that the commodity to be exported is intended for distribution or resale in a country(ies) other than the named country of ultimate destination, authorization for such distribution or resale will be granted or withheld by an appropriate statement on the face of the validated license, as follows:

(1) "Distribution or resale of the commodities listed above is permitted in the country of ultimate destination only"; or

(2) "Distribution or resale of the commodities listed above is permitted in (name of country of ultimate destination) and (names of other approved countries)."

Other methods for obtaining reexport authorization are set forth in the special licensing procedures (see Part 373 of this chapter).

(c) *Requests for reexport authorization subsequent to submission of license application*—(1) *Before shipment.* If authorization to reexport commodities is requested while the license application is still pending with the Office of Export Control, or if the export license has been issued and the proposed shipment has not been cleared for export by the U.S. Customs Office, Form IA–763, Requset for and Notice of Amendment Action (see Supplement S–4 for facsimile), shall be submitted to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230, in accordance with the procedure described in § 372.11(h) of this chapter. On Form IA–763, in the "Amend license to read as follows" space, the applicant should state: "Add permission to reexport to (name of countries)." (See paragraph (d) of this section for special provisions for specified countries.)

(2) *After shipment cleared for export.* If authorization to reexport commodities is requested after the shipment has been cleared for export by the U.S. Customs Office, Form IA–1145, Request to Dispose of Commodities for Technical Data Previously Exported, accompanied by Form FC–420, Application Processing Card, shall be submitted to the Office of Export Control (Attn: 854), U.S. Department of Commerce, Washington, D.C. 20230. (See Supplement S–26 for facsimile of form and Supplement No. 1 to this Part 374 on instructions for completing the form.) In addition, if reexport is to be made to any of the countries listed in paragraph (d)(1) of this section, the documentation required by paragraph (d)(1)(i) of this section shall also be submitted with Form IA–1145. If the request is approved, the second copy of the form will be validated and returned to applicant. If disapproved, applicant will be advised of such action. If Form IA–1145 is not readily available and a letter is submitted, it shall set forth the name and address of applicant; validated license number (if known); name and address of new ultimate consignee; original ultimate consignee; whether reexport, sale, or other disposition is requested; description of commodities, quantity, and dollar value; and end use by new ultimate consignee. Applicant shall certify that the above statements are true to the best of his knowledge and belief and that, if authorization is granted, he will be strictly accountable for its use in accordance with the Export Control Regulations and all terms and conditions specified on the authorization. If the request is approved, the Office of Export Control will prepare the second copy of Form IA–1145, validate it, and forward it to the applicant. If disapproved, applicant will be advised of such action. (See paragraph (d) of this section for special requirements for specified countries.)

(d) *Special requirements.* In addition to the provisions of paragraphs (a), (b), and (c) of this section, the request for reexport authorization shall include the following:

(1) *Reexports to certain countries.* If the reexport is to be made to a destination specified below, regardless of the country to which the commodities were originally shipped from the United States, the documentation set forth in subdivision (i) of this subparagraph shall also be furnished.

Any destination in Country Group S, W, X, Y, or Z (see Supplement No. 1 to Part 370 of this chapter for the countries included in each country group).

The following destinations in Country Group V:

Cambodia.
Laos.
Liechtenstein.
Malaysia.
Singapore.
South Africa (Republic of).
Sweden.
Switzerland.
Thailand.
Vietnam (Republic of).
Yugoslavia.

(i) Consignee/purchaser statement or other documentation from the new ultimate consignee that would be required by Part 375 of this chapter if the reexport were a direct export from the United States to the new country. Where this document is a Yugoslav End-Use Certificate or a Swiss Blue Import Certificate, and the same document must be furnished to the export control authorities of the country from which reexport will

[1] Forms IA–1145 may be obtained at all U.S. Department of Commerce field offices (see list on page 1 under Field Office Addresses) and from the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230.

be made, the Office of Export Control will accept a reproduced copy of the document being furnished to the country of reexport. If the required documentation cannot be obtained, waiver may be requested in accordance with the applicable provisions of the Export Control Regulations. (See § 375.1(d) of this chapter for waiver of an Import Certificate; § 375.3(c) for waiver of a Swiss Blue Import Certificate; and § 375.4(c) for waiver of a Yugoslav End-Use Certificate.)

(2) *Reexports from Switzerland and Liechtenstein.* If export from the United States was made, or will be made, to Switzerland or Liechtenstein under a validated export license, the request to reexport from Switzerland or Liechtenstein shall include the number and date of the Swiss Blue Import Certificate(s) submitted in support of the application(s) for license to export the commodities from the United States.

Part 374 is revised to add at the end thereof a new supplement reading as follows:

SUPPLEMENT 1—INSTRUCTIONS FOR PREPARING FORM IA-1145, REQUEST TO DISPOSE OF COMMODITIES AND TECHNICAL DATA PREVIOUSLY EXPORTED

Item 1. Enter date the request is submitted.

Item 2. Applicant's reference number may be used for his convenience.

Item 3. Enter the name and address of applicant. The Postal Zip Code must be included as it is an integral part of the address.

Item 4. If the commodities or technical data were previously exported under a validated license, show the license number and case number. If previously exported under a general license, show the general license symbol (e.g., G-DEST, GLV, etc.).

Item 5. Enter the name and address of the new ultimate consignee who is actually to receive the commodities or technical data for the end use stated in Item 9. A bank, freight forwarder, forwarding agent, or other intermediary is not acceptable.

Item 6. Enter the name and address of the original ultimate consignee to whom the commodities or technical data were originally exported.

Item 7. If the commodities or technical data are to be exported from the country in which located, place a checkmark in the "Reexport" box. If the commodities or technical data are to be resold in the countries in which located, place a checkmark in the "Sell" box. If other disposition is to be made, place a checkmark in the "Other" box and specify type of transaction.

Item 8(a). Show the quantity of each commodity, using units specified in the unit column of the Commodity Control List (§ 399.1). If dots (. . .) are set forth in the unit column, show the unit of quantity commonly used in the trade. If technical data, leave blank.

Item 8b. Describe the commodities in terms that correspond with the commodity descriptions in the Commodity Control List. For technical data, see § 379.8.

Item 8c. Enter the Export Control Commodity Number and Processing Number of each commodity. If technical data, leave blank.

Item 8d. Give the value of each commodity in U.S. dollars and show the total value. If technical data, leave blank.

Item 9. Enter a complete and detailed statement of the end use of the commodities or technical data intended by the new ultimate consignee as this is an important factor in determining approval of the reexport request. The statement should include, for example, whether a product will be produced or manufactured, what services will be rendered, and the country(ies) where this will take place.

Item 10. Enter adidtional information pertinent to the transaction or required by the Export Control Regulations, such as names of parties in interest not disclosed elsewhere, explanation of documents attached, if any, etc. If this request represents a transaction previously considered by the Office of Export Control and returned without action or rejected, give prior case number and indicate prior action by the Office of Export Control.

Item 11. Request must be manually signed by applicant, or by an officer or duly authorized agent of the applicant. If signed by agent of the applicant, the title and firm name of agent must be shown. (Rubber-stamped and other facsimile signatures are not acceptable.)

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

Sections 376.2(c), 376.3(a)(4), and 376.3(b)(3) are amended to read as set forth below:

In § 376.2, paragraph (c) is amended to read as follows:

§ 376.2 Samples: Exports and reexports to Country Groups W and Y.

* * * * *

(c) *License application or reexport request.* The following provisions are in addition to the regular requirements for submitting an export license application or reexport request (see Parts 372 and 374 of this chapter):

(1) *Identification.* The word "Sample" shall be entered across the top of the application, immediately over the printed words "United States of America," or across the top of the reexport request.

(2) *Value.* The value of the sample shall be indicated in each reexport request. On each license application, the value shall be indicated in the space provided for the commodity description if the value is not the same as the selling price.

(3) *Statement.* The following statement shall be entered after the description of the commodity:

The commodity described above is a sample sent without charge or at no more than our usual price for examination, evaluation, or comparison by a prospective purchaser.

(4) *Commercial quantities.* If the exporter wishes an indication of the prospects for approval of a commercial quantity of the sample commodity, he shall (i) request this information specifically; and (ii) describe the proposed commercial transaction fully, giving the quantities, values, end uses, and all other information normally required in considering a license application or reexport request. The Office of Export Control will act upon such a request only where it appears the request is clearly warranted. However, in no case is an indication of the prospects for approval of a license application or reexport request binding on the Office of Export Control. Changing circumstances may require a different decision at the time the license application or reexport request is actually submitted.

* * * * *

In § 376.3, paragraphs (a)(4) and (b)(3) are amended to read as follows:

§ 376.3 Agricultural commodities and manufactures thereof.

(a) * * *

(4) *Reexports.* In accordance with Part 374 of this section, reexports of wheat and wheat flour to Country Group Y require specific authorization from the Office of Export Control. (Reexport authority does not relieve any person from complying with foreign laws. See § 374.9 of this chapter.)

(b) * * *

(3) *Reexports.* Requests for authority to reexport agricultural commodities, and manufactures thereof, other than wheat or wheat flour, will be considered if:

(i) The export from the United States was not financed under the Public Law 480 program or the Agency for International Development program; and

(ii) The terms of sale of the export from the United States were cash or normal commercial credit.

Such reexport requests shall be submitted in accordance with Part 374 and shall contain the following certification:

I (We) certify that with respect to the commodities described herein (1) the export from the United States was not financed under the Public Law 480 program, or the Agency for Itnernational Development program; and (2) the terms of sale of the export from the United States were cash or normal commercial credit.

(Reexport or distribution authority does not relieve any person from complying with foreign laws. See § 374.9 of this chapter.)

PART 379—TECHNICAL DATA

In § 379.8, paragraph (c) is amended to read as follows:

§ 379.8 Reexports of technical data and exports of the product manufactured abroad by use of United States technical data.

* * * * *

(c) *Specific authorization to reexport.* Requests for specific authorization to reexport technical data or to export any product thereof, as applicable, shall be submitted on Form IA-1145, Request to Dispose of Commodities or Technical Data Previously Exported, to the Office of Export Control (Attention: 854), U.S. Department of Commerce, Washington, D.C. 20230. (See Supplement S-_____ for facsimile of form and Supplement No. 1 to Part 374 on instructions for completing the form.) If the request is approved, the second copy of the form will be validated and returned to the applicant. The form will bear a validity period, which may be extended upon request. If Form IA-1145 is not readily available, a request for specific authorization to reexport technical data or to export any product thereof, as applicable, may be submitted by letter. The

letter shall bear the words "Technical Data Reexport Request" immediately below the heading or letterhead and contain all the information required by § 379.5(d). Authorization to reexport, if granted, will be issued with a validity period of 12 months on Form IA–1145 or by means of a letter from the Office of Export Control. Any request for extension of the validity period shall similarly be submitted by letter. Reexport authorizations shall be returned promptly to the Office of Export Control upon revocation, suspension, or expiration of the validity period. Used authorizations shall be returned when fully used. Unused and partially used authorizations shall be returned when the person authorized to reexport determines that he will not make any shipment, or further shipment, thereunder or upon expiration of the authorization, whichever comes first. After the reexports of the technical data has been completed, the Office of Export Control shall also be given a notice in writing, indicating:

(1) When the technical data were reexported or when the technical services were rendered; and

(2) Whether the reexport or service was total or partial.

In addition, if the technical data had been reexported to Country Group W or Y, the written notice shall specify:

(i) The nature of the transaction (e.g., a sale of technical data, performance of technical services, a technical licensing agreement, a technology exchange agreement, or the rendering of technical services);

(ii) The nature of the payment received, or to be received, by the U.S. exporter (e.g., pecuniary or other consideration); and

(iii) The actual or estimated price of the technical data reexported or services rendered, or the actual or estimated dollar value of any other consideration received or to be received. (This should include the payment received or to be received for engineering and for any other services when rendered, as well as for the royalty or other payment received or to be received for a design or process authorized to be used.)

* * * * *

PART 386—EXPORT CLEARANCE

Sections 386.3(v), 386.4(b)(5), 386.6(f), and 386.9(b)(9) are amended to read as set forth below:

In § 386.3, paragraph (v) is amended to read as follows:

§386.3 Shipper's export declaration.

* * * * *

(v) *Alternate procedure for filing declarations ("NAR" procedure)*—(1) *Scope.* An alternate procedure[1] for filing Declarations covering general license shipments via aircraft or vessel to destinations in Country Groups T, V, or X is established, under which such a Declaration may be delivered to the exporting carrier[2] at or near the point of origin of the cargo, without first having been authenticated by the Customs Office. The exporting steamship line (or his shipping agent) or the airline at the port of export, or the domestic airline, to which the exporter delivers the Declaration will examine the document and take other actions in accordance with subparagraph (4) or (5) of this paragraph, as appropriate.

(2) *Qualification of carrier under "NAR" procedure*—(i) *Statement by carrier.* A carrier wishing to participate in the "NAR" Procedure shall send a letter to the Foreign Trade Division, Bureau of the Census, U.S. Department of Commerce, Washington, D.C. 20230. A copy of this letter shall also be sent to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230. This letter shall:

(*a*) Propose a date on which the carrier intends to begin participation;

(*b*) Specify those ports at which the carrier will accept unauthenticated Declarations;

(*c*) List the carrier's shipping agents and ports at which the agents will accept unauthenticated Declarations;

(*d*) Include a statement of the carrier's willingness to accept unauthenticated Declarations and his agreement to comply with the provisions set forth in § 30.42 of the Census Bureau's "Foreign Trade Statistics Regulations" and this § 386.3(v) of the Export Control Regulations.

(ii) *Acceptance of carrier's statement.* The Bureau of the Census, with the advice of the Office of Export Control, will acknowledge and accept the carrier's statement of willingness to accept unauthenticated Declarations under the "NAR" Procedure. The acknowledgment will confirm the date on which the carrier will begin participating and the ports at which such carrier (and his shipping agents) will participate; airports in the case of a domestic airline. This letter shall be retained by the carrier in its office for a period of 2 years from the date of the last action taken by the carrier under this alternate procedure and shall be made available for inspection on demand in accordance with § 387.11(f) of this chapter. (For further recordkeeping requirements see § 387.11 of this chapter.)

(iii) *Notification to Customs.* Customs offices will be notified of the names of carriers that have agreed to accept unauthenticated Declarations under the "NAR" Procedure. Names of participating carriers may be obtained from customs offices.

(iv) *Eligible ports or airports.* Participation by a carrier in this "NAR" Procedure will be restricted to those ports or airports it specifies in its letter to the Bureau of the Census and the Office of Export Control. A carrier may add or delete ports or airports of participation by notifying the Bureau of the Census and the Office of Export Control as set forth in subdivision (i) of this subparagraph.

(3) *Action by exporter or his agent under "NAR" Procedure*—(i) *Preparation of Declaration*—(*a*) *Information required.* The exporter, or his duly authorized agent, shall prepare the Declaration fully and properly in accordance with this § 386.3. In this regard, the responsibility of the exporter (or his agent) includes, but is not limited to, insuring that such items as destination, commodity description, Schedule B number, shipping weight, quantity (where required), and value are complete and accurate; and further, that the proper general license designation and destination control statement are entered on the Declaration. In addition, the exporter (or his agent) shall enter (*1*) the notation "NAR" (no authentication required) in the "Customs Authentication" space, and (*2*) the bill of lading number[3] (when known to the exporter or his agent) in the "Waybill or Manifest No." or "B/L No." space.

(*b*) *Number of copies.* The Declaration shall be prepared in two copies only. However, where an additional copy is required by paragraph (i)(3) of this section, the Declaration shall be prepared in three copies.

(ii) *Filing the Declaration.* The exporter (or his agent) shall deliver all copies of the Declaration to the carrier before the shipment is loaded on board the exporting vessel or aircraft (or, if a domestic airline is to review and handle the Declaration under the NAR Procedure, before the shipment is loaded aboard the aircraft which will carry it to the port of export). Such a Declaration need not first be authenticated by the Customs Office.

(4) *Action by exporting carrier under "NAR" Procedure.*—(i) *Examination of Declaration prior to loading.* (*a*) An exporting carrier accepting unauthenticated Declarations shall, on receipt of such a Declaration and before loading the shipment, examine the Declaration to see that:

(*1*) The shipment is declared as being exported under a general license;

(*2*) The shipment is declared as being made to a destination in Country Group T, V, or X;

(*3*) A destination control statement is shown on the Declaration;

(*4*) All other required information is shown completely on the Declaration, including but not limited to destination, commodity description, Schedule B Number, shipping weight, quantity (where required), and value;

[1] The alternate procedure does not apply when an inland shipper elects to have his Declaration authenticated under the port-of-origin procedure set forth in § 386.8.

[2] For purposes of this regulation an "exporting carrier" is defined as the office of either a steamship line or an airline at the port of export, or the shipping agent of a steamship line at the port of export. A "domestic airline" is one that (a) holds a certificate of public convenience and necessity issued by the Civil Aeronautics Board for scheduled service pursuant to section 401(d)(1) or 401(d)(2) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1371), and (b) carries cargo to a port of export for transfer to an international flight of the same or another airline.

(5) The information shown on the Declaration is not inconsistent with other records and information available to the carrier; and

(6) The following items of information, being peculiarly within the knowledge of the carrier, are accurate: "U.S. Port of Export," "Method of Transportation," "Exporting-Carrier," "Foreign Port of Unloading," and bill of lading number.

(b) If a Declaration appears incomplete or inconsistent, the carrier should make additions alterations, or amendments with regard to the items specified in item (a)(6) of this subdivision. Otherwise, the carrier shall return it to the exporter or his agent to be checked, completed, or corrected. The exporter shall then give the Declaration to the exporting carrier for rechecking before the shipment is loaded.

(c) If the shipment is being exported under a validated license to any destination, or under a general license to Country Group S, W, Y, or Z, the carrier shall return the Declaration, and license to the exporter or his agent for presentation to the customs office for authentication in accordance with § 386.1(d)(1), before loading the shipment, since the "NAR" provisions are not applicable to such a shipment.

(ii) *Verifying entry of "NAR" notation.* Carriers shall see that the notation "NAR" is entered in the "Customs Authentication" space on the Declaration.

(iii) *Filing Declaration and manifest.* (a) For each shipment covered by an unauthenticated Declaration accepted under this procedure, the notation "NAR" and the related bill of lading number shall be entered on all copies of the outward foreign manifest.

(b) The manifest with all related copies of the Declaration attached thereto shall be submitted to the customs office. The unauthenticated Declarations shall be separated from authenticated Declarations covering shipments not processed under the "NAR" Procedure. Where a third copy of the Declaration is submitted, in accordance with paragraph (i)(3) of this section, that copy also shall be attached to the manifest.

(c) Where the Declaration has been reviewed and handled by a domestic airline under the "NAR" Procedure (see subparagraph (5) of this paragaph the exporting carrier shall furnish the Declaration to the customs office in the same manner called for above for other Declarations, after making necessary corrections on the Declaration as provided in subdivision (i)(b) of this subparagraph.

(5) *Action by domestic airline under "NAR" Procedure.* Where a domestic airline, authorized to participate in the "NAR" Procedure, carrier an export shipment to the port of export for transfer to an international flight, the domestic carrier, rather than the exporting carrier may accept and review the Declaration. The domestic airline participating in the "NAR" Procedure shall:

(i) Take the same actions required by subparagraph (4)(i) and (ii) of this paragraph for a participating exporting carrier;

(ii) Use the airline and airport code in the "Official Airline Guide" to indicate the accepting airline and the airport at which the Declaration was received and reviewed. This information will be placed in the "Customs Authentication" box on the Declaration immediately below the "NAR" designation;

(iii) Deliver both copies of the Declaration to the exporting airline at the port of export; and

(iv) Accept and review Declarations under the "NAR" Procedure with or without knowledge of whether the exporting airline has been approved for participation.

(6) *Withdrawal of privileges*—(i) *Exporters and agents of exporters.* The privilege of participating in the "NAR" Procedure may be withdrawn from an exporter or agent of an exporter if it is determined by the Bureau of International Commerce or the Bureau of the Census that such exporter or agent has knowingly or negligently furnished or assisted in furnishing inaccurate, incomplete, or otherwise inadequate information required on the Shipper's Export Declaration.

(ii) *Carriers.* The privilege of participating in the "NAR" Procedure may be withdrawn from a carrier if it is determined by the Bureau of International Commerce or the Bureau of the Census that the carrier has knowingly or negligently failed to perform the functions required thereunder. Under such circumstances no exporter or agent of an exporter may avail himself of this procedure when dealing with such carrier so long as the carrier's privileges have been withdrawn.

(iii) *Reinstatement of privilege.* Any person or firm from whom the privilege of participating in this procedure has been withdrawn may apply for reinstatement of such privilege after a period of 45 days from the effective date of withdrawal.

(iv) *Administrative review and appeal.* Any person or firm from whom the privilege of participating in this procedure has been withdrawn, or whose application for the privilege has been denied, may request administrative review of or appeal such withdrawal, as provided in Part 389 of this chapter.

In § 386.4(b), paragraph (5) is amended to read as follows:

§ 386.4 Conformity of documents for validated license shipments.

* * * * *

(b) * * *

(5) *Carrier's manifest.* If the carrier's outward foreign manifest filed with the U.S. Customs Office contains names of shippers or consignees, these names must not be inconsistent with the names shown on the bill of lading or the Declaration.

* * * * *

In § 386.6, paragraph (f) is amended to read as follows:

§ 386.6 Destination control statements.

* * * * *

(f) *Permissive reexports.* If an exporter or his agent uses a more restrictive destination control statement than is necessary, the reexport provisions of § 374.2 of this chapter may nevertheless authorize reexport to certain destinations. Where reexport is permitted, the exporter may so advise his foreign importer without obtaining further authorization from the Office of Export Control. In all other instances, specified authorization shall be obtained from the Office of Export Control (see § 374.3 of this chapter).

In § 386.9(b), subparagraph (9) is amended to read as follows:

§ 386.9 Authority of customs offices and postmasters in clearing shipments.

* * * * *

(b) * * *

(9) *Ordering the return of commodities.* If a carrier departs before a Declaration that is required to be authenticated has been authenticated or a Declaration has been filed under the alternate procedure, or if it departs without affording the customs office an adequate opportunity to examine the shipment, the customs office is authorized to order the owner or operator of an exporting carrier and his agent(s) to return the commodities or technical data exported on such exporting carrier and make them available for inspection by the Customs Office.

[F.R. Doc. 70-16855; Filed, Dec. 15, 1970; 8:47 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 20—FROZEN DESSERTS

Editorial Change in the Identity Standard for Nonfruit Sherbets

Effective on date of publication hereof in the FEDERAL REGISTER, § 20.6 *Nonfruit sherbets; identity; label statement of optional ingredients* is amended in paragraph (e)(4) by changing "polyoxyethylene (20) sorbitan tristearate" to "Polysorbate 65" to effect consistency with 21 CFR 121.1008 with respect to the name of the substance.

Dated: December 4, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-16830; Filed, Dec. 15, 1970; 8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Levamisole Hydrochloride

Correction

In F.R. Doc. 70-16288 appearing at page 18458 in the issue for Friday, De-

cember 4, 1970, in the table in § 135c.18 (f) the amount listed for item 3, now reading "4.68 grams per pocket.", should read "46.8 grams per packet."

PART 149d—NAFCILLIN

Sodium Nafcillin Monohydrate for Injection

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), § 149d.3 *Sodium nafcillin monohydrate for injection* is amended by deleting from paragraph (a) the second sentence "Each vial contains 500 milligrams of nafcillin."

This order merely deletes a specification from the regulation for the subject drug to provide for certification of additional vial sizes. The amendment is noncontroversial and nonrestrictive in nature; therefore, 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: December 3, 1970.

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

[F.R. Doc. 70-16849; Filed, Dec. 15, 1970; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CARBOHYDRASE AND CELLULASE ENZYME PREPARATION

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 0A2536) filed by Fehmerling Associates, 577 Shiloh Pike, Bridgeton, N.J. 08302, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of a carbohydrase and cellulase enzyme preparation derived from *Aspergillus niger* as an aid in the removal of the shell from the edible tissue in shrimp processing, as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1233 is revised to read as follows:

§ 121.1233 Carbohydrase and cellulase enzyme preparation.

Carbohydrase and cellulase enzyme preparation derived from *Aspergillus niger* may be safely used in food in accordance with the following prescribed conditions:

(a) *Aspergillus niger* is classified as follows: Class, *Deuteromycetes;* order, *Moniliales;* family, *Moniliaceae;* genus, *Aspergillus;* species, *niger.*

(b) The strain of *Aspergillus niger* is nonpathogenic and nontoxic in man or other animals.

(c) The additive is produced by a process that completely removes the organism *Aspergillus niger* from the carbohydrase and cellulase enzyme product.

(d) The additive is used or intended for use as follows:

(1) For removal of visceral mass (bellies) in clam processing.

(2) As an aid in the removal of the shell from the edible tissue in shrimp processing.

(e) The additive is used in an amount not in excess of the minimum required to produce its intended effect.

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

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

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

Dated: December 3, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-16831; Filed, Dec. 15, 1970; 8:45 a.m.]

PART 121—FOOD ADDITIVES

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

ANTIOXIDANTS AND/OR STABILIZERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 0B2438), filed by ICI America, Inc., 151 South Street, Stamford, Conn. 06904, and other relevant material, concludes that § 121.2566 should be amended to provide for an additional safe use of the antioxidant and/or stabilizer set forth below in acrylonitrile-butadiene-styrene copolymers used in contact with nonalcoholic foods.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended by adding limitation No. 6 to the item "Tris(2-methyl-4-hydroxy-5-*tert*-butylphenyl) butane," as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

	Limitations
* * *	* * *
Tris(2-methyl-4-hydroxy-5-*tert*-butylphenyl) butane.	For use only:
* * *	* * *
	6. At levels not to exceed 0.25 percent by weight of acrylonitrile-butadiene-styrene copolymers used in contact with nonalcoholic foods.

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

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

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

Dated: December 3, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-16832; Filed, Dec. 15, 1970; 8:45 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER M—INTERNATIONAL TRAFFIC IN ARMS

[Departmental Reg. 108.629]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 121, 123, 124, and 125 of Title 22 of the Code of Federal Regulations are revised and amended as set forth below.

PART 121—ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

1. In Part 121, § 121.01, Category XX is amended and § 121.20 (b) and (c) is revised to read as follows:

§ 121.01 The U.S. munitions list.

* * * * *

CATEGORY XX—SUBMERSIBLE VESSELS, OCEANOGRAPHIC AND ASSOCIATED EQUIPMENT[4]

(a) Submersible vessels, manned and unmanned, designed for military purposes or having independent capability to maneuver vertically or horizontally at depths below 1,000 feet or powered by nuclear propulsion plants.

(b) Submersible vessels, manned or unmanned, designed in whole or in part from technology developed by or for the U.S. Armed Forces.

(c) Any of the articles in Categories VI, IX, XI, XIII, and elsewhere in § 121.01 of this subchapter that may be used with submersible vessels.

(d) Equipment, components, parts, accessories, and attachments designed specifically for any of the articles in paragraphs (a) and (b) of this category.[5]

§ 121.20 Licenses.

* * * * *

(b) Licenses shall be issued valid for 12 months unless a different period is expressly stated thereon. Licenses are not transferable.

(c) No photographic or other copy may be made of an original license unless authorized by the Department of State.

* * * * *

PART 123—LICENSES FOR UNCLASSIFIED[1] ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

2. In Part 123, §§ 123.06 and 123.31(a) are revised to read as follows: (Footnote 1 to part heading remains unchanged.)

§ 123.06 Foreign trade zones and customs bonded warehouses.

A Foreign Trade Zone and a U.S. Customs bonded warehouse are considered integral parts of the United States for the purpose of this subchapter. An export license is therefore not required for shipments between the United States and a Foreign Trade Zone or a Customs bonded warehouse. However, an export license shall be required for all shipments of articles on the U.S. Munitions List from Foreign Trade Zones and U.S. Customs bonded warehouses to other countries, regardless of how the articles reached the zone or warehouse.

§ 123.31 Arms and ammunition for personal use.

(a) Subject to the provisions of § 126.01 of this chapter, district directors of customs are authorized to permit, after declaration by the individual and inspection by a customs office, not more than three nonautomatic firearms and not more than 1,000 cartridges therefor, to be exported from the United States without a license, when these firearms are with an individual's baggage or effects, whether accompanied or unaccompanied (but not mailed), and are intend exclusively for his personal use for sporting or scientific purposes or for personal protection and not for resale. This exemption extends to not more than three tear gas guns or other type hand dispensers and not more than 100 tear gas cartridges therefor. The foregoing exemption is not applicable (1) to crewmembers of vessels or aircraft unless they personally declare the firearms to a customs officer upon each departure from the United States, and declare the intention to return them on each return to the United States, and (2) to the personnel referred to in § 123.32.

* * * * *

PART 124—MANUFACTURING LICENSE AND TECHNICAL ASSISTANCE AGREEMENTS

3. In Part 124, § 124.10 is revised as follows:

§ 124.10 Required information in agreements.

Proposed manufacturing license and technical assistance agreements (and amendments thereto) shall be submitted in five copies to the Department of State for approval. (Such agreements shall not become effective until the Department's approval has been obtained.) The proposed agreements shall contain, inter alia, all of the following information and statements in terms as precise as possible, or the transmittal letter (see § 124.11) shall state the reasons for their omission or variation:

* * * * *

(h) A statement that reads as follows: "This agreement is subject to all the laws and regulations, and other administrative acts, now or hereafter in effect, of the U.S. Government and its departments and agencies."

(i) [Reserved]

(j) A statement that reads as follows:

(1) It is agreed that sales under contracts made with funds derived through the Military Assistance Program or otherwise through the U.S. Government will not include either (a) charges for patent rights in which the U.S. Government holds a royalty-free license, or (b) charges for data which the U.S. Government has a right to use and disclose to others, which are in the public domain, or which the U.S. Government has acquired or is entitled to acquire without restrictions upon their use and disclosure to others.

(2) If the U.S. Government is obligated or becomes obligated to pay licensor royalties, fees, or other charges for the use of technical data or patents which are involved in the manufacture, use or sale of any licensed item, any royalties, fees or other charges in connection with purchases of such licensed item from licensee or its sublicensees with funds derived through the Military Assistance Program or otherwise through the U.S. Government shall in the aggregate be no greater than said obligation.

(3) If the U.S. Government has made financial or other contributions to the design and development of any licensed item, any charges for technical assistance or know-how relating to the item in connection with purchases of such items with funds derived through the Military Assistance Program or otherwise through the U.S. Government shall be proportionately reduced to reflect the U.S. Government contributions and, subject to the provisions of paragraph (2) above, no other royalties, fees or other charges will be assessed against U.S. Government funded purchases of such item. However, charges may be made for reasonable reproduction, handling, mailing, or similar administrative costs incident to the furnishing of such data.

(k) A statement that reads as follows: "The Licensor and Licensee agree that the obligations contained in this agreement shall not affect the performance of any obligations created by prior contracts or subcontracts which the Licensor and Licensee may have individually or collectively with the U.S. Government or its departments and agencies."

* * * * *

PART 125—TECHNICAL DATA

4. In Part 125, §§ 125.01, 125.04(a) and 125.21 are revised to read as follows:

§ 125.01 Technical data.

As used in this subchapter the term "technical data" means: (a) Any unclassified information that can be used, or be adapted for use, in the design, production, manufacture, repair, overhaul, processing, engineering, development, operation, maintenance, or reconstruction of arms, ammunition, and implements of war on the U.S. Munitions List; or (b) any technology which advances the state-of-the-art or establishes a new art in an area of significant military applicability in the United States;[1] or (c) classified information as defined in § 125.02.

§ 125.04 Export of unclassified technical data.

(a) *General.* A license issued by the Department of State shall be required for the export of unclassified technical data (as defined in § 125.01 (a) and (b)) unless otherwise expressly exempted in this subchapter (see §§ 125.10 and 125.11).

Unclassified information that does not meet the definition of technical data or can meet the test of an exemption in §§ 125.10 and 125.11 (see especially

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[4] Any submersible vessels, oceanographic or associated equipment assigned a military designation shall constitute an article on the U.S. Munitions List, whether expressly enumerated therein.

[5] Items, including technical data relating thereto, for submarine nuclear propulsion plants which upon review are determined to have significant naval nuclear propulsion applicability will be considered as naval nuclear propulsion items for the purposes of these regulations and processed in accordance with Category VI(e) and the footnote thereto.

[1] The initial burden of determining whether the technology in question advances the state-of-the-art or establishes a new art is upon the U.S. party or applicant in consultation with the cognizant agency of the U.S. armed forces.

§ 125.11(a)(2)) shall not be the subject of license applications.

* * * * *

§ 125.21 Export of classified information (data and equipment).

Unless exempted in § 125.10 or § 125.11, applications (from U.S. citizens only) for approval to export or disclose classified information (data or equipment) to foreign nationals shall be submitted to the Department of State on form DSP-85. When the application is for export of classified technical data only it shall be accompanied by five copies of the data to permit an evaluation of whether an export license may be issued. When the application is for export of classified equipment it shall be accompanied by five copies of suitable descriptive information to permit an evaluation of whether an export license may be issued. All classified material accompanying an application shall be annotated to show U.S. Government authority for its reproduction. (See Defense Industrial Security Manual, section I, paragraph 5.)

(Sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934; secs. 101, 105, E.O. 10973, 26 F.R. 10469; sec. 6, Departmental Delegation of Authority No. 104, 26 F.R. 10608, as amended, 27 F.R. 9925; Redelegation of Authority No. 104-3-A, 28 F.R. 7231; Redelegation of Authority No. 104-7, 35 F.R. 3243; Redelegation of Authority No. 104-7-A, 35 F.R. 5423, 5424)

Effective date. These revisions and amendments are effective upon publication in the FEDERAL REGISTER. With respect to § 121.20, any license, including an authorization issued by letter instead of form, that does not bear a specific expiration date automatically expires at midnight December 31, 1970.

[SEAL] JOHN N. IRWIN II,
Acting Secretary of State.

DECEMBER 5, 1970.

[F.R. Doc. 70-16847; Filed, Dec. 15, 1970; 8:46 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 1—DISCLOSURE OF RECORDS

Fees for Services

The Department of the Treasury finds that it is necessary to amend the existing regulations governing the disclosure of records at 31 CFR Part 1 to state Department regarding fees for services in providing records when performed by executive, administrative or professional employees. The Department also finds in accord with 5 U.S.C. 553 that notice and public procedure are unnecessary since the amendments involve general statements of policy and rules of agency procedure.

Accordingly, § 1.6, Part 1, Subtitle A, Title 31 of the Code of Federal Regulations is amended by revising paragraph (b)(1) as follows:

§ 1.6 Fees for services.

* * * * *

(b) (1) As to records requested pursuant to § 1.4(a)(4), when a search must be performed by an executive, administrative, or professional employee under these regulations, the estimated cost will be collected in advance, as provided in § 1.4(c)(2), and a charge will be imposed based on the time in hours spent by the employee multiplied by the hourly compensation of the employee. If the agency determines that is is necessary to edit records for release in response to a request, the estimated cost will be collected and a charge will be imposed based on the time spent for editing multiplied by the hourly compensation of the employee. In routine cases where searches are performed by clerical personnel a fee of $3.50 an hour will be imposed and collected to defray the costs of searching for the requested records and to defray the other direct or indirect costs incurred by the Treasury Department in attempting to make the records available. The fee for clerical work will be computed as follows: (i) A minimum fee of $2 will be charged for searches up to one-half hour; (ii) for searches requiring more than one-half hour and not in excess of 1 hour, the full hourly rate of $3.50 will apply; (iii) for searches in excess of 1 hour, the charge will be made in one-quarter hour units at the rate of $1 per one-quarter hour. However, where full hours are required, the hourly rate of $3.50 will apply.

* * * * *

(5 U.S.C. 301, 552)

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

Dated: December 10, 1970.

[SEAL] ERNEST C. BETTS, Jr.,
Assistant Secretary for Administration.

[F.R. Doc. 70-16894; Filed, Dec. 15, 1970; 8:50 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 70-145]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Revocation of Regulations for Removed Bridge, Colgate Creek, Md.

1. The Chief, Office of Operations, U.S. Coast Guard Headquarters has been advised that the swing bridge across Colgate Creek at Broening Highway, Baltimore, has been removed. The special operation regulations governing this drawbridge are therefore no longer required.

2. Accordingly Part 117 is amended by revoking paragraph (f)(6) of § 117.245.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5) (35 F.R. 4959) and 33 CFR 1.05-1(c)(4) (35 F.R. 15922))

Effective date. This revocation shall become effective upon the date of publication in the FEDERAL REGISTER.

Dated: December 4, 1970.

D. H. LUZIUS,
Acting Chief,
Office of Operations.

[F.R. Doc. 70-16878, Filed Dec. 15, 1970; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 19—United States Information Agency

PART 19-16—PROCUREMENT FORMS

Miscellaneous Amendments

Part 19-16 is amended as follows:

1. The table of contents is amended to add §§ 19-16.102 and 19-16.501, revoke Subparts 19-16.2 and 19-16.3, and revise Subpart 19-16.8.

Subpart 19-16.1—Forms for Advertised Supply Contracts

Sec.	
19-16.102	Award documents.
19-16.104	Terms, conditions, and provisions.

Subpart 19-16.2—Forms for Negotiated Supply Contracts [Revoked]

Subpart 19-16.3—Purchase and Delivery Order Forms [Revoked]

Subpart 19-16.5—Forms for Advertised and Negotiated Nonpersonal Service Contracts (Other Than Construction)

19-16.501	Contract forms.

Subpart 19-16.8—Miscellaneous Forms

19-16.802	Bidders' Mailing List Application.
19-16.850	Other Agency forms.
19-16.851	Department of Labor forms.
19-16.851-1	Department of Labor Letter and Poster, PC-13 (Walsh-Healey Public Contracts Act).
19-16.851-2	Department of Labor form, PC-16 (Walsh-Healey Public Contracts Act).
19-16.851-3	Department of Labor form, SF-99, Notice of Award of Contract.
19-16.851-4	Secretary of Labor Poster, Equal Opportunity is the Law.
19-16.851-5	Department of Labor form, SC-1, Notice to Employees Working on Government Service Contracts.
19-16.860	U.S. Information Agency forms.
19-16.860-1	Supplemental General Provisions, IA-332.
19-16.860-2	Requisition-Purchase Order-Invoice for Professional Services, IA-44.
19-16.860-3	Memorandum of Loan, IA-431.
19-16.860-4	Certificate of Export, IAL-368.

Sec.
19–16.860–5 Bidder's Commodity and Service Code List, IA–407.
19–16.860–6 Contract Financial Report, IAP–14.

AUTHORITY: The provisions of this Part 19–16 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

2. Subpart 19–16.1 is amended by adding § 19–16.102, reading as follows:

Subpart 19–16.1—Forms for Advertised Supply Contracts

§ 19–16.102 Award documents.

(a) Standard Form 26 shall be used as the Agency's award document whenever Standard Form 33 is used. The award section of Standard Form 33 shall be left blank and its heading obliterated.

(b) When a narrative type contract is authorized the signature page shall serve in lieu of an award document. Copies of Standard Form 26 shall be used to provide information and instructions to appropriate Agency offices when necessary.

§ 19–16.104 Terms, conditions, and provisions.

The provisions of Agency Form, IA–332, Supplemental General Provisions are prescribed for use in all supply contracts in addition to the provisions of Standard Form 32. Form IA–332 should also be used with Standard Form 32 for service contracts when appropriate.

3. Part 19–16 is amended by revoking subparts 2 and 3.

Subpart 19–16.2—Forms for Negotiated Supply Contracts [Revoked]

Subpart 19–16.3—Purchase and Delivery Order Forms [Revoked]

4. Part 19–16 is amended by adding § 19–16.501, reading as follows:

Subpart 19–16.5—Forms for Advertised and Negotiated Nonpersonal Service Contracts (Other Than Construction)

§ 19–16.501 Contract forms.

The forms prescribed in §§ 1–16.101 and 1–16.201 of this title for advertised and negotiated supply contracts shall be used for advertised and negotiated nonpersonal service contracts (other than construction, grant agreements, and small purchases). Narrative type contracts for nonpersonal service contracts shall be used only upon approval of the format by the Agency Contracting Officer.

5. Subpart 19–16.8 is amended to read as follows:

Subpart 19–16.8—Miscellaneous Forms

§ 19–16.802 Bidder's mailing list application.

Whenever a Standard Form 129 is furnished to a prospective bidder, a copy of Agency Form IA–407, Bidder's Commodity and Service Code List shall also be furnished to the applicant. A copy of both forms shall be completed by the applicant and returned to the Agency.

§ 19–16.850 Other agency forms.

The forms listed in this § 19–16.850 shall be used in compliance with directives of the applicable regulatory agencies of the Government and in accordance with Chapter 1 of this title.

§ 19–16.851 Department of Labor forms.

The following forms, posters and letter posters, shall be furnished contractors in accordance with referenced regulations. Agency transmittal letter IAL–905 is prescribed for this purpose.

§ 19–16.851–1 Department of Labor letter and poster, PC–13 (Walsh-Healey Public Contracts Act).

PC–13, Department of Labor letter and poster, shall be furnished contractors, performing contract work subject to the Walsh-Healey Public Contracts Act, in accordance with § 1–12.604(b) of this title.

§ 19–16.851–2 Department of Labor form, PC–16 (Walsh-Healey Public Contracts Act).

PC–16, Department of Labor form, shall be furnished to contractors, performing contract work subject to the Walsh-Healey Public Contracts Act in accordance with § 1–12.604(c) of this title.

§ 19–16.851–3 Department of Labor form, SF–99, Notice of Award of Contract.

Standard Form 99, Notice of Award of Contract, shall be prepared and submitted to the Department of Labor, Wage and Hour and Public Contracts Division, when contract is subject to the Walsh-Healey Public Contracts Act in accordance with § 1–12.604(d) of this title or subject to the Service Contract Act of 1965 and the provisions of the Fair Labor Standards Act of 1938, in accordance with § 1–12.905–6 of this title.

§ 19–16.851–4 Secretary of Labor poster, Equal Opportunity is the Law.

Equal Opportunity is the Law, a Secretary of Labor Notice, shall be furnished contractors, subject to Executive Order No. 11246, Executive Order No. 11375 and the rules and regulations of the Secretary of Labor, in accordance with § 1–12.805.3 of this title.

§ 19–16.851–5 Department of Labor form, SC–1 Notice to Employees Working on Government Service Contracts.

SC–1, Department of Labor form, shall be furnished contractors performing contract work subject to the Service Contract Act of 1965, in accordance with § 1–12.905–1 of this title.

§ 19–16.860 U.S. Information Agency forms.

This section prescribes U.S. Information Agency forms to be used in addition to the standard forms prescribed in Chapter 1, Part 16, of this title in the procurement of supplies and services.

§ 19–16.860–1 Supplemental General Provisions, IA–332.

Supplemental General Provisions, IA–332, shall be used in contracts which incorporate Standard Form 32, in accordance with § 19–16.104.

§ 19–16.860–2 Requisition-Purchase Order-Invoice for Professional Services, IA–44.

Form IA–44 is prescribed for use by media purchasing activities for the procurement of professional (talent vendor) services related to the translation or narration of colloquial speech in foreign languages. Clearances of vendors in accordance with Section 430, Part VIII, Manual of Operation and Administration shall be obtained prior to procuring such services.

§ 19–16.860–3 Memorandum of Loan, IA–431.

Form IA–431 is prescribed for use to obtain the loan of items from private owners, business firms, and nonprofit institutions for use in the Agency's exhibit program.

§ 19–16.860–4 Certificate of Export, IAL–368.

Form IAL–368, a USIA Certificate of Export letter, is prescribed for use to furnish manufacturer-vendors with proof of export for items purchased exclusive of Manufacturer's Excise Tax.

§ 19–16.860–5 Bidder's Commodity and Service Code List, IA–407.

Form IA–407 is prescribed for use in conjunction with Standard Form 129, Bidder's Mailing List Application, in accordance with § 19–16.802.

§ 19–16.860–6 Contract Financial Report, IAP–14.

Form IAP–14, Contract Financial Report, is prescribed for use by contractors to report costs incurred and contract earnings on a monthly accrual basis for contracts in excess of $50,000 when performance time exceeds 6 months. Forms will be furnished by the contracting officer at the time of contract award.

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

Issued: December 11, 1970.

BEN POSNER,
Assistant Director, U.S. Information Agency (Administration).

[F.R. Doc. 70–16845; Filed, Dec. 15, 1970; 8:46 a.m.]

Title 42—PUBLIC HEALTH

Chapter IV—Environmental Protection Agency

ESTABLISHMENT OF CHAPTER AND RECODIFICATION OF REGULATIONS

Correction

In F.R. Doc. 70-16941 appearing at page 18972 in the issue for Tuesday, December 15, 1970, a line in the parts affected was omitted. It should read as follows:

Former Part No. Chapter I	*New Part No. Chapter IV*
79	479

Title 44—PUBLIC PROPERTY AND WORKS

Chapter V—Library of Congress

PART 502—CONDUCT ON LIBRARY PREMISES

Sec.

AUTHORITY: The provisions of this Part 502 issued under sec. 1, 29 Stat. 544, 546; 2 U.S.C. 136.

§ 502.1 Applicability.

The rules and regulations in this part apply to all Federal property under the charge and control of the Librarian of Congress and to all persons entering in or on such property.

§ 502.2 Access to Library buildings and collections.

Admittance and movement of visitors in Library buildings will be restricted to the areas providing facilities and services to the public during announced hours of public opening. Persons having legitimate business in areas closed to the public may be admitted after identification by responsible officials in the building or by authority as evidenced by a building access pass issued by the Director of the Administrative Department.

§ 502.3 Conduct on Library premises.

All persons using the buildings and grounds of the Library are required to conduct themselves in a manner so as not to affect detrimentally the peace, quiet, and good order of the Library; and shall not parade, stand, move in processions or assemblages in the Library buildings and grounds or display or circulate therein any flag, banner, petition, or device designed or adapted to bring into public notice any party, organization, movement, procedure, or action. Such persons shall use only such areas which are open to them; shall comply with official signs of a restrictive or directory nature; shall comply with orders of the Library's Special Police; and shall comply with the rules in effect in the various reading rooms.

§ 502.4 Photographs.

Cameras and other photocopying equipment may be carried on the grounds and within the buildings of the Library, but their use in certain areas may be restricted by rules or posted signs. Photographs for news, advertising, or commercial purposes may be taken only with the permission of the Information Officer.

§ 502.5 Gambling.

Participating in games for money or other personal property, or the operation of gambling devices, the conduct of a lottery or pool, or the selling or purchase of number tickets, in or on Library premises is prohibited.

§ 502.6 Alcoholic beverages and narcotics.

The entering on Library premises by a person under the influence of alcohol or narcotics is prohibited. The use of alcoholic beverages on Library premises is prohibited except on official occasions for which advanced written approval has been given by the Director, Administrative Department.

§ 502.7 Weapons and explosives.

No person while on Library premises shall carry firearms, other dangerous or deadly weapons, or explosives, either openly or concealed, except authorized law enforcement officers.

§ 502.8 Use and carrying of food and beverages in Library buildings.

Consumption of food and beverages in Library buildings is prohibited except at point of purchase or other authorized eating places. Under no circumstances may food or beverages be carried to the bookstacks or other areas where there exists significant risk to Library materials or property or where there may result a detraction from the dignity or efficiency of public service.

§ 502.9 Inspection of property.

(a) Individuals entering Library buildings do so with the understanding that all property in their possession including, but not limited to, suitcases, briefcases, large envelopes, packages, and office equipment may be inspected.

(b) Upon entering the Library buildings privately owned office machines including but not limited to typewriters, computing machines, stenotype machines, and dictating machines, shall be registered at the guard's desk at the entrance to buildings for the purpose of controlling such equipment.

(c) In the discharge of official duties, Library officials are authorized to inspect Government-owned or furnished property assigned to readers and the general public for their use, such as cabinets, lockers, and desks. Unauthorized property or contraband found in the possession of members of the Library staff, readers, or the general public as a result of such inspections will be subject to confiscation by Library officials.

§ 502.10 Preservation of property.

(a) Any person who shall steal, wrongfully deface, injure, mutilate, tear, or destroy library materials, or any portion thereof, shall be punished by a fine of not more than $2,000 or imprisoned not more than 3 years, or both (18 U.S.C. 641; 18 U.S.C. 1361; 18 U.S.C. 2071; and 22 D.C. Code 3106).

(b) Any person who embezzles, steals, purloins, or, without authority, disposes of anything of value of the United States, or willfully injures or commits any depredation against any Government property shall be punished by a fine of not more than $10,000 or imprisoned not more than 10 years, or both; but if the value of such property does not exceed the sum of $100, he shall be fined not more than $1,000 or imprisoned not more than 1 year, or both. (18 U.S.C. 641 and 18 U.S.C. 1361.)

§ 502.11 Smoking in Library buildings.

Smoking in Library buildings is prohibited except in those areas specifically designated for this purpose.

§ 502.12 Space for meeting.

The use of "meeting places" in the Library shall be limited to official staff functions, or functions sponsored by the Library. The Library's facilities are not available for meetings or performances that: (a) Involve any organization practicing discrimination based upon race, creed, color, sex, age, or national origin; (b) have a partisan political, sectarian, or similar nature or purpose; (c) are sponsored by profitmaking organizations that promote commercial enterprises or commodities.

§ 502.13 Soliciting, vending, debt collection, and distribution of handbills.

(a) The soliciting of alms and contributions, commercial soliciting and vending of all kinds, the display or distribution of commercial advertising, or the collecting of private debts, in Library buildings or grounds is prohibited. This rule does not apply to national or local drives for funds for welfare, health, or other purposes sponsored or approved by the Librarian of Congress, nor does it apply to vending devices in approved areas.

(b) Distribution of material such as pamphlets, handbills, and flyers is prohibited without prior approval of the Director of the Administrative Department.

(c) Peddlers and solicitors will not be permitted to enter Library buildings or grounds unless they have a specific appointment, and they will not be permitted to canvass Library buildings.

§ 502.14 Penalties.

Persons violating provisions of Public Law 81–659, regulations promulgated pursuant to it, or other applicable Federal laws relating to the Library's property, including collections, are subject to arrest and to penalties prescribed by law. Those persons violating the Library's regulations may be removed from the premises. Upon written notification by the Librarian, such persons may be denied admission to any of the buildings of the Library, and may be prohibited further use of its facilities. In instances of mutilation or theft of Library materials or other Library property, prosecution by appropriate authorities will be in accordance with the provisions of the Statutes cited in § 502.10.

Effective: December 19, 1970.

L. QUINCY MUMFORD,
Librarian of Congress.

[F.R. Doc. 70-16840; Filed Dec. 15, 1970; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18916; FCC 70-1277]

PART 2—FREQUENCY ALLOCATION AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

PART 91—INDUSTRIAL RADIO SERVICES

CATV Microwave Relay Systems

In the matter of amendment of § 91.522 (e) and Part 2, § 2.106 of the rules to extend the date within which CATV microwave relay systems must vacate the 12,200–12,700 MHz band from February 1, 1971, to February 1, 1976; Docket No. 18916.

1. On July 15, 1970, the Commission issued a notice of proposed rule making in the above-entitled matter. The notice was published in the FEDERAL REGISTER on July 23, 1970 (35 F.R. 11805). Comments were requested by August 24, 1970, and reply comments by September 3, 1970.

2. In this notice, we proposed to amend § 91.522(e) and Part 2, NG 52 to § 2.106, of our rules to extend the date by which CATV microwave relay systems authorized in the Business Radio Service prior to November 22, 1965, must vacate the 12,200–12,700 MHz band from February 1, 1971, to February 1, 1976. The proposed amendment was supported by all commenting parties [1] with the exception of the Department of Communications of the county of Los Angeles and the Department of Utilities and Transportation of the city of Los Angeles.[2]

3. The oppositions to our proposal are based on the contention that continued use of the 12,200–12,700 MHz band by CATV microwave relay systems might give rise to frequency congestion in that band, especially in large metropolitan areas. This position is not supportable for these reasons. First, the CATV systems here involved are located in sparsely settled areas where this band is not occupied heavily by Safety and Special operational fixed systems. Second, the proposed amendment has built-in safeguards designed to prevent such congestion. Thus, the rule provides that if we find that frequencies are needed for operational fixed stations in the Safety and Special Radio Services, the cut-off date may be advanced. Also, no additional stations are to be authorized in this service, nor may any equipment be replaced, unless it is with the type that can be modified for operation in the 12,700–12,950 MHz band. To assure compliance with the foregoing, licenses for the existing CATV microwave relay systems will be renewed for a period not exceeding 1 year. In light of these considerations, we must reject the arguments of the two opposing parties.

4. One final matter need be treated. H & B Communications Corp. (H & B) suggested that we delete the proposed requirement that the existing CATV microwave authorizations be renewed yearly after February 1, 1971. H & B suggested that the flexibility and control desired by the Commission can be achieved by granting renewals for a normal term until 1976, subject to a condition to the effect that operation may be terminated prior to that date upon reasonable notice, such as 1 year. We believe that the procedure we proposed, annual renewals of authorizations, would be a more effective method and, therefore, H & B's suggestion is not adopted.

5. In short, we find, on the basis of the comments filed and other information, and for the reasons we stated in our notice, that permitting existing CATV microwave relay systems to continue operating in the 12,200–12,700 MHz band as proposed, subject to the conditions set forth in the proposed rules, would be in the public interest and would not be incompatible with the future growth of Safety and Special operational fixed systems in that band.

6. *Accordingly, it is ordered*, That effective January 15, 1971, Parts 91 and 2 of the Rules be amended as shown below. Authority for adopting the amendment is found in sections (4)(i) and 303 of the Communications Act of 1934, as amended.

It is further ordered, That this proceeding is terminated.

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

Adopted: December 9, 1970.

Released: December 10, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

§ 2.106 [Amended]

1. In § 2.106, The Table of Frequency Allocations, footnote NG 52 is amended to read as follows:

NG 52 Stations used to relay television signals to community antenna television systems, which are authorized to operate in the band 12.2–12.7 GHz on November 22, 1965, may continue to be authorized to so operate until February 1, 1976, under the conditions specified in that license.

2. In § 91.552, paragraph (e) is amended to read as follows:

§ 91.552 Availability and use of service.

* * * * *

(e) Commencing November 22, 1965, applications for authorizations to construct new microwave point-to-point radio stations for relaying television, standard, or FM broadcast signals to community antenna television (CATV) systems, will not be accepted for filing in the Business Radio Service. Existing systems may be continued to be authorized until not later than February 1, 1976, or until an earlier date if the Commission determines that the frequencies in the 12,200–12,700 MHz band are needed for operational fixed stations in the Safety and Special Radio Services, subject to the following:

(1) No additional stations or frequencies will be authorized in this service:

(2) Replacement of equipment may be authorized only if the new equipment can be modified easily for operation in the 12,700–12,950 MHz band;

(3) Authorizations and renewals thereof may be granted for a term not exceeding 1 year.

[F.R. Doc. 70-16865; Filed, Dec. 15, 1970; 8:47 a.m.]

[Docket No. 19000, RM-1541, RM-1606; FCC 70-1292]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations (Forest City, N.C., and Gaffney, S.C., and Arlington and Cleburne, Tex.)

1. This proceeding, begun by notice of proposed rule making released September 11, 1970 (FCC 70-980), concerns two

[1] Appendix B a list of the parties who filed comments is filed as part of original document.

[2] The Central Committee on Communication Facilities of the American Petroleum Institute stated that it would not object to the amendment if the safeguards we proposed were adopted. This is being done.

[3] Commissioner Bartley absent; Commissioner Johnson concurring in the result.

proposed changes in the FM Table of Assignments, section 73.202(b) of the Rules, sought in order that two existing stations could change their cities of license, without any other changes in facilities being involved. The proposed assignee of a station at Forest City, N.C., seeks to have that station reassigned to Gaffney, S.C.; and the licensee of a station at Cleburne, Tex., seeks the reassignment of that station to Arlington, Tex. This involves amending the FM Table to reassign Channel 287 from Forest City, N.C., to Gaffney, S.C., and Channel 235 from Cleburne to Arlington, Tex.

2. The only comments received in response to the notice were from Gaffney Broadcasting, Inc., the proposed assignee mentioned above, who repeated its earlier arguments in favor of the reassignment of the channel and station from Forest City to Gaffney (it is the licensee of a daytime-only AM station there). Since the proposed Texas shift would mean the removal of the only FM channel and fulltime aural outlet from Cleburne and its county (Johnson), the Commission's staff directed a letter to the Mayor of Cleburne, inviting him to submit his views on the matter. No reply was received.

3. The reassignments involved: With respect to the Forest City-Gaffney shift, it is quite clear that this would serve the public interest, in light of the various criteria which the Commission has used in its allocation of broadcast facilities. Gaffney is larger than Forest City (preliminary 1970 U.S. Census reports, 12,868 and 6,991 respectively), but has no FM channels now assigned whereas Forest City has two, representing stations already authorized when the Table of Assignments was adopted in 1963. (Both have two daytime-only AM stations.) Thus, the reassignment is indicated in order to provide Gaffney with a first FM channel and first local nighttime service for it and its county.

4. As to the Texas reassignment, the matter is not so clear. Both Arlington and Cleburne are in the Fort Worth Standard Metropolitan Statistical Area; but Cleburne is in a different county, with no FM channels or fulltime local service except the channel and station involved here, whereas Arlington is in the same county as Fort Worth (Tarrant), and in places adjacent to that large city, which has numerous FM and AM stations. On the other hand, Arlington is much larger than Cleburne, with 1970 preliminary Census populations of 88,385 and 16,950 respectively, and it has no local broadcast outlet whereas Cleburne has a daytime-only station. Other facts in connection with these two places, including the existence of the large University of Texas at Arlington (UTA) at that city, were set forth in the notice and need not be repeated here. On balance, we conclude that the reassignment would serve the public interest and is warranted. One factor in this decision is the assertion of the Cleburne licensee, Jim Gordon, Inc., that it has been able to get very little economic support from Cleburne advertisers, and a change of the station's city of license to Arlington is a matter of economic necessity if it is to survive.

5. *Modification of licenses.* Both of the petitioning parties requested, explicitly or by implication, that the licenses of the stations involved be modified to specify the new cities as the communities of license. The notice mentioned this subject and, in paragraph 12, specifically proposed to modify the licenses, if it was concluded that the channel reassignments would be in the public interest and if no other parties expressed interest in using the channels as reassigned. As noted, no other parties commented in this matter, and accordingly, we are modifying the licenses of Stations WAGY-FM and KFAD, now assigned to Forest City, N.C., and Cleburne, Tex., respectively, to specify Gaffney, S.C., and Arlington, Tex., as the cities of license.

6. In its petition for rule making seeking the change, Jim Gordon, Inc., stated that if the Commission requires, it is willing to accept conditions that it identify itself with Cleburne as well as with Arlington (i.e., "Arlington-Cleburne" instead of the present "Cleburne-Arlington" ID), and maintain studios in Cleburne. With respect to the first, in our view this is appropriate, and we are so ordering, below. As to the maintenance of studios or a required amount of Cleburne program origination, we are not imposing formal requirements along these lines, since Cleburne does have one local daytime AM outlet and it is not clear how much beyond that is required in the public interest. However, we will expect Jim Gordon, Inc., and KFAD to be attuned to the needs, interests and problems of Cleburne insofar as they relate to and may be met by radio programing, when they involve evening programing which the local AM station cannot provide.

7. In view of the foregoing, and pursuant to authority contained in section 4(i), 303(r), 307(b) of the Communications Act of 1934, as amended: *It is ordered,* That, effective January 15, 1971, section 73.202(b) of the Commission's rules, Table of Assignments, FM Broadcast Stations, is amended, by: (1) Deleting the entry for Cleburne, Tex.; and (2) changing the entries for other cities listed below to read as follows:

City	*Channel No.*
Forest City, N.C.	227
Gaffney, S.C.	287
Arlington, Tex.	235

8. *It is further ordered,* That effective January 15, 1971, the license of Station WAGY-FM on Channel 287 is modified to specify Gaffney, S.C., as the city of license, instead of Forest City, N.C.; and the license of Station KFAD on Channel 235 is modified to specify Arlington, Tex., as the city of license instead of Cleburne, Tex., subject to the following conditions:

(a) That the licensee of Station KFAD, Jim Gordon, Inc., submit to the Commission by January 10, 1971, a survey to ascertain the needs, interests and problems of Arlington, Tex., as if it were an applicant for CP for a new FM station in that community; and

(b) Station KFAD, after the modification of its license, shall identify itself, when making the ID announcements required by section 73.1201 of the Rules, as "Arlington-Cleburne", Tex.

9. *It is further ordered,* That, this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: December 9, 1970.

Released: December 10, 1970.

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

[F.R. Doc. 70-16864; Filed, Dec. 15, 1970; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-27; Amdt. No. 173-31A]

PART 173—SHIPPERS

Reuse of Specification 17 Series Steel Drums

On July 31, 1970, an amendment to the Hazardous Materials Regulations of the Department of Transportation was published in the FEDERAL REGISTER (Docket No. HM-27); Amendment 173-31 (35 F.R. 12275) concerning the reuse of specification 17 series steel drums. Since the publication date, a large number of petitions have been received by the Hazardous Materials Regulations Board requesting reconsideration of certain of the requirements contained in that amendment, and requesting an extension of its December 31, 1970, effective date.

Upon consideration of the comments and new information provided by the petitioners, the Board believes modification of certain of the requirements of the amendment is warranted. In addition, the Board is making several clarifying changes. The changes to § 173.28 as set forth in Amendment 173-31, and the reasons therefor, are as follows:

1. The words "as prescribed in this part," are being added in paragraph (m) to make it clear that this section does not authorize the use of specification 17 series drums beyond those authorizations contained in the commodities sections of Part 173.

2. A number of petitioners requested the Board reconsider the restriction against flammable liquids having flash points of 20° F. or lower. One petitioner referred to 29 years of experience in using reconditioned drums and stated he is presently shipping more than 100,000 drums annually, filled with below 20° F. flash point flammable liquids. He stated he has had excellent experience in the use of reconditioned drums over the 29-year period. Other petitioners stated that

the Bureau of Explosives has been authorizing such usage under its present delegation of authority in § 173.28(h).

The Board has decided to remove the flash point restriction based on the good experience reported by the petitioners and lack of evidence to the contrary. The Board further believes experience should be gained under the new standards promulgated by this amendment before requiring a costly adjustment in industry practices. Paragraph (m) of § 173.28 is changed to authorize flammable liquids without a flash point restriction. Shippers are reminded of the steel gage limitations specified in § 173.119 (a) (3) for the filling of drums with flammable liquids having flash points of 20° F. or lower.

3. One petitioner objected to the language in paragraph (m) (1), which states that any drum which shows evidence of significant reduction in parent metal thickness due to cleaning processes does not qualify for reuse. The intent of the requirement was to preclude the use of any cleaning process that would cause a deteriorative effect to the integrity of a drum. This could include the use of concentrated acidic solutions, certain abrasives, or even a hammer and chisel. It does not include use of those methods that do not cause significant reduction in parent metal thickness. Upon full consideration of the petition for modification of paragraph (m) (1) the Board has decided it should be and is hereby denied.

4. Several petitioners raised strong objection to the pressure test requirements for open-head drums in paragraph (m) (2), pointing out the limited availability of equipment to perform such tests. A representative of the drum reconditioning industry indicated that the necessary equipment is being purchased, but that it would not be available to all reconditioners by December 31, 1970. He requested an extension of the compliance date for testing open-head drums to October 1971. The Board agrees that such an extension is warranted, and in anticipation of further delays in obtaining equipment believes an extension of 1 year should be provided. Further, in considering the practicality of the testing requirement for open-head drums, the Board believes the pressure test requirement should apply to side walls, bottom chimes, and bottom heads only and is therefore excluding the removable head and adjacent chime area from the pressure testing requirements. Otherwise the Board believes the testing requirement has merit and petitions for its cancellation are hereby denied.

5. A number of petitions have been received concerning the marking requirements. There was objection to (1) all of the marking requirements; (2) marking the word "Tested"; (3) marking the month of test; (4) marking a DOT registration number; (5) marking the thickness of removable heads; (6) marking on a metal plate information concerning conversion from a closed-head drum to an open-head drum specification; and (7) marking the new rated capacity when capacity is reduced by more than 2 percent.

The Board has carefully considered all the petitions concerning the marking requirements and has decided that certain changes are warranted. The changes provided are: (1) Addition of alternative means for marking the month and year of test (or inspection); (2) deletion of the requirement for the marking of gage on removable heads (such a requirement may be considered as part of a separate rule-making action dealing with specifications for drums); (3) deletion of the requirement for attachment of metal plates to converted drums, in order to permit marking by stencil, decal, or other means prior to each reuse; (4) revision of the marking requirements for converted drums so that only the conversion marking (e.g., 17E/17H) need be added to those markings required by paragraph (m); and (5) deletion of the reduced capacity marking requirement, thus relying on requirements such as those specified in § 173.116 and paragraph (a) of § 173.24. The revised requirements make it clear that the original specification markings must be retained on a converted drum. They do not have to be made part of the markings on the body, as could have been construed from the language in Amendment 173–31.

Except for the changes made herein, petitions for modification or deletion of the marking requirements are hereby denied.

6. Several petitioners pointed out serious difficulty with meeting the effective date of the amendment due, in part, to the labor difficulties in the automobile industry. Many drums, refilled with paint for new automobiles, could not be shipped and will not be shipped prior to the effective date of this amendment. In each instance, a petitioner stated that such drums are authorized for reuse by the Bureau of Explosives under the provisions of § 173.28(h) in effect at the present time. The Board agrees that 6 months should be provided to allow shipment of drums reconditioned in accordance with the regulations in effect prior to the effective date of these new regulations. A provision is being added to the amendment accordingly. Except as provided by the revised regulations, petitions for extension of the effective date are hereby denied.

In consideration of the foregoing, Amendment 173–31, effective December 31, 1970, is modified and republished in its entirety as follows:

In § 173.28 paragraph (h) is amended; paragraphs (m) and (n) are added to read as follows:

§ 173.28 Reuse of containers.

* * * * *

(h) Except as provided in paragraphs (m) and (n) of this section and subparagraph (1) of this paragraph, single-trip containers made under specifications prescribed in Part 178 of this chapter, from which contents have once been removed following use for shipment of any material, must not be used thereafter for shipment of hazardous materials.

(1) Single-trip containers inspected and tested prior to January 1, 1971, that have been approved for reuse by the Bureau of Explosives may be used until July 1, 1971, under the terms and conditions specified.

* * * * *

(m) Specifications 17C, 17E, and 17H steel drums (§§ 178.115, 178.116, 178.118), from which contents have been removed, may be reused as prescribed in this part as packagings for shipment of flammable liquids, flammable solids, oxidizing materials, and radioactive materials, only if the following requirements, in addition to the other requirements of this section, are complied with prior to each reuse:

(1) Each drum must be thoroughly cleaned to remove all residues and foreign matter, inspected for deterioration or defects, and returned to its original shape and contour. All closure devices and parts must be removed (if removable), inspected for defects, and replaced as necessary. Each open head cover gasket must be replaced. Any drum which shows evidence of deterioration (e.g., visible pitting; creases; significant reduction in parent metal thickness from rust, corrosion, or cleaning processes; metal fatigue; or other material defects) or which cannot be returned to its original shape and contour does not qualify for reuse.

(2) The entire surface of each closed-head drum (and after December 31, 1971, each open-head drum, except for its removable head and adjacent chime area) must be tested for leakage by constant internal air pressure. The leakage test must be conducted by submersion under water, by completely covering the surface with soap suds or oil, or by some other method that will be equally sensitive. The air pressure must be maintained for a period of time sufficient to permit a complete inspection for leaks. The minimum air pressure for the test must be as follows:

Specification No.	Capacity	Minimum test pressure p.s.i.
17C	All	15
17E	Over 12 gallons	7
	12 gallons or less	5
17H	Over 12 gallons	7
	12 gallons or less	5

If leaking, the drum does not qualify for reuse.

(3) Marking:

(i) All previous test markings, commodity identification markings, and labels must be removed.

(ii) The outside of each drum qualifying for reuse under this section must be marked on the body within 10 inches of the top head with the following information: "Tested" (or "Inspected" as appropriate), the month and year of the test (or inspection, if an open-head drum), and the DOT registration number of the reconditioner. For example:

TESTED 2/70
DOT R1001

The registration number required for this marking must be obtained from the

Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590.

(iii) Markings must be in at least ¼-inch figures and letters on a contrasting background.

(iv) The printed marking of the month and year of test is not required if each is clearly indicated by other means, such as perforations on a decal.

(n) Any drum meeting one specification which has been altered to meet another specification must be capable of meeting the new specification in all respects.

(1) Each drum so altered must be inspected, tested, and marked in accordance with paragraph (m) of this section. In addition, the drum must—

(i) Bear the specification markings required by the specification under which it was originally manufactured, and

(ii) Bear both the old and the new specification identification in conjunction with the markings required by paragraph (m) of this section with the specification to which the drum is converted shown last, e.g., "17E/17H". For example:

17E/17H
TESTED 2/7
DOT R1001

(18 U.S.C. sec. 831–835, sec. 9, Department of Transportation Act, 49 U.S.C. 1657, Title VI and sec. 902(h), Federal Aviation Act of 1958, (49 U.S.C. 1421–1430 and 1472 (h))

Issued in Washington, D.C., on December 11, 1970.

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

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

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

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

[F.R. Doc. 70-16879; Filed, Dec. 15, 1970; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 28—PUBLIC ACCESS, USE AND RECREATION

Havasu National Wildlife Refuge, Ariz. and Calif.

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

§ 28.25 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU NATIONAL WILDLIFE REFUGE

Havasu National Wildlife Refuge, Needles, Calif., is open to public access, use, and recreation, subject to the provisions of Title 50, Code of Federal Regulations, all applicable Federal and State laws and regulations, and the following special conditions:

(1) Water skiing is permitted in the channelized segment of the Colorado River, as designated by signs, from 1.7 miles south of Topock, Ariz., to the north boundary of the refuge; and on that portion of Lake Havasu, as designated by signs, laying south of the island.

(2) Camping is limited to 7 days unless otherwise posted and is permitted only at designated sites.

(3) Boating is permitted in all waters of the refuge except where restricted by appropriate signs.

(4) Vehicle access is permitted on all refuge roads except where restricted by appropriate signs.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation of wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1971.

BLAYNE D. GRAVES,
Refuge Manager, Havasu National Wildlife Refuge, Needles, Calif.

DECEMBER 3, 1970.

[F.R. Doc. 70-16854; Filed, Dec. 15, 1970; 8:47 a.m.]

PART 33—SPORT FISHING

Havasu National Wildlife Refuge, Ariz. and Calif.

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.

ARIZONA AND CALIFORNIA

HAVASU NATIONAL WILDLIFE REFUGE

Sport fishing on the Havasu National Wildlife Refuge, Ariz. and Calif., is permitted on waters designated as open to fishing. These waters, comprising 12,388 acres, are delineated on maps available at the refuge headquarters, Needles, Calif., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Beal Lake shall be closed to all fishing during 1971.

(2) The open season for sport fishing on the refuge extends from January 1 through December 31, 1971, inclusive, except that the area closed in Topock Marsh is closed to fishing from October 1, 1971, through January 31, 1972, inclusive.

(3) The taking of fish with bow and arrow is prohibited. 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 January 31, 1972.

BLAYNE D. GRAVES,
Refuge Manager, Havasu National Wildlife Refuge, Needles, Calif.

DECEMBER 3, 1970.

[F.R. Doc. 70-16853; Filed, Dec. 15, 1970; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

SANFORD RECREATION AREA, TEX.

Safety Helmets and Water Sanitation

Notice is hereby given that pursuant to the authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535, as amended, 16 U.S.C. 3), the act of August 31, 1964 (78 Stat. 744; 43 U.S.C. 600d), 245 DM (27 F.R. 6395), as amended, National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Southwest Region Order No. 4 (31 F.R. 8134) as amended, it is proposed to amend § 7.57 to Title 36 of the Code of Federal Regulations as set forth below.

The purpose of the amendment is to establish safety regulations for the protection of motorcycle riders and their passengers and to establish boat sanitation requirements for vessels with marine toilets.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Sanford Recreation Area, Post Office Box 325, Sanford, TX 79078, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Section 7.57 is amended to add two new paragraphs designated (b) and (c). They read as follows:

§ 7.57 Sanford Recreation Area.

* * * * *

(b) *Safety helmets.* Motorcycle operators and their passengers shall wear safety helmets while riding.

(c) *Water sanitation.* All vessels with marine toilets so constructed as to permit wastes to be discharged directly into the water shall have such facility sealed to prevent discharge. Chemical or other type marine toilets with approved holding tanks or storage containers shall be permitted but will be discharged or emptied only at designated sanitary pumping stations.

JAMES M. THOMSON,
Superintendent,
Sanford Recreation Area.

[F.R. Doc. 70-16838; Filed, Dec. 15, 1970; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 947]

IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of Agriculture is considering the approval of a proposed revision of rules and regulations (Subpart—Rules and Regulations, 7 CFR 947.100–947.133) as hereinafter set forth, which were recommended by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114, as amended, and Order No. 947, as amended (7 CFR Part 947; 35 F.R. 6653), regulating the handling of Irish Potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon except Malheur County, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Washington, D.C. 20025, not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposal is to amend § 947.120, 947.122, 947.130, 947.131, 947.132, and 947.133 as follows:

In § 947.120, paragraphs (b)(3) and (c)(3) are revised to read as follows:

§ 947.120 Application.

* * * * *

(b) * * *

(3) An estimate of the percentage of such applicant's potato crop which cannot be shipped because of regulations issued and in effect pursuant to §§ 947.52 and 947.54, or any combination thereof, stated in terms of varieties, grades, and sizes; and,

* * * * *

(c) * * *

(3) An estimate of the percentage of applicant's holdings of ungraded potatoes which cannot be shipped because of regulations issued and in effect pursuant to §§ 947.52 and 947.54, or any combination thereof, stated in terms of varieties, grades, and sizes.

* * * * *

In § 947.122, paragraphs (a) and (b) are revised to read as follows:

§ 947.122 Issuance of certificate.

(a) Whenever the committee finds satisfactory proof that the applicant is entitled to an exemption certificate, the committee shall issue, or authorize the issuance of, an exemption certificate which shall authorize the applicant to ship, or cause to be shipped, such quantity of potatoes, which may fail to meet the minimum grade, size, and quality requirements in effect at the time thereof, as is authorized by §§ 947.65 through 947.68, inclusive. *Provided,* That the committee shall have first determined the need and the "average proportions" or percentages referred to in § 947.66.

(b) The issuance of an exemption certificate by the committee shall be evidenced by a written instrument signed for and in behalf of the committee by either the manager of the committee or some other duly authorized employee of the committee.

* * * * *

Section 947.130 is revised to read as follows:

§ 947.130 Application for special purpose certificate.

(a) All handlers desiring to make shipments of potatoes for the following purposes shall, when such shipments are regulated pursuant to §§ 947.40–947.41 or 947.50–947.60, inclusive, or any combination thereof, obtain from the committee prior to initiating such shipments, a Special Purpose Certificate permitting such shipments:

(1) Charity;
(2) Export;
(3) Prepeeling;
(4) Canning and freezing;
(5) Processing into other products including "other processing" pursuant to Public Law 91–196, 91st Congress, second session (Feb. 20, 1970).

(b) Handlers desiring to make shipments of seed potatoes may be required to first apply to the committee for and obtain a Special Purpose Certificate, or Certificates, permitting such shipments.

(c) Handlers desiring to make shipments of potatoes, for the purpose of grading and storing from District 5 to the States of Idaho, Washington, or Malheur County in the State of Oregon, pursuant to § 947.54, shall apply in writing to the Committee on forms furnished by it. Upon receiving such application, the committee shall promptly assure itself that the facilities at destination are adequate to accommodate the anticipated

volume of potatoes and that none of the potatoes so moved will be diverted to markets in a form different from that prescribed by the regulations issued pursuant to §§ 947.52 and 947.54. Thereupon, the committee shall authorize such shipments under Special Purpose Certificate number and diversion report procedure.

(d) (1) Handlers desiring to make shipments of potatoes for livestock feed from one district to another or from the production area to Malheur County in the State of Oregon or to the States of Washington or Idaho, shall apply in writing to the committee on forms furnished by it. The application shall state the anticipated tonnage of such potatoes to be moved, the total acreage from which such potatoes will be derived, and the approximate dates of starting and completion of such movement.

(2) Upon receiving an application from a handler for movement of potatoes for livestock feed, the committee or its duly authorized agent shall make a physical examination of the premises upon which the livestock are to be fed. If, as a result of such examination, the committee considers that the number of livestock to be fed is reasonably compatible with the volume of potatoes to be moved during the period specified in the application, it shall issue a Special Purpose Certificate for the shipment.

(e) Applications for Special Purpose Certificates shall be made on forms furnished by the committee. Each application shall contain the name and the address of the handler, the quantity of potatoes to be shipped, name of the consignee, destination, certification as to correctness of statements made, a statement that the applicant will comply with disposition stated therein, and such other information and be accompanied by such other documents as the committee may require in safeguard against the entry of such potatoes into trade channels other than those for which the Special Purposes Certificates were granted.

Section 947.131 is revised to read as follows:

§ 947.131 Issuance.

The committee shall give prompt consideration to each application for a Special Purpose Certificate. Approval of an application shall be evidenced by the issuance of a Special Purpose Certificate authorizing the applicant named therein to ship potatoes for a specified purpose for a specified period of time.

Section 947.132 is revised to read as follows:

§ 947.132 Reports.

Each handler shipping potatoes under, and pursuant to, a Special Purpose Certificate shall supply to the committee, upon request, a report thereon showing the name and address of the shipper, car or truck number, Federal-State Inspection Certificate number (if such inspection is required by regulations in effect at the time of such shipment), loading point, destination and consignee.

Section 947.133 is revised to read as follows:

§ 947.133 Denial and appeals.

The committee may rescind a Special Purpose Certificate issued to a handler pursuant to this part, or deny Special Purpose Certificates to a handler, upon proof satisfactory to the committee that such handler has shipped potatoes contrary to provisions of this part. Such committee action denying or rescinding a Special Purpose Certificate shall apply to and not exceed a reasonable period of time as determined by the committee. Any handler who has been denied a Special Purpose Certificate or who has had a Special Purpose Certificate rescinded, may appeal to the committee for reconsideration. Such appeal shall be in writing.

Dated: December 11, 1970.

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

[F.R. Doc. 70-16886; Filed, Dec. 15, 1970; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[49 CFR Part 178]

[Docket No. HM-71; Notice No. 70-26]

TRANSPORTATION OF HAZARDOUS MATERIALS

Spec. 3HT Cylinders—Tensile Strength Limitation

The Hazardous Materials Regulations Board is considering amending § 178.44 of the Department's Hazardous Materials Regulations to increase the maximum allowable tensile strength of specification 3HT steel cylinders from 160,000 p.s.i. to 165,000 p.s.i. This proposal is based upon a petition submitted by the Compressed Gas Association, Inc.

Specification 3HT presently permits a wall stress at the burst pressure of 140,000 p.s.i. (⅞×105,000 p.s.i. maximum wall stress at test pressure) under minimum wall thickness conditions. It also limits the tensile strength of the steel to 160,000 p.s.i. maximum.

The Board is advised by the petitioner that standard heat treatment practices allow for a 20,000 p.s.i. variation in tensile strength properties. Therefore, it is possible to have tensile properties equal to the wall stress at the burst pressure, i.e., both at 140,000 p.s.i. Tensile properties are obtained from test bar specimens taken from one cylinder out of each lot of 200 or less. When tensile properties at the low limit are produced, there is no allowance for minor variations in heat treatment response for individual cylinders in the lot, some of which may have tensile properties 2,000 to 3,000 p.s.i. below those found on the test specimens. As such, some cylinders may not meet the minimum burst pressure requirement (i.e., ⅞×the test pressure) even though all of the specification design and fabrication requirements are adhered to.

The petitioner contends that increasing the upper limit of the tensile strength to 165,000 p.s.i. will preclude the possibility of cylinders not meeting the minimum burst pressure requirement by insuring a minimum spread of 5,000 p.s.i. between the minimum tensile strength and maximum wall stress. At the same time, there would be a negligible effect on the toughness and ductility properties of the metal, as controlled by the elongation and flattening test requirements of the specification.

The Board believes that the petition has merit. To assure the quality control of new cylinders, the Board also believes that for cylinders subjected to reheat treatment during the process of original manufacture, it is necessary for the manufacturer to make sidewall thickness measurements, to verify that the cylinder meets specification requirements after the final heat treatment. The sidewall thickness and heat treatment response vary and by varying affect the burst pressure. By raising the ultimate tensile strength to 165,000 p.s.i., heat treatment response variations of a negative nature will be reduced or eliminated. Should reheat treatment be necessary the sidewall thickness measurement will reduce adverse results due to loss of sidewall during reheat treatment.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 178 as follows:

In § 178.44-21 paragraph (a)(2) would be amended; in § 178.44-22 paragraph (b) would be added to read as follows:

§ 178.44 Specification 3HT; inside containers, seamless steel cylinders for aircraft use made of definitely prescribed steel.

§ 178.44-21 Acceptable results of tests.

(a) * * *

(2) Tensile strength shall not exceed 165,000 p.s.i.

* * * * *

§ 178.44-22 Rejected cylinders.

* * * * *

(b) For cylinders subjected to reheat treatment during original manufacture, sidewall measurements must be made to verify that the minimum sidewall thickness meets specification requirements after the final heat treatment.

Interested persons are invited to give their views on the proposal discussed herein. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before March 23, 1971, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

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

Issued in Washington, D.C., on December 11, 1970.

W. M. BENKERT,
Captain, U.S. Coast Guard, by direction of the Commandant, U.S. Coast Guard.

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

KENNETH L. PIERSON,
Acting Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

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

[F.R. Doc. 70–16880; Filed, Dec. 15, 1970; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 212, 214, 217]

[Docket No. 22730; EDR–193A]

"WET-LEASE" CHARTER TRIPS BY FOREIGN AIR CARRIERS

Supplemental Notice of Proposed Rule Making

DECEMBER 11, 1970.

The Board, by circulation of notice of proposed rule making EDR–193, dated November 9, 1970, and publication at 35 F.R. 17556, gave notice that it had under consideration amendments to Parts 212, 214, and 217 of its Economic Regulations to enable foreign air carriers to conduct "wet lease" charters for other foreign air carriers without the necessity of obtaining a permit for such authority. Interested persons were invited to participate in the rule making by submission of twelve (12) copies of written data, views, or arguments pertaining thereto to the Docket Section of the Board on or before December 15, 1970.

Counsel for a number of foreign air carriers have requested varying extensions of time for filing comments. In support, it is stated that the proposed rule raises significant issues which will require extensive study before constructive comments can be formulated. Moreover, it is asserted that necessary coordination with head offices abroad is complicated by seasonal vacations in European countries.

The undersigned finds that good cause has been shown for an extension. Accordingly, pursuant to the authority delegated in § 385.20(d) of the Board's organization regulations, the undersigned hereby extends the time for submitting comments to January 15, 1971.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] CHARLES A. HASKINS,
Acting Associate General Counsel, Rules and Rates.

[F.R. Doc. 70–16887; Filed, Dec. 15, 1970; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 74]

[Docket Nos. 18397–A, etc.; FCC 70–1244]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Order Extending Time for Filing Reply Comments

In the matter of amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to community antenna television systems; and inquiry into the development of communications technology and services to formulate regulatory policy and rulemaking and/or legislative proposals, Docket No. 18397–A; amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to diversification of control of community antenna television systems; and inquiry with respect thereto to formulate regulatory policy and rulemaking and/or legislative proposals, Docket No. 18891; amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to Federal-State or local relationships in the community antenna television systems fields; and/or formation of legislative proposals in this respect, Docket No. 18892; amendment of Subpart K of Part 74 of the Commission's rules and regulations with respect to technical standards for community antenna television systems, Docket No. 18894.

1. On November 17, 1970, American Broadcasting Co., All-Channel Television Society, Association of Maximum Service Telecasters, Inc., National Association of Broadcasters, and National Association of Educational Broadcasters filed a "Motion for Extension of Time" in Docket No. 18397–A. On November 25, 1970, National Cable Television Association, Inc., filed an "Opposition to Petition for Extension of Time" directed against grant of the petition of November 17.

2. A recitation of the background of this matter should be helpful. On September 30, 1970, the Commission adopted an order (FCC 70–1076) in Docket No. 18397–A in which it extended the time for filing comments and reply comments respecting the commercial substitution plan. Shortly thereafter, by orders released October 6, comparable extensions were granted in Dockets Nos. 18891, 18892, and 18894.[1] Subsequently, the Commission granted a further extension of time for filing comments and reply comments in the above-captioned dockets by an order (FCC 70–1149) adopted October 21, 1970. As a result of these actions, filing dates in the four above-captioned dockets now provide for filing of comments on December 7, 1970, and for filing reply comments on January 8, 1971.

3. Petitioners urge that the effect of the successive extensions of time has been to increase the total time available for preparing comments but to reduce the time available for preparing reply comments. In addition, it is argued that the time in which reply comments must be prepared includes both the Christmas and New Year's holidays which will impede the preparation of reply comments. Consequently, the petitioners urge that the Commission extend the time for reply comments to February 15, 1971. National Cable Television Association, Inc., opposes the requested extension on the ground that it will delay the resolution of these proceedings. The Commission has carefully considered the arguments of the respective parties and is of the opinion that an extension of the reply comments date until February 1, 1971, is a sensible compromise of the competing points of view.

Accordingly, it is ordered, That the "Motion for Extension of Time" described above is granted in part and is denied in part as described below.

It is further ordered, That the time for filing reply comments in the above-captioned proceedings is extended to and including February 1, 1971.[2]

Adopted: November 25, 1970.

Released: December 8, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70–16865; Filed, Dec. 15, 1970; 8:48 a.m.]

[1] These four dockets are so closely related that it has seemed desirable to apply the same filing dates to all of them.

[47 CFR Part 74]

[Docket No. 18891; FCC 70–1239]

DIVERSIFICATION OF CONTROL OF COMMUNITY ANTENNA TELEVISION SYSTEMS

Memorandum Opinion and Order

1. On July 30, 1970, the American Newspaper Publishers Association filed a letter expressing its disagreement with the Commission's belief (asserted in paragraph 17 of the Second Report and Order in Docket No. 18397) that it has the authority to adopt rules governing cross-ownership of CATV systems with newspapers; and indicating its impression

[2] This order applies to all aspects of Docket 18891 except newspaper-CATV system cross-ownerships. With respect to the latter, the later closing dates specified in the related memorandum opinion and order adopted this date (FCC 70–1239) continued to apply.

[3] Commissioner Bartley absent.

that such a question was in an inquiry rather than rule-making posture in Docket No. 18891. On August 12, 1970, the Commission's Cable Television Bureau replied, in part as follows:

> As is made clear from the notice of proposed rule making and of inquiry in Docket 18891 the Commission contemplates that at conclusion of this proceeding rules may be adopted which limit the ownership of CATV systems by newspapers. As required by the Administrative Procedure Act the notice in Docket 18891 includes reference to the legal authority under which action is proposed and either the terms of the proposed rules or a description of the subjects and issues involved.

2. On September 2, 1970, ANPA filed a "Petition for Clarification of Newspaper Ownership Issue and Related Procedures, or for Review, and for Other Relief," in which it disputes this ruling; asks the Commission "to clarify whether the issue pertaining to the ownership of CATV systems is in the rule making or inquiry phase" of the proceeding in Docket No. 18891; and asks:

> A. That the issue with respect to the ownership or operation of CATV systems by newspapers be either dismissed from the Docket No. 18891 proceeding or merged in the inquiry part of the proceeding by amendment of Paragraph 13 thereof;
>
> B. That, in any event, the original and reply comment phases on the CATV newspaper ownership matters be deferred until 3 months after completion of the comment phase in Docket No. 18110; and
>
> C. That such other relief be granted as is deemed appropriate.

3. In support of these requests, ANPA argues, inter alia: (a) that the Commission lacks authority to disqualify newspaper publishers from ownership or operation of local CATV systems; (b) that the Commission's notice of proposed rule making and of inquiry in Docket 18891 does not contain sufficient information to permit adoption of rules regarding that issue without a further notice of proposed rule making; (c) that the reference to newspapers in the notice of proposed rule making in Docket No. 18397 suggests that the question of newspaper-CATV system cross-ownership is in an "inquiry" phase; (d) that the newspaper-CATV system cross-ownership issue in Docket No. 18891 and the newspaper-broadcast station issue in Docket No. 18110 are closely interrelated and the Commission has decided to consider them together; (e) that the major submissions by interested parties with respect to the newspaper ownership issue will be made in Docket No. 18110; (f) that almost none of the various studies now in process for Docket No. 18110 can be completed by the return date in Docket No. 18891;[1] and (g) that, since the Commission intends to consider both broadcasting and CATV newspaper ownership matters contemporaneously, there is no reason for an early deadline in the comment phase of the Docket No. 18891 proceeding with respect to newspaper ownership matters.

4. The Second Report and Order in Docket No. 18937 adequately states the jurisdictional basis for promulgation of newspaper-CATV system cross-ownership rules. And the contention that the Docket No. 18891 Notice contains insufficient information to serve as a notice of proposed rule making is rejected in view of section 4(a)(3) of the Administrative Procedure Act, which provides that:

> General notice of proposed rule making shall * * * include * * * (3) either the terms and substance of the proposed rule or a description of the subjects and issues involved.

5. To dispose of the contention that prior Commission documents create an impression that the cross-ownership matter is in inquiry phase, the Commission herewith reaffirms that the newspaper CATV system matter is in a rule-making phase. This, together with the action taken herein regarding the closing dates for filing of comments and replies in Docket No. 18891, moots any possible ambiguity and avoids unfairness or inconvenience resulting therefrom.

6. With respect to the other assertions, we are persuaded that the public interest will be served by an extension of the closing dates in Docket No. 18891 for receipt of comments and replies regarding newspaper-CATV system cross-ownerships to January 15 and February 12, 1971, respectively.

7. *It is ordered*, That the closing dates for filing of comments and replies in Docket No. 18891 concerning cross-ownership and/or operation of CATV systems and newspapers are extended to January 15, 1971, and February 12, 1971, respectively, the same as the dates in Docket 18110.[2]

It is further ordered, That the American Newspaper Publishers Association's "Petition for Clarification of Newspaper Ownership Issue and Related Procedures, or for Review, and for Other Relief" filed September 2, 1970, is granted, to extent indicated in paragraphs 5 to 7, above, but otherwise is denied.

Adopted: November 25, 1970.

Released: December 8, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-16867; Filed, Dec. 15, 1970; 8:48 a.m.]

[1] "[T]he minimum period considered necessary by ANPA to make an adequate response * * * in Docket 18110 * * *" (ANPA petition, par. 5).

[2] On Oct. 22, 1970, the Commission released an order extending the comment and reply closing dates, in Dockets Nos. 18397-A, 18891, 18892, and 18894, to Dec. 7, 1970, and Jan. 8, 1971, respectively. It should be noted that that order is superseded by the extension granted herein only with respect to the newspaper-CATV cross-ownership issue in Docket No. 18891.

[3] Commissioner Bartley absent; Commissioner Wells concurring in the result.

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 745]

CLARIFICATION AND DEFINITION OF ACCOUNT INSURANCE COVERAGE

Notice of Proposed Rule Making

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 207, 84 Stat. 1010–1011; Public Law 91–468, is considering the addition of a new Part 745, entitled "Clarification and Definition of Account Insurance Coverage" to Title 12 of the Code of Federal Regulations.

The proposed new Part 745 provides for determination by the Administrator of the insured depositors of an insured credit union and the amount of their insured accounts. The rules for determining the insurance coverage of deposit accounts maintained by the depositors in the same or different rights and capacities in the same credit union are set forth in the following provisions of this part.

PART 745—CLARIFICATION AND DEFINITION OF ACCOUNT INSURANCE COVERAGE

Sec.

AUTHORITY: The provisions of this Part 745 issued under sec. 207, 84 Stat. 1010–1011; Public Law 91–468.

§ 745.1 Definitions.

(a) Depositors means those persons who are members or nonmembers of credit unions which are allowed by law or regulation to deposit money in such credit unions.

(b) Deposits include the purchase of shares, share certificates or share deposit accounts of a member or nonmember of a credit union of a type approved by the Administrator which evidences money or its equivalent received or held by a credit union in the usual course of business which it has given or is obligated to give credit to the account of the member or nonmember.

§ 745.2 General principles applicable in determining insurance of deposits.

(a) General: This Part 745 provides for determination by the Administrator of the insured depositors of an insured credit union and the amount of their insured accounts. The rules for determining the insurance coverage of accounts maintained by depositors in the same or different rights and capacities in the same insured credit union are set forth in the following provisions of this part. Insofar as rules or local law enter into such determinations, the law of the jurisdiction in which the insured credit union's principal office is located shall govern.

(b) The regulations in this part in no way are to be interpreted to authorize any type of account that is not authorized by the Federal Law or Regulation or State Law or Regulation or by the bylaws of a particular credit union. The purpose is to be as inclusive as possible of all possible situations.

(c) Records: (1) The account records of the insured credit union shall be conclusive as to the existence of any relationship pursuant to which the funds in the account are deposited and on which a claim for insurance coverage is founded. Examples would be trustee, agent, custodian, or executor. No claim for insurance based on such a relationship will be recognized in the absence of such disclosure.

(2) If the account records of an insured credit union disclose the existence of a relationship which may provide a basis for additional insurance, the details of the relationship and the interests of other parties in the account must be ascertainable either from the records of the credit union or the records of the depositor maintained in good faith and in the regular course of business.

(3) The deposit records of an insured credit union in connection with a trust account shall disclose the name of both the settlor (grantor) and the trustee of the trust and shall contain an account signature card executed by the trustee or his legal representative if he is an infant.

(4) The interests of the coowners of a joint deposit shall be deemed equal, unless otherwise stated on the insured credit union's records in the case of a tenancy in common.

(d) Valuation of trust interests: (1) Trust interests in the same trust deposited in the same account will be separately insured if the value of the trust interest is capable of determination, without evaluation of contingencies, except for those covered by the present worth tables and rules of calculation for their use set forth in § 20.2031-7 of the Federal Estate Tax Regulations (26 CFR 20.2031-7).

(2) In connection with any trust in which certain trust interests are not capable of evaluation in accordance with the foregoing rule, payment by the Administrator to the trustee with respect to all such trust interests shall not exceed the basic insured amount of $20,000.

(3) Each trust interest in any trust established by two or more settlors shall be deemed to be derived from each settlor pro rata to his contribution to the trust.

(4) The term "trust interest" means the interest of a beneficiary in an irrevocable express trust, whether created by trust instrument or statute, but does not include any interest retained by the settlor.

§ 745.3 Single ownership accounts.

Funds owned by an individual and deposited in the manner set forth below shall be added together and insured up to $20,000 in the aggregate.

(a) *Individual accounts.* Funds owned by an individual (or by the community between husband and wife of which the individual is a member) and deposited in one or more deposit accounts in his own name shall be insured up to $20,000 in the aggregate.

(b) *Accounts held by agents or nominees.* Funds owned by a principal and deposited in one or more deposits in the name or names of agents or nominees shall be added to any individual deposit of the principal and insured up to $20,000 in the aggregate.

(c) *Accounts held by guardians, custodians, or conservators.* Funds held by a guardian, custodian, or conservator for the benefit of his ward or for the benefit of a minor under a Uniform Gifts to Minors Act and deposited in one or more deposits in the name of the guardian, custodian, or conservator shall be added to any individual deposit accounts of the ward or minor and insured up to $20,000 in the aggregate.

§ 745.4 Testamentary accounts.

(a) Funds owned by an individual and deposited in a revocable trust account, tentative or "Totten" trust account, "payable-on-death" account or similar account evidencing an intention that on his death the funds shall belong to his spouse, child, or grandchild shall be insured up to $20,000 in the aggregate as to each such named beneficiary, separately from any other accounts of the owner.

(b) If the named beneficiary of such an account is other than the owner's spouse, child, or grandchild, the funds in such account shall be added to any individual accounts of such owner and insured up to $20,000 in the aggregate.

§ 745.5 Accounts held by executors or administrators.

Funds of a decedent held in the name of the decedent or in the name of the executor or administrator of his estate and deposited in one or more accounts shall be insured up to $20,000 in the aggregate, separately from the individual deposits of the beneficiaries of the estate or of the executor or administrator.

§ 745.6 Accounts held by a corporation or partnership.

Deposits of a corporation or partnership engaged in any independent activity shall be insured up to $20,000 in the aggregate. A deposit of a corporation or partnership not engaged in an independent activity shall be deemed to be owned by the person or persons owning such corporation or comprising such partnership and, for deposit insurance purposes, the interest of each person in such a deposit shall be added to any other deposit individually owned by such person and insured up to $20,000 in the aggregate.

§ 745.7 Accounts held by an unincorporated association.

Deposits of an unincorporated association engaged in any independent activity shall be insured up to $20,000 in the aggregate. A deposit of an unincorporated association not engaged in an independent activity shall be deemed to be owned by the persons comprising such association and, for deposit insurance purposes, the interest of each owner in such a deposit account shall be added to any other deposit accounts individually owned by such person and insured up to $20,000 in the aggregate.

§ 745.8 Joint accounts.

(a) *Separate insurance coverage.* Accounts owned jointly, whether as joint tenants with right of survivorship, as tenants by the entireties, as tenants in common, or by husband and wife as community property, shall be insured separately from deposit accounts individually owned by the coowners.

(b) *Qualifying joint accounts.* A joint account shall be deemed to exist, for purposes of insurance of accounts, only if each coowner has personally executed a joint account signature card and possesses withdrawal rights. The restrictions of this paragraph shall not apply to coowners of a time certificate of deposit or to any deposit obligation evidenced by a negotiable instrument, but such a deposit must in fact be jointly owned.

(c) *Failure to qualify.* An account owned jointly which does not qualify as a joint account for purposes of insurance of accounts shall be treated as owned by the named persons as individuals and the actual ownership interest of each such person in such account shall be added to any other accounts individually owned by such person and insured up to $20,000 in the aggregate.

(d) *Same combination of individuals.* All joint accounts owned by the same combination of individuals shall first be added together and insured up to $20,000 in the aggregate.

(e) *Interest of each coowner.* The interests of each coowner in all joint accounts owned by different combinations of individuals shall then be added together and insured up to $20,000 in the aggregate.

§ 745.9 Trust accounts.

All trust interests, for the same beneficiary, deposited and established pursuant to valid trust agreements created by the same settlor (grantor) shall be added together and insured up to $20,000 in the aggregate, separately from other deposit or share accounts of the trustee

of such trust funds or the settlor or beneficiary of such trust arrangements.

§ 745.10 Deposits evidenced by negotiable instruments.

If any insured deposit obligation of a credit union be evidenced by a negotiable certificate of deposit, negotiable draft, negotiable cashier's or officer's check, negotiable certified check, or negotiable traveler's check or letter of credit, the owner of such deposit obligation will be recognized for all purposes of claim for insured deposits to the same extent as if his name and interest were disclosed on the records of the credit union provided the instrument was in fact negotiated to such owner prior to the date of the closing of the credit union. Affirmative proof of such negotiation must be offered in all cases to substantiate the claim.

§ 745.11 Deposit obligations for payment of items forwarded for collection by credit union acting as agent.

Where a closed credit union has become obligated for the payment of items forwarded for collection by a credit union acting solely as agent, the owner of such items will be recognized for all purposes of claim for insured accounts to the same extent as if his name and interest were disclosed on the records of the credit union when such claim for insured accounts, if otherwise payable, has been established by the execution and delivery of prescribed forms. Such credit union forwarding such items for the owners thereof will be recognized as agent for such owners for the purpose of making an assignment of the rights of such owners against the closed insured credit union to the Administrator and for the purpose of receiving payment on behalf of such owners.

§ 745.12 Notification of depositors/shareholders.

Each insured credit union is required to provide notice of these rules and regulations for Clarification and Definition of Insurance Coverage of Member Accounts, Part 745, not later than 90 days after the effective date of these regulations, to the owners of each account which had a balance in excess of $2,000 on any date selected by the credit union between October 1, 1970, and March 1, 1971. Such notice shall consist of mailing to such owner at their last known address as shown on the records of the insured credit union, a question and answer brochure on insurance of deposits. A small initial supply of such brochures will be prepared and furnished without cost by the Administrator. Additional copies may be purchased from the usual source of supply. Such information shall also be made available to the public at each teller's station or window where deposits or shares are normally received and at new account or share stations of an insured credit union. Additional explanatory materials may also be sent to depositors at the option of the insured credit union.

H. NICKERSON, Jr.,
Administrator.

[F.R. Doc. 70-16846; Filed, Dec. 15, 1970; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[I-3814]

IDAHO

Notice of Offer of Lands

1. Pursuant to the provisions of the Act of May 31, 1962 (76 Stat. 89), the following lands, found upon survey to be omitted lands of the United States, will be offered for sale:

BOISE MERIDIAN, IDAHO

T. 5 N., R. 38 E.,

Sec. 7, lot 14;

Sec. 13, portions of lots 12, 13, 16, and 17, described as follows:

Beginning at section corner of secs. 13, 18, 24, and 19; thence north along section line to intersect dike; thence along dike to intersect meander line between AP 3-4; thence back southeasterly along the original meander line to meander corner on section line; thence east along the section line to corner of secs. 13, 18, 24, and 19, the point of beginning, containing approximately 57 acres;

Sec. 20, lot 8 and portions of lots 5 and 6 described as follows:

Beginning at the original meander corner on the left bank between secs. 20 and 21; thence N. 80°02' W. along the original meander line to angle point No. 1; thence N. 64°27' W. along original meander line to a point between angle points 1 and 2 where original meander line intersects centerline of dike; thence easterly along flood control dike centerline to section line between secs. 20 and 21; thence S. 0°04' W. along section line to the original meander corner, the point of beginning, containing approximately 6.45 acres;

Sec. 21, portion of lot 10 described as follows:

Beginning at angle point No. 4, which is approximately center of dike; thence N. 81°35' W. along original meander line between secs. 20 and 21; thence N. 0°04' E. along section line to point that intersects the centerline of the flood control dike; thence southeasterly along centerline of the dike to angle point No. 4 to the point of beginning, containing approximately 3.36 acres;

Sec. 22, portions of lots 11 and 12 described as follows:

Beginning at point of intersection of original meander line for the left bank and fence line, said point between angle points 6 and 7; thence generally east along fence line approximately 20 chains to intersect north-south fence line; thence easterly approximately 30 chains to a steel stake; thence southerly approximately 10 chains to a steel stake; thence southeasterly approximately 8 chains to intersect north-south fence line at a point on the southerly bank of the old slough; thence southerly along fence line to intersect original meander line; thence westerly and northerly along original meander line to the point of beginning, containing approximately 30.74 acres;

Also that portion of lot 12 lying northwesterly of the northwesterly right-of-way fence of the West Belt Branch of the Union Pacific Railroad, containing approximately 3.80 acres;

Sec. 22, lot 10;

Sec. 24, lot 3.

The areas described aggregate 151.10 acres.

2. Plats of survey were filed (see 34 F.R. 19082) in the Land Office, Boise, Idaho, at 10 a.m. on January 5, 1970.

3. Persons claiming a preference right in accordance with the provisions of the Act, must file with the Manager, Land Office, Room 334, Federal Building, 550 West Fort Street, Boise, ID 83702, before February 15, 1971, a notice of their intention to apply to purchase all or part of the lands as qualified preference right claimants.

4. The Act grants a preference right to purchase the above lands to any citizens of the United States (including corporations, partnership, firm, or other legal entity having authority to hold title to lands in the State of Idaho) who, in good faith, under color of title or claiming as a riparian owner has, prior to March 30, 1961, placed valuable improvements upon, reduced to cultivation, or occupied any of the lands so offered for sale, or whose ancestors or predecessors in interest have taken such action.

5. The lands are determined to be suitable for sale and will be sold at their fair market value subject to:

(a) Qualified preference right claims.

(b) A reservation to the United States of all the coal, oil, gas, shale, phosphate, potash, sodium, native asphalt, solid and semisolid bitumen and bitumen rock, including oil-impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried.

(c) The following reservations:

(1) A right-of-way easement for existing flood control dikes.

(2) A reservation of a 100-foot strip of land along the river banks of the lots bordering the Snake River for use of the public for access and recreation.

CURTIS R. TAYLOR,
Acting Manager, Land Office.

[F.R. Doc. 70-16839; Filed, Dec. 15, 1970; 8:45 a.m.]

[Bureau Order No. 701, Amdt. 10]

LANDS AND RESOURCES

Redelegation of Authority

Bureau Order No. 701 dated July 23, 1964, is further amended as follows:

1. Section 1.3(d) is amended to read:

Section 1.3 *Fiscal affairs.*

* * * * *

(d) *Trespass.* Determine liability and accept damages for trespass on the public lands, and dispose of resources recovered in trespass cases for not less than the appraised value thereof; recommend to the Field or Regional Solicitor:

(1) Institution of suits arising out of trespass when actual damages are not in excess of $5,000, and

(2) Compromise of trespass claims when actual damages are not in excess of $20,000, and

(3) Write-off uncollectible accounts when actual damages are not in excess of $2,500.

2. Section 1.8(b) is amended to read as follows:

Section 1.8 *Forest management.*

* * * * *

(b) *Hearings in connection with sustained-yield forest units.* Schedule and hold public hearings on master forest units and sustained-yield forest units, comprising revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon and lands in private ownership or controlled by other public agencies, under authority of the Act of August 28, 1937, as amended (43 U.S.C. 1181a-j). The notice of hearing may designate any qualified employee in the area to hold the hearing. This shall not include the approval of sustained-yield forest units.

3. Section 3.3(d) is amended to read as follows:

Section 3.3 *Fiscal affairs.*

* * * * *

(d) *Trespass.* Determine liability for trespass on the public lands when actual damages do not exceed $5,000. Accept payment in full irrespective of amount. Dispose of resources recovered in trespass cases for not less than the appraised value thereof.

JOHN O. CROW,
Associate Director.

DECEMBER 9, 1970.

[F.R. Doc. 70-16850; Filed, Dec. 15, 1970; 8:46 a.m.]

[Wyoming 25819]

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 to the regulations in 43 CFR Parts 2400 through 2461, the public lands described below are hereby classified for multiple-use management. Publication of this notice segregates the described lands in paragraphs 3 and 4 from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. 334), from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and from appropriation under the general

mining laws (30 U.S.C. 21). The lands shall remain open to all other applicable 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). One letter supporting the classification was received. No public hearings were held. The record showing the comments received and other information is on file and can be examined in Bureau of Land Management District Offices in Casper and Lander, Wyo., and in the Land Office, Bureau of Land Management, 2120 Capitol Avenue, Cheyenne, Wyo.

3. Public lands in the Casper District affected by this classification are:

SIXTH PRINCIPAL MERIDIAN

GOSHEN COUNTY, WYO.

T. 22 N., R. 60 W.,
Sec. 10, lot 5;
Sec. 17, SW¼NW¼, NE¼SW¼, E½SE¼SW¼, and SE¼;
Sec. 18, lots 4 and 5, E½SW¼, and SE¼;
Sec. 19, lots 1, 2, and 3, NE¼SW¼.
T. 22 N., R. 61 W.,
Sec. 14, SE¼NW¼, N½NE¼SW¼, and W½SE¼;
Sec. 23, NE¼NE¼, E½SE¼NE¼, and E½NE¼SE¼;
Sec. 24, N½, SW¼, SW¼SE¼, and N½SE¼;
Sec. 25, N½ and W½SE¼.
T. 22 N., R. 62 W.,
Sec. 11, SW¼;
Sec. 14, N½NW¼ and SE¼SW¼;
Sec. 21, E½SW¼, W½SE¼, and SE¼SE¼;
Sec. 23, NW¼NE¼;
Sec. 28, N½NW¼.

NATRONA COUNTY, WYO.

T. 29 N., R. 83 W.,
Sec. 4, lot 16 and NE¼SW¼;
Sec. 9, lots 1 to 14, inclusive, NW¼NW¼, and SE¼SE¼;
Sec. 10, W½W½ and NE¼SW¼;
Sec. 17, N½SE¼ and SW¼SE¼;
Sec. 19, S½SE¼;
Sec. 20, NW¼NE¼, NE¼SW¼, S½SW¼, and S½SE¼;
Sec. 21, NE¼NW¼.

The areas described aggregate approximately 3,862.79 acres.

4. Public lands in the Lander District affected by this classification are:

SIXTH PRINCIPAL MERIDIAN

FREMONT COUNTY, WYO.

T. 42 N., R. 107 W.,
Sec. 31, lots 1 to 4, inclusive, E½W½, and SE¼;
Sec. 32, W½W½ and NE¼SW¼.

The areas described aggregate approximately 669.32 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 Section 2461.3. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240.

DANIEL P. BAKER,
State Director.

[F.R. Doc. 70-16851; Filed, Dec. 15, 1970; 8:46 a.m.]

[OR 1630]

OREGON

Notice of Amended Classification of Public Land for Multiple-Use Management

DECEMBER 8, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2400 and 2460, the public land within the area described in paragraph 3, has been classified for multiple-use management, notice of which was published in the FEDERAL REGISTER on November 29, 1967 (32 F.R. 16285). This publication had the effect of segregating the land described in paragraph 3 from appropriation only under the agricultural land laws (43 U.S.C. Chs. 7 and 9; 25 U.S.C., sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) with the provision that the land shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws.

2. The purpose of the amended classification is to further segregate the land listed in paragraph 3 from operation of the general mining laws (30 U.S.C. 21). Publication of this notice shall have the effect of so segregating the land.

3. The notice of proposed amendment of classification was published in the FEDERAL REGISTER, page 15855, October 8, 1970. Numerous comments were received on the proposed classification notice. All the comments were favorable.

4. The lands involved are located in Lake County, Oreg., and are described as follows:

WILLAMETTE MERIDIAN

T. 33 S., R. 24 E.,
Sec. 1, W½;
Sec. 2;
Sec. 3, E½;
Sec. 10, E½;
Sec. 11;
Sec. 12, W½.

The public land in the area described contains approximately 2,564.72.

5. 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 320, Washington, D.C. 20240.

ARCHIE D. CRAFT,
State Director.

[F.R. Doc. 70-16852; Filed, Dec. 15, 1970; 8:46 a.m.]

[Serial No. U-8131]

UTAH

Notice of Modification of Classification of Public Lands for Multiple-Use Management

DECEMBER 7, 1970.

Notice of Classification of Public Lands for Multiple-use Management and for Disposal, FEDERAL REGISTER Document 70-12704, appearing at page 14859 in the issue of Thursday, September 24, 1970, is modified as follows:

The words "and for Disposal" are deleted from the heading.

The acreage classified for multiple-use management in paragraph 3 is modified to read 1,655,625 acres.

Paragraph 6 is deleted, and the following is inserted in its place:

6. The following-described parcel of public domain land that falls within the area described in paragraph 3 is excluded from this classification:

T. 40 S., R. 22 E.,
Sec. 4, W½W½;
Secs. 5, 8, and 17, all;
Sec. 6, lot 4, E½NE¼, SE¼SW¼, S½SE¼, NE¼SE¼;
Sec. 7, lots 1 and 2, NE¼, E½NW¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 9, W½W½;
Sec. 18, lot 3, E½NE¼, NE¼SW¼, N½SE¼;
Sec. 20, N½;
Sec. 21, N½.

The area described aggregates 3,877.53 acres.

Paragraph 7 is deleted.

Paragraphs 8 and 9 are renumbered 7 and 8.

Accordingly the classification for disposal set forth in F.R. Doc. 70-12704 is hereby terminated.

R. D. NIELSON,
State Director.

[F.R. Doc. 70-17045; Filed, Dec. 15, 1970; 11:11 a.m.]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

BUFFALO MINING CO.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m³) have been received as follows:

ICP Docket No. 10716, Buffalo Mining Co., No. 8-C Mine, USBM ID No. 46 01597 0, Lorado, Logan County, W. Va., Section ID No. 001 (No. 1 Sec.).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for

public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

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

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

DECEMBER 9, 1970.

[F.R. Doc. 70-16843; Filed, Dec. 15, 1970; 8:46 a.m.]

ONEIDA MINING CO.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m³) have been received as follows:

ICP Docket No. 10107, the Oneida Mining Co., Oneida No. 4 Mine (formerly Conemaugh No. 4 Mine, the North American Coal Corp.), USBM ID No. 36 00927 0, Seward, Indiana County, Pa., Section ID No. 002 (2d Left off Northwest Mains), Section ID No. 003 (2d Left off Northwest Mains).

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

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

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

DECEMBER 10, 1970.

[F.R. Doc. 70-16844; Filed, Dec. 15, 1970; 8:46 a.m.]

VALLEY CAMP COAL CO. AND BUFFALO MINING CO.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m3) have been received as follows:

(1) ICP Docket No. 10446, the Valley Camp Coal Co., Valley Camp No. 3 Mine, USBM ID No. 46 01482, Triadelphia, Ohio County, W. Va., Section ID No. 002 ("P" North Off Main East).

(2) ICP Docket No. 10715, Buffalo Mining Co., No. 8-B Mine, USBM ID No. 46 01374 0, Lorado, Logan County, W. Va., Section ID No. 002 (No. 2 Sec.).

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

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

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

DECEMBER 10, 1970.

[F.R. Doc. 70-16842; Filed, Dec. 15, 1970; 8:46 a.m.]

TARIFF COMMISSION

[TEA-F-15]

R. C. ALLEN, INC.

Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

Investigation instituted. Upon petition under section 301(a)(2) of the Trade Expansion Act of 1962, filed by R. C. Allen, Inc., 678 Front Avenue NW., Grand Rapids, MI, the U.S. Tariff Commission, on December 10, 1970, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with manual office typewriters of the kind produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

The petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

Inspection of petition. The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: December 11, 1970.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[F.R. Doc. 70-16868; Filed, Dec. 15, 1970; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 110]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through November 25, 1970, exclusive of those vessels that called on Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP	*Gross tonnage*
Total—all flags (207 ships)	1,544,531
Cypriot (99 ships)	751,153
Aegis Banner	9,024
Aegis Fame	9,072
Aegis Hope (previous trips to Cuba as the Huntsmore—British)	5,678
Aftadelfos	8,136
Aghios Ermolaos	7,208
Aghios Nicolaos	7,254
Aida	7,292
Alfa	7,388
Alice (previous trips to Cuba—Greek)	7,189
Alitric	7,564
Alma	6,585
Alpa	9,159
Amarilis	8,959
Amfithea (previous trip to Cuba as the Antonia—Greek)	5,171
Angeliki	8,482
Anka	7,314
Annunciation Day	8,047
Antigoni	3,174
Aragon (previous trips to Cuba—Somali)	7,248
Ardena	7,261
Arendal	7,265
Aria (previous trips to Cuba—Somali)	5,059
Arion	3,570
Armar	5,089
Arosa	7,233
Athenian	9,943
Aurora	8,380
Azalea	9,506
Azure Coast II	7,638
Byron	8,720
Camelia	8,111
Castalia	7,641
Claire (previous trips to Cuba—Lebanese)	5,411
Cleo II	7,590
*Costiana	7,199
Degedo	9,000
Diamondo	7,067
Dolphin	3,550
Dorine Papalios (previous trips to Cuba as the Formentor—British)	8,424
E. D. Papalios	9,431
*Elpida	8,296
Elpidoforos	4,963

See footnotes at end of document.

Flag of Registry and Name of Ship	Gross tonnage
Cypriot—Continued	
Erato (previous trips to Cuba—Somali—and as the Eretria—Greek)	7,199
Felicie	7,096
Free Trader (previous trips to Cuba—Lebanese)	7,061
Gardenia	9,744
George	7,378
George N. Papalios	9,071
Georgios C. (previous trips to Cuba as the Huntsfield—British and Cypriot)	9,483
Georgios T	9,646
Giannis	7,490
Gladiator	8,346
*Good Luck	6,952
Happy Land	9,080
Herodemos	7,356
**Ibrahim K. (trips to Cuba—as the Marichristina—Lebanese)	7,124
Ilena (previous trips to Cuba—Lebanese)	5,925
Irena (previous trips to Cuba—Greek)	7,232
Iris	8,479
Johnny	9,689
Katerina (previous trips to Cuba—Lebanese)	9,357
Kimon	5,682
Kounistra (previous trips to Cuba as the Nicolaos Frangistas and the Nicolaos F.—Greek)	7,199
*Krios	2,915
Kypros	7,001
Lena	7,029
Marco	7,622
Marika (previous trip to Cuba—Lebanese)	7,290
Master George	7,334
Mery (previous trips to Cuba—Greek)	7,258
Mimis N. Papalios	9,069
*Mimosa	8,618
Miss Papalios	9,072
Mitera Irini (previous trips to Cuba as the Soclyve—British and Maltese)	7,291
Nea Hellas	9,241
Nedi 2	7,679
Newgate (previous trips to Cuba—British)	6,743
Nike	9,505
Noelle (previous trips to Cuba—Lebanese)	7,251
Olga (previous trips to Cuba—Lebanese and Greek)	7,265
Pantazis Calas	9,618
Patricia	9,998
Platres	7,244
Protoklitos	6,154
Savvas	7,230
Silver Coast	7,328
Silver Hope	5,313
Sophia (previous trips to Cuba—Greek)	7,030
Spyro	7,591
Successor	11,471
Suerte	7,267
Thios Costas (previous trips to Cuba—Somali)	7,258
*Torenia	8,077
**Troyan (trips to Cuba as the Mauritanie—Moroccan)	10,392
Vassiliki (previous trips to Cuba—Lebanese)	7,192
Venturer	9,000
Venus	9,777
Zaira	8,032
*Zinia	7,114

See footnotes at end of document.

Flag of Registry and Name of Ship	Gross tonnage
British (45 ships)	337,502
Antarctica	8,785
Arctic Ocean	8,791
Athelcrown (tanker)	11,149
Athellaird (tanker)	11,150
Athelmonarch (tanker)	11,182
Avisfaith	7,868
Baxtergate	8,813
Changpaishan	8,929
Cheung Chau	8,566
NOTE: Chiang Kiang (now Changshu—Peoples Republic of China—will be deleted from future reports)	10,481
Coral Islands	9,060
East Sea	9,679
Eastfortune	8,789
Eastglory	8,995
Fortune Enterprise	7,696
**Glendalough (trip to Cuba—as the Ardrossmore—British)	5,820
*Golden Bridge	7,897
Green Walrus	9,443
Ho Fung	7,121
Huntsland	9,353
Hwa Chu	9,091
Hwang Ho	9,457
Jollity	8,819
Kinross	5,388
Magister	2,239
Nancy Dee	6,597
Newheath	7,643
Peony	9,037
Precious Pearl	6,921
Purple Dolphin	9,420
Red Sea (previous trip to Cuba as the Grosvenor Mariner—British)	7,026
**Rosetta Maud (trips to Cuba as the Ardtara—British)	5,795
Ruthy Ann	7,361
Sea Amber	10,421
Sea Captain	7,385
Sea Coral	10,421
Sea Empress	9,841
Sea Moon	9,085
Seasage	4,330
**Shun Wah (trip to Cuba as the Vercharmian—British)	7,265
*Steed	8,989
Venice	8,611
Vergmont	7,381
*Yellow Sea	9,998
Yunglutaton	5,414
Polish (21 ships)	150,590
Baltyk	6,984
Bialystok	7,173
Bytom	5,967
Chopin	9,231
Chorzow	7,237
Energetyk	10,876
Grodziec	3,379
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,179
Huta Zgoda	6,840
Hutnik	10,847
Kopalnia Bobrek	7,221
Kopalnia Czladz	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Narwik	7,065
Piast	3,184
Rejowiec	3,401
Transportowiec	10,854
Yugoslav (8 ships)	53,948
Agrum	2,449
Bar	8,776

Flag of Registry and Name of Ship	Gross tonnage
Yugoslav—Continued	
Cetinje	8,229
Kolasin	7,217
Piva	7,519
Plod	3,657
Tara	7,499
Ulcinj	8,602
Greek (6 ships)	40,477
Andromachi (previous trips to Cuba as the Penelope—Greek)	6,712
**Anna Maria (trips to Cuba as the Helka—British)	2,111
Eftyhia	9,844
**Gold Land (trip to Cuba as the Amfred—Swedish)	2,838
**Lambros M. Patsis (trips to Cuba as the La Hortensia—British)	9,486
**Pothite (trips to Cuba as the Huntsville—British)	9,486
Italian (6 ships)	53,930
Alderamine (tanker)	12,505
Elia (tanker)	11,021
Probitas	8,150
San Francesco	9,284
Santa Lucia	9,278
Somalia	3,692
Somali (6 ships)	42,729
**Atlas (trip to Cuba—Finnish)	3,916
Dimitrakis	7,829
Hemisphere (previous trips to Cuba—British)	8,718
**Marie (trips to Cuba as the Stevo—Lebanese and Somali)	7,174
**Nebula (trips to Cuba—British)	8,970
**Oriental (trips to Cuba as the Oceantramp—British)	6,185
Lebanese (3 ships)	18,759
Antonis	6,259
Astir	5,324
Tony	7,176
French (3 ships)	6,980
**Atlanta (trip to Cuba as the Enee—French)	1,232
Circe	2,874
Nelle	2,874
Moroccan (1 ship)	3,214
Marrakech	3,214
Netherlands (2 ships)	1,615
Meike	500
Tempo	1,115
Panamanian (2 ships)	17,543
**Ampuria (trips to Cuba as the Roula Maria—Greek)	10,608
**Robertina (trips to Cuba as the Anacreon—Greek)	6,935
Chinese (Taiwan) (1 ship)	10,419
**Kangding (trips to Cuba as the Oceantravel—British)	10,419
Finnish (1 ship)	4,779
Someri	4,779

Flag of Registry and Name of Ship	Gross tonnage
Guinean (1 ship)	852
**Drame Oumar (trip to Cuba as the Neve—French)	852
Maltese (1 ship)	5,333
Timios Stavros (previous trips to Cuba—British and Greek)	5,333
Pakistani (1 ship)	8,708
**Maulabaksh (trips to Cuba as the Phoenician Dawn and East Breeze—British)	8,708

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuban trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessel under their control will thenceforth be employed in the Cuban trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuban trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

Flag of Registry and Name of Ship	Gross tonnage
a. Since last report:	
Moroccan (2 ships):	
Atlas	10,392
Toubkal	8,748

b. Previous reports:

Flag of registry (total)	Number of ships
	130
British	45
Cypriot	3
Danish	1
Finnish	4
French	4
German (West)	1
Greek	31
Israeli	1
Italian	13
Japanese	1
Kuwaiti	1
Lebanese	9
Liberia	1
Norwegian	5
Somali	1
Spanish	6
Swedish	1
Yugoslav	2

SEC. 3. The following number of vessels have been removed from this list, since they have been broken up, sunk, or wrecked.

a. Since last report: None.

b. Previous reports:

Flag of registry:	Broken up, sunk, or wrecked
British	23
Cypriot	34
Finnish	5
French	1
Greek	18
Italian	4
Japanese	1
Lebanese	35
Maltese	2
Monaco	1
Moroccan	1
Norwegian	1
Pakistan	1
Panamanian	7
Singapore	1
South Africa	2
Swedish	1
Yugoslav	6
Total	144

SEC. 4. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through November 25, 1970.

Flag of registry	1963	1964	1965	1966	1967	1968	1969	1970 Jan.–May	1970 June	1970 July	1970 Aug.	1970 Sept.	1970 Oct.	1970 Nov.	Total
British	133	180	126	101	78	62	45	25	5	4	2	7	2	1	771
Cypriot		1	17	27	42	68	115	74	16	21	19	14	15	4	433
Lebanese	64	91	58	25	16	16	4	1							275
Greek	99	27	23	27	29	7									212
Italian	16	20	24	11	11	10	15	7	2	1	2		1		120
Yugoslav	12	11	15	10	14	9	6	3	2		1			1	84
French	8	9	9	10	10	4	2	1							53
Finnish	1	4	5	11	12	8	2	1							44
Spanish	9	17													25
Norwegian	14	10													24
Moroccan	9	13	1												23
Maltese		2	6	1	4	8	1		1	1					24
Somalia					2	11	7	2							22
Netherlands		4	2												6
Sweden	3	3													6
Kuwaiti		2	1												3
Israeli			2												2
Japanese	1					1									2
Danish	1														1
German (West)	1														1
Haitian			1												1
Monaco				1											1
Subtotal	370	394	290	224	218	204	197	114	26	27	24	21	18	6	2,133
Polish	18	16	12	10	11	7	2	1				1			78
Grand total	388	410	302	234	229	211	199	115	26	27	24	22	18	6	2,211

NOTE: Trip totals in section 4 exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data becomes available.

*Added to Report No. 109, appearing in the FEDERAL REGISTER issue of November 19, 1970.
**Ships appearing on the list which have made no trips to Cuba under the present registry.

Dated: December 1, 1970.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 70-16818; Filed, Dec. 15, 1970; 8:45 a.m.]

National Oceanic and Atmospheric Administration

[Docket No. B-497]

BOAT SHANNON, INC.

Notice of Loan Application

DECEMBER 9, 1970.

Boat Shannon, Inc., 34 Camp Street, Hyannis, MA 02601, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 52-foot length overall steel vessel to engage in the fishery for scup, flounders, squid, and groundfish.

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. 70-16829; Filed, Dec. 15, 1970; 8:45 a.m.]

See footnotes at end of document.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CARLISLE CHEMICAL WORKS, INC.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Carlisle Chemical Works, Inc., New Brunswick, N.J. 08903, has withdrawn its petition (FAP 0B2528), notice of which was published in the FEDERAL REGISTER of May 2, 1970 (35 F.R. 7030), proposing that § 121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.2566) be amended to provide for the safe use of calcium neodecanoate and zinc neodecanoate as stabilizers in polymers used in the manufacture of articles intended for food-contact use.

Dated: December 4, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-16833; Filed, Dec. 15, 1970; 8:45 a.m.]

CHATTEM DRUG & CHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1A2612) has been filed by Chattem Drug & Chemical Co., Chattanooga, Tenn. 37409, proposing the issuance of a regulation (21 CFR Part 121) to provide for the safe use of glycine as a diluent and flavor-masking agent for saccharin in sugar substitutes for table use and in refrigerated prepared, ready-to-eat gelatin desserts.

Dated: December 4, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-16834; Filed, Dec. 15, 1970; 8:45 a.m.]

[Docket No. FDC-D-261; NDA No. 13-002]

DOME LABORATORIES

Blef-Dome Ointment; Notice of Withdrawal of Approval of New-Drug Application

Dome Laboratories, Division Miles Labs., Inc., West Haven, Conn. 06516, holder of new-drug application No. 13-002 for Blef-Dome Ointment, has never marketed the product and has requested withdrawal of approval of said application, thereby waiving opportunity for hearing.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended, 21 U.S.C. 355(e)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), approval of new-drug application No. 13-002, including all amendments and supplements thereto, is hereby withdrawn on the grounds that the article having never been marketed, certain reports of experience with the drug, required under section 505(j) of the act (21 CFR 130.13) of the new-drug regulations, have not been submitted.

This order is effective on its date of signature.

Dated: November 25, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-16835; Filed, Dec. 15, 1970; 8:45 a.m.]

FABCON, INC.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1A2601) has been filed by Fabcon, Inc., 314 Public Square Building, Cleveland, Ohio 44113, proposing that § 121.1137 *Dioctyl sodium sulfosuccinate* (21 CFR 121.1137) be revised in paragraph (b):

1. To provide for the additional uses of dioctyl sodium sulfosuccinate as a processing aid in the manufacture of refined and unrefined sugar from sugar juices, sirups, and massecuite derived from sugar cane and sugar beets when used in an amount not in excess of 1.0 part per million of the additive per percentage point of sucrose in the juice, sirup, or massecuite being processed; and

2. To delete the limitation of 25 parts per million of the additive in final molasses.

Dated: December 7, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-16836; Filed, Dec. 15, 1970; 8:45 a.m.]

[DESI 8167]

STRONTIUM LACTATE TRIHYDRATE CAPSULES

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Strontolac Capsules containing strontium lactate trihydrate; marketed by Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, Pennsylvania 19101 (NDA 8-167).

The drug is regarded as a new drug. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy report, as well as other available evidence, and concludes that strontium lactate trihydrate is possibly effective as a supplement to calcium for relief of post-menopausal, senile, or idiopathic osteoporosis; and as an adjuvant in remineralization of the depleted skeleton, as in osteoporosis.

B. *Marketing status.* 1. Holders of previously approved new-drug applications and any person marketing any such drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and to submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness for those indications for which this drug has been classified as possibly effective. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug applications for such drugs, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications will cause any such drugs on the market to be new drugs for which an approval is not in effect.

The above-named holder of the new-drug application for this drug has been mailed a copy of the NAS-NRC report. Any interested person may obtain a copy of the report by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 8167 and be directed to the attention of the following appropriate office and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Original new-drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.
All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD-5), Bureau of Drugs.
Requests for NAS-NRC Reports: Press Relations Office (CE-200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: November 24, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-16837; Filed, Dec. 15, 1970; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

National Highway Safety Bureau

[Docket No. 70-12; Notice No. 4]

TIRE IDENTIFICATION AND RECORD KEEPING

Notice of Public Meeting

On November 10, 1970, the National Highway Safety Bureau had published in the FEDERAL REGISTER Part 574—Tire Identification and Record Keeping Regulations (35 F.R. 17257). Numerous petitions for reconsideration have been received. Some of the petitions requested a meeting with Bureau officials to demonstrate the difficulty in meeting certain requirements in the regulations. In response to these requests, a meeting will be held beginning at 9:30 in room 2230, 400 Seventh Street SW., Washington, DC, on Monday, December 21, 1970.

RODOLFO A. DIAZ,
Acting Associate Director, Motor Vehicle Programs.

DECEMBER 14, 1970.

[F.R. Doc. 70-16954; Filed, Dec. 15, 1970; 8:50 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.]

FEDERAL RESERVE SYSTEM

BARNETT BANKS OF FLORIDA, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3 (a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Barnett Banks of Florida, Inc., which is a bank holding company located in Jacksonville, Fla., for prior approval by the Board of Governors of the acquisition by Applicant of 80 percent or more of the voting shares of International Bank of Tampa, Tampa, Fla.

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 outweighted in the public interest by the probable effect of the transacton 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 Atlanta.

By order of the Board of Governors, December 10, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-16848; Filed, Dec. 15, 1970; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22617]

AGGREGATE RATES PROPOSED BY WTC AIR FREIGHT

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding now assigned to be held on January 5, 1971, is hereby postponed until further notice.

Dated at Washington, D.C., December 9, 1970.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 70-16888; Filed, Dec. 15, 1970; 8:49 a.m.]

[Docket No. 15383; Order 70-12-67]

AERO LINEAS FLECHA AUSTRAL LIMITADA

Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of December 1970.

By Order E-21943, dated January 5, 1965, and approved by the President on March 23, 1965, the Board issued a foreign air carrier permit to Aero Lineas Flecha Austral Limitada (ALFA) which authorized it to engage in foreign air

transportation with respect to property between a point or points in Chile and the terminal point Miami, Fla.

The Board has been advised that the Chilean C.A.B. has withdrawn the designation of ALFA to operate a cargo service between Santiago and Miami.

Based upon the foregoing, the Board tentatively finds that the foreign air carrier permit now held by ALFA should be canceled, and that, unless objections are received within 20 days from the date of service of this order, the Board should make such tentative findings final and submit to the President for his approval a final order canceling the said permit.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order which would make final the tentative findings and conclusions herein and which would, subject to the approval of the President, cancel the foreign air carrier permit held by Aero Lineas Flecha Austral Limitada;

2. Any interested person having objections to the issuance of such an order shall file with the Board a statement of objections supported by evidence within 20 days of service of this order; [1]

3. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. Aero Lineas Flecha Austral Limitada, and the Ambassador of Chile shall be served copies of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-16890; Filed, Dec. 15, 1970; 8:50 a.m.]

DELTA AIR LINES, INC. AND FRONTIER AIRLINES, INC.

[Docket No. 22874; Order 70-12-66]

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of December 1970.

By tariff revisions marked to become effective December 13, 1970 [1a] Delta Air Lines, Inc. (Delta), proposes to establish a night coach fare between Kansas City and New York. Effective January 4, 1971,[2] Frontier Airlines, Inc. (Frontier), proposes to increase its present Job Corps fares to reflect the July 1 upward tax-rounding adjustment, and to add new Job Corps fares between Chicago and seven other points, which also contain this adjustment.

No complaints have been filed.

Upon consideration of the tariff filing and all other relevant matters, the Board has determined that Frontier's proposed Job Corps fares may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. Delta's proposal is automatically under investigation in the Domestic Passenger-Fare Investigation, Docket 21866. The Board further concludes that the proposals of Delta and Frontier should be suspended pending investigation. In constructing the proposed fares, both Delta and Frontier applied rounding techniques inconsistent with our actions in recent orders.[3]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions in CAB No. 55 issued by Frontier Airlines, Inc., except the fare between Chadron, Nebr., and St. Louis, Mo., and rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, (1) the fares and provisions in CAB No. 55 issued by Frontier Airlines, Inc., except the fare between Chadron, Nebr., and St. Louis, Mo., are suspended and their use deferred to and including April 3, 1971, and (2) the added YN class (Jet Night Coach) fare between Kansas City and New York/Newark on Third, Fourth and Fifth Revised Pages 288 in CAB No. 136 issued by Airline Tariff Publishers, Inc., Agent, is suspended and its use deferred to and including March 12, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation ordered in ordering paragraph 1 above be assigned before an examiner at a time and place hereafter to be designated; and

4. A copy of this order will be filed with the aforesaid tariffs, and be served upon Frontier Airlines, Inc., which is hereby made a party to the investigation ordered above, and upon Delta Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[4]

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-16891; Filed, Dec. 15, 1970; 8:50 a.m.]

[Docket No. 22859; Order 70-12-44]

DOMESTIC AIR FREIGHT RATE INVESTIGATION

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of December 1970.

By this order, the Board is instituting an investigation of current air freight rates and charges between points within the 48 contiguous States and the District of Columbia, and between those points, on the one hand, and Alaska and Hawaii, on the other hand, for scheduled services of the trunkline, all-cargo, and local service air carriers.

Today's domestic air freight rates have developed over the years chiefly from a series of tariff filings made by individual carriers. Since 1948, when the Board after an investigation (9 CAB 340) prescribed a minimum rate level, modified several times in subsequent decisions, only a limited number of investigations dealing with relatively narrow issues have been conducted.

The current rate structure consists of several types of rates, broadly divided between general and specific commodity rates. The current general commodity rates vary according to direction, westbound and southbound rates being at higher levels in numerous markets than rates in the opposite direction. General commodity rates are typically quoted for shipments of the following minimum poundages: under 100, 100, 1,000, 2,000, and 3,000 and over. In a few markets rates are quoted also for higher weights. The highest rates per pound are for shipments under 100 pounds, with lower rates published for successfully higher "weight breaks." The differences among the rates at various weight breaks, also known as volume spreads, permit consolidations by forwarders. These volume spreads vary by distance, the spreads being greatest for the longest hauls.

A minimum charge per shipment assures carriers a minimum revenue for even the smallest shipment. The current minimum charge for shipments under general commodity rates typically is the charge for 50 pounds but not less than $10. For shipments at specific commodity rates, the minimum charge is typically the charge for 100 pounds but not less than $10.

Specific commodity rates, which apply to named commodities, are normally lower than the general commodity rates and for the most part are applicable to

[1] Since provision is made for a response to this order, petitions for reconsideration of this order will not be entertained.

[1a] Revisions to Airline Tariff Publishers, Inc., Agent, CAB No. 136.

[2] Revisions to Frontier Airlines, Inc., Local Passenger Tariff No. JC-2, CAB No. 55.

[3] Orders 70-10-145, 70-11-45, 70-11-93, 70-11-133, 70-11-134, and 70-11-136.

[4] Dissenting statement of Vice Chairman Gilliland and member Adams filed as part of the original document.

eastbound and northbound traffic. They are typically published for more shipment weights than general commodity rates; however, specifics are not usually quoted for shipments below 100 pounds. Other rates applying to individual commodities, but at premiums above general commodity rates, are so-called exception rates. These are quoted as percentages of the general commodity rates, 150 percent, 200 percent, etc. Relatively low general and specific commodity rates also exist for a few markets for export and import traffic. Until recently a number of carriers published sharply discounted rates for deferred service, involving mandatory delayed deliveries. However, most carriers have now canceled their deferred rates.

Other rates apply only to containerized shipments, involving varying discounts quoted for several sizes of containers. In addition to an allowance for the weight of the container itself, nominal "unitization" discounts from both general and specific commodity rates are offered for traffic having densities of 7 pounds or more per cubic foot. An additional discount of 33⅓ percent is typically offered on general commodity traffic having a density of over 7 pounds per cubic foot.

In the past 2 years the airlines have filed higher rates and charges that have affected both the level and structure of their rates. The minimum charge per shipment for most carriers has been raised from $6 to $10, subject to investigation (Order 68–8–77). Rates for larger shipments were raised by across-the-board increases as well as by increases varying with size of shipment and length of haul. General and specific commodity rates were raised by 7.5 percent, effective July 27, 1969, and subsequent dates, with a minimum increase of $1 per 100 pounds in specific commodity rates. Approximately a year later, the carriers effected rate increases between $1 and $1.50 per 100 pounds, depending upon distance, not exceeding 10 percent for general commodity rates, for shipments with a minimum weight of 100 pounds. Rates for smaller shipments were also increased and rates at the 1,000-pound weight break were raised for certain lengths of haul. Rates for shipments of 5,000 pounds and over were increased by cancellation of general commodity weight breaks for those weights.

The air transportation of freight in scheduled service has for a number of years been expanding rapidly. The volume of freight transported in the domestic scheduled services of the trunk and all-cargo carriers, 14 million revenue ton-miles in 1946, increased to 1,813 million in 1969, by almost 130 fold. The increase from year to year for the 10-year period 1960–69 has averaged 17 percent. The increase has been particularly sharp for the traffic carried in all-cargo aircraft, which now accounts for the bulk of the total domestic volume of air freight, 61 percent for the 12 months ended June 30, 1970.

The carriers, however, have for a number of years reported that domestic all-cargo aircraft services have generally been conducted at operating losses. For only two 12-month periods since 1963 (those ended Dec. 31, 1966, and June 30, 1967) have the carriers reported that operating revenues from such services, including a minor proportion of mail and express, have exceeded operating expenses. For the 12 months ended June 30, 1970, domestic trunk and all-cargo carriers reported operating revenues of $254 million and operating expenses of over $281 million, resulting in an operating loss of $27 million. The loss for the comparable period for the previous year was $21 million.

In these circumstances and upon consideration of all relevant factors, the Board finds that the current rates and charges, and the provisions relating thereto, for scheduled air freight services of trunkline, all-cargo and local service carriers within the 48 contiguous States and the District of Columbia, and between those points, on the one hand, and Alaska and Hawaii, on the other hand, may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. This investigation will involve airport-to-airport, local and joint transportation rates and will not cover rates for pickup and delivery services or accessorial services. The scope of this investigation will include both the level and the structure of air freight rates including a determination of the appropriate recognition to be given to the costs of the carriage in all-cargo as well as in combination aircraft.[1] The ordering paragraphs delineate in detail the tariffs and provisions within the scope of this investigation.

The Board has under investigation in Docket 21866, Domestic Passenger-Fare Investigation, among other things, the matters of aircraft depreciation, leased aircraft, deferred Federal income taxes, and rate of return. We intend that the principles decided on these matters in the foregoing proceeding will be applied in the instant investigation subject to contentions to the contrary.

We would observe that meaningful study of air freight rates is hindered, if not precluded, by the lack of necessary factual data. Traffic, revenue, and cost data are reported by the carriers essentially on a domestic system basis. Traffic data are limited to tons enplaned by station and system ton-miles carried. Data are not reported to the Board as to the kinds of commodities carried, the number of shipments, number of pieces, volume by weight breaks, etc. A breakout between traffic carried at general commodity rates and specific commodity rates is not available.

Cost data are by and large limited to the overall operating costs of the all-cargo services and, without a good deal of the statistical data enumerated above, not much can be done by way of more detailed costing, for example, of handling small as compared with large shipments. We know that the various carriers maintain their own records in varying detail and that they have attempted some cost studies. However, these data and studies are not generally available throughout the industry and they are probably far from uniform as among the carriers.

We would expect that, for the purposes of this investigation, current data on costs of service and on the characteristics and volumes of air freight traffic will be developed by the carriers prior to the hearings. This information might well be prepared on the basis of representative samples. The Board, however, also recognizes a continuing need for regularly reported statistics on air freight movements including origination and destination data and for data on costs of transporting and handling air freight. We shall utilize appropriate rulemaking procedures to establish necessary reports apart from this investigation.

The Board will also expect the carriers to submit statistical studies in the course of the instant investigation indicating the experienced effects of rate changes upon the volume of traffic. Such studies are a prerequisite to an intelligent evaluation of the effect of rates on the movement of traffic.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the rates, charges and/or provisions (other than (a) those rates, charges or provisions under investigation in Dockets 19797 and 19923, and/or (b) those provisions which are specifically excluded in Appendix A hereof), appearing in the tariffs, including subsequent revisions and reissues thereof, enumerated in Note 2 through Note 26 of Appendix A[2] to the extent they apply:

[1] The structure aspect of the proceedings will involve, inter alia, such matters as appropriate discounts for specific commodity rates, distance taper, discounts for weight (weight breaks) and density, and container unitization. In addition, it will consider such treatment to be given the number of pieces in a shipment. Docket 19797, Rule of substitution of other service for air transportation, and Docket 19923, Air freight tariff liability and claims rules and practices, will be completed in due course and we do not anticipate that the issues therein will be retried in the investigation instituted by this order. In the interest of reaching timely decision on other pending cargo rate matters, we intend that Docket 20398, minimum charges per shipment of air freight, Docket 21474, In the matter of air freight rates on live animals and birds, and Docket 22157, Increased freight rates proposed by United Air Lines, Inc., similarly be processed to final decision. However, the matters in issue in these three proceedings may prove to be very closely related to the issues involved in the general investigation and, therefore, we are including in this investigation the tariffs involved in such dockets. The rates herein set for investigation to and from Alaska and Hawaii will be only those involving the chief gateways: Anchorage, Fairbanks, Juneau, and Ketchikan for Alaska, and Hilo and Honolulu for Hawaii. Rates between Alaska and Hawaii will also be included in the investigation.

[2] Filed as part of the original document.

(a) Between points in the 48 contiguous States, and between points in the 48 contiguous States and the District of Columbia, or

(b) Between points in the 48 contiguous States, or the District of Columbia, on the one hand, and Anchorage, Fairbanks, Ketchikan, or Juneau, Alaska, on the other, or

(c) Between points in the 48 contiguous States, or the District of Columbia, or Anchorage, Fairbanks, Ketchikan, or Juneau, Alaska, on the one hand, and Hilo or Honolulu, Hawaii, on the other,

for or on behalf of the carriers shown in Note 1 of Appendix A,[2] and rules, regulations, and practices affecting such rates, charges and/or provisions (other than (a) those rates, charges or provisions under investigation in Dockets 19797 and 19923, and/or (b) those provisions which are specifically excluded in Appendix A hereof), are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates, charges and/or provisions and rules, regulations, or practices affecting such rates, charges and/or provisions;

2. The investigation be assigned for hearing before an examiner or examiners of the Board at a time and place hereafter to be designated; and

3. A copy of this order will be served upon the carriers listed in Appendix A, Note 1,[3] which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70-16892; Filed, Dec. 15, 1970; 8:50 a.m.]

[Docket No. 21640, etc.; Order 70-12-65]

PAN AMERICAN WORLD AIRWAYS, INC., AND BRANIFF AIRWAYS, INC.

Order Regarding Latin American Routes Stopover Authority Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of December 1970.

By Orders 70-7-55, dated July 13, 1970, and 70-7-126, dated July 28, 1970, the Board directed interested persons to show cause why Pan American World Airways, Inc., and Braniff Airways, Inc., should not be granted stopover privileges at certain domestic coterminals on their Latin American routes. Objections have been filed by several carriers.

Upon consideration of these comments and other relevant matters, we have concluded that Pan American's and Braniff's applications for stopover authority[1] should be consolidated and set for hearing to permit a complete consideration of the issues raised by the requests for stopover authority.

Accordingly, it is ordered, That:

1. The applications of Pan American World Airways, Inc., in Docket 21640 and Braniff Airways, Inc., in Dockets 21942 and 22477 be and they hereby are consolidated for simultaneous hearing in a proceeding to be designated as the Latin American Routes Stopover Authority Investigation, Docket 22871, to the extent that such applications seek stopover authority at domestic coterminal points on Braniff's route 153 and Pan American's route 136, respectively;

2. This proceeding shall be set for hearing at a time and place to be designated hereafter;

3. The applications of Pan American and Braniff in Dockets 21640, 21942 and 22477, respectively, be and they hereby are dismissed without prejudice, except insofar as such applications have been consolidated and set for hearing herein;

4. The motion of Eastern Air Lines, Inc., for leave to file an unauthorized pleading be and it hereby is dismissed as moot, and

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70-16893; Filed, Dec. 15, 1970; 8:50 a.m.]

[1] Docket 21640 includes Pan American's request for stopover privileges. Docket 21942 includes Braniff's request for stopover privileges at certain of its domestic coterminal points. Docket 22477 embodies Braniff's request for similar authority for the rest of the domestic coterminal points on route 153.

FEDERAL MARITIME COMMISSION

SEA-LAND SERVICE, INC. AND HELLENIC LINES, LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

F. Hiljer, Jr., Commerce Manager, Sea-Land Service, Inc., Corbin & Fleet Streets, Post Office Box 1050, Elizabeth, NJ 07207.

Agreement No. 9695-1, modifies the basis agreement which covers a through billing arrangement for the movement of cargo from Puerto Rico to ports in the Persian Gulf and adjacent waters, Red Sea and Gulf of Aden, the Mediterranean and adjacent seas and on the Atlantic Coast of Morocco, with transshipment as New York, N.Y., by amending Paragraph C of Article 1 to specifically exclude the trade to French and Italian ports from the area designated as the Mediterranean Sea as set forth in said paragraph.

Dated: December 10, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Secretary.*

[F.R. Doc. 70-16884; Filed, Dec. 15, 1970; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4872]

COLUMBIA GAS SYSTEM, INC., ET AL.

Notice of Post-Effective Amendment Regarding Proposed Issue and Sale of Notes and Common Stock by Subsidiary Companies to Holding Company and Open Account Advances by Holding Company to Subsidiary Companies

DECEMBER 10, 1970.

In the matter of The Columbia Gas System, Inc., 20 Montchanin Road, Wilmington, DE 19807, United Fuel Gas Co., Atlantic Seaboard Corp., Columbia Gas of Kentucky, Inc., Virginia Gas Distribution Corp., Kentucky Gas Transmission Corp., Columbia Gas of West Virginia, Inc., Columbia Gas of Ohio, Inc., The Ohio Fuel Gas Co., The Ohio Valley Gas Co., The Preston Oil Co., (Ohio), The Preston Oil Co. (Delaware), Columbia Gas of Pennsylvania, Inc., The Manufacturers Light and Heat Co., Home Gas Co., Columbia Gas of New York, Inc., Columbia Gas of Maryland, Inc., Columbia Gulf Transmission Co., Columbia Gas Development Corp.

Notice is hereby given that The Columbia Gas System, Inc. (Columbia), a registered holding company, and its above-named wholly owned subsidiary companies have filed a post-effective amendment to the application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(b),

9(a), 10, 12(b), and 12(f) of the Act and Rules 43 and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as now amended, which is summarized below, for a complete statement of the proposed transactions.

By order dated April 27, 1970, in this proceeding (Holding Company Act Release No. 16697), the Commission authorized certain intrasystem financing programs. In another proceeding, the Commission, on September 28, 1970 (Holding Company Act Release No. 16848), authorized United Fuel Gas Co. (United Fuel), The Manufacturers Light and Heat Co. (Manufacturers), and Cumberland and Allegheny Gas Co., all subsidiary companies of Columbia, to transfer their retail properties and retail operations in the State of West Virginia to Columbia Gas of West Virginia, Inc. (Columbia of West Virginia), a newly organized subsidiary company of Columbia. The post-effective amendment in the present proceeding states that since consummation of said transfers was not contemplated in the original application-declaration, no provision was made for the financing requirements of Columbia of West Virginia nor for the related decrease in the financing requirements of United Fuel and Manufacturers. It is further stated that the revised 1970 construction program of United Fuel indicates expenditures of $36,950,800, which represents a net increase of $14,282,800 over the amount set forth in the original application-declaration. Accordingly, the following changes in the intrasystem short-term and long-term financing programs are proposed.

Columbia proposes to advance, on open-account, up to $6,750,000 to Columbia of West Virginia, of which $3,200,000 will be used to reimburse United Fuel and Manufacturers for certain short-term gas prepayments, and $3,550,000 will be used to finance construction and other long-term requirements through March 31, 1971. In addition, Columbia proposes to make additional advances on open-account to United Fuel in the maximum amount of $11,025,000 to finance its net additional construction and other long-term requirements through March 31, 1971. Such additional advances will bring the total amount proposed to be advanced to United Fuel for its long-term financing requirements through March 31, 1971, to $24,025,000. Since the reimbursement by Columbia of West Virginia to United Fuel and Manufacturers will serve to reduce the short-term financing requirements of those companies, Columbia proposes to make concomitant reductions in short-term borrowing authorizations for the two companies of $2,500,000 and $700,000 respectively. In addition, Columbia proposes a reduction of $200,000 in the long-term borrowing authorizations for Manufacturers.

All of the open-account advances will be made under the same provisions as set forth in the original filing, including the funding of the open-account advances to finance construction and other long-term requirements, on March 31, 1971, into unsecured promissory notes due February 25, 1972, common stock, and installment promissory notes. The provisions regarding the unsecured promissory notes due February 25, 1972, and the installment promissory notes will also be the same.

The maximum amount of such installment notes proposed to be issued by the three companies on March 31, 1971, will now be $2,550,000 for Columbia of West Virginia, $24,025,000 for United Fuel, and $6,800,000 for Manufacturers. Columbia of West Virginia also proposes to issue 40,000 shares of its $25 par value stock for an aggregate amount of $1 million on March 31, 1971.

It is stated that additional expenses to be incurred in connection with the proposed transactions are estimated at $125 for Columbia, $1,050 for Columbia of West Virginia, and $825 for United Fuel. It is further stated that authorization for the sale of the securities and for the open account loans by Columbia of West Virginia is required from the Public Service Commission of West Virginia.

Notice is further given that any interested person may, not later than December 28, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended by said post-effective amendment, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-16876; Filed, Dec. 15, 1970; 8:48 a.m.]

[812-2848]

PURITAN FUND, INC.

Notice of Filing of Application for an Order Exempting Sale by an Open-End Company of Its Securities at Other Than the Public Offering Prices

DECEMBER 10, 1970.

Notice is hereby given that Puritan Fund, Inc. (applicant), a Massachusetts corporation registered under the Investment Company Act of 1940 (Act) as an open-end, diversified investment company, has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which applicant's redeemable securities will be issued at a price other than the current public offering price in exchange for substantially all the assets of New England Laundries, Inc. (Laundries). All interested persons are referred to the application on file with the Commission for a statement of applicant's representations which are summarized below.

Laundries, a Massachusetts corporation whose shares are held by not more than 98 persons, is not making and does not propose to make a public offering. Accordingly, Laundries is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof.

Pursuant to an agreement between applicant and Laundries, the assets of Laundries with a value of $657,635 at July 15, 1970, and most of which consist of common stock and debt securities, will be transferred to applicant in exchange for shares of its capital stock. The number of shares of capital stock of applicant to be issued is to be determined by dividing the aggregate market value (with certain adjustments as set forth in detail in the application) of the assets of Laundries to be transferred to applicant by the per share net asset value of applicant's stock, both to be determined as of the "Delivery Date" as defined in the agreement. If the valuation under the agreement had taken place on July 15, 1970, Laundries would have received 77,809 shares of applicant's capital stock.

When received by Laundries, the shares of applicant, which are registered under the Securities Act of 1933, are to be distributed to the Laundries' stockholders upon the liquidation of Laundries.

The application states that there is no affiliation between applicant and Laundries except that Edward C. Johnson 2d,

a director and chairman of the board of directors of the applicant, and Caleb Loring, Jr., a vice president and clerk of the applicant, are directors of Laundries. The application further states that the proposed transaction was arrived at by arms-length bargaining.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus. The current public offering price of the shares (redeemable) of applicant as described in applicant's prospectus is net asset value plus a varying sales charge. Thus, section 22(d) prohibits the proposed sale of Applicant's share at net asset value without a sales charge.

Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an 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.

Applicant states that exemption of the proposed transaction would be 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.

Notice is further given that any interested person may, not later than December 24, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission by the Division of Corporate Regulation pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[P.R. Doc. 70-16877; Filed, Dec. 15, 1970; 8:48 a.m.]

[70-4948]

COLUMBIA GAS SYSTEM, INC., ET AL.

Notice of Proposed Open Account Advances to Subsidiary Companies in Connection With Intrasystem Prepayment of Promissory Notes and Open Account Construction Loans and Proposed Intrasystem Issuance and Acquisition of Promissory Notes and Reinstatement of Open Account Construction Loans

DECEMBER 4, 1970.

In the matter of The Columbia Gas System, Inc., 20 Montchanin Road, Wilmington, DE 19807, United Fuel Gas Co., Atlantic Seaboard Corp., Columbia Gas of Kentucky, Inc., Virginia Gas Distribution Corp., Kentucky Gas Transmission Corp., Columbia Gas of West Virginia, Inc., Columbia Gas of Ohio, Inc., The Ohio Fuel Gas Co., The Ohio Valley Gas Co., Columbia Gas of Pennsylvania, Inc., The Manufacturers Light & Heat Co., Home Gas Co., Columbia Gas of New York, Inc., Columbia Gas of Maryland, Inc., Cumberland & Allegheny Gas Co., Columbia Gulf Transmission Co., Columbia Gas Development Corp., Columbia Hydrocarbon Corp., The Inland Gas Co., Inc.

Notice is hereby given that The Columbia Gas System, Inc. (Columbia), a registered holding company, and its wholly owned subsidiary companies listed above have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 6(b), 9, 10, and 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

During the winter heating season, certain of Columbia's operating subsidiary companies, particularly the distribution companies, generate substantial cash in excess of current requirements. Formerly, such excess funds were generally invested by these operating subsidiary companies in U.S. Government Treasury Bills until such time as the cash was required for construction and other corporate purposes. Since the transmission subsidiary companies generate smaller amounts of excess cash during such months than the distribution subsidiaries and their construction expenditures are generally larger, Columbia had been advancing such subsidiary companies funds under Commission authorization while other subsidiary companies had cash considerably in excess of current requirements. For the past 8 years, however, the Commission has authorized open account advances by Columbia to subsidiary companies and certain related transactions which are designed to alleviate this situation. The present filing requests authorization to continue these transactions during the calendar year 1971, as follows.

It is proposed that the subsidiary companies listed below will, in accordance with the exemptive provisions of Rule 42(b)(2) under the Act, prepay with excess cash, from time to time prior to the end of 1971, a portion of their outstanding promissory notes and open account construction loans held by Columbia (hereinafter referred to as indebtedness). The indebtedness prepaid will not exceed the following amounts, which represent the maximum excess funds that such companies are expected to accumulate at any one time during the year 1971:

Columbia Gas of Pennsylvania, Inc	$10,000,000
The Manufacturers Light & Heat Co	15,000,000
Columbia Gas of New York, Inc.	2,500,000
Columbia Gas of Maryland, Inc.	1,500,000
Cumberland & Allegheny Gas Co	1,500,000
Home Gas Co	1,500,000
Atlantic Seaboard Corp	9,000,000
Columbia Gas of Kentucky, Inc.	4,000,000
United Fuel Gas Co	40,000,000
Virginia Gas Distribution Corp.	2,000,000
Columbia Gas of West Virginia, Inc	5,000,000
Kentucky Gas Transmission Corp	3,000,000
The Ohio Fuel Gas Co	35,000,000
Columbia Gas of Ohio, Inc	45,000,000
The Ohio Valley Gas Co	5,000,000
Columbia Gulf Transmission Co	15,000,000
Columbia Gas Development Corp	2,000,000
Columbia Hydrocarbon Corp	1,110,000
The Inland Gas Co., Inc	1,000,000
Total	199,110,000

The indebtedness prepaid by the individual companies will be that bearing the highest interest rate or rates outstanding at the time of each prepayment. As any of such companies require funds for construction and other corporate purposes after prepayment, it is proposed that advances be made to them on open account by Columbia, provided that at no time will the amount of such advances to any subsidiary exceed the amount of indebtedness theretofore prepaid by it, less any current maturities applicable to prepaid notes which would have matured subsequent to the date of prepayment.

Open account advances to any subsidiary company will bear interest at the same rate or rates as borne by the equivalent principal amounts of indebtedness previously prepaid by it during 1971, but in reverse order to that of the prepayments, i.e., working up from the lowest rate payable on the indebtedness previously prepaid to the highest rate. The proposed advances on open account to individual subsidiary companies will be increased or decreased from time to time in accordance with variations in the cash flow of the individual subsidiary companies. At such time as the advances to any subsidiary company equal the aggregate amount of the indebtedness prepaid by it, or in any event, not later than December 31, 1971, such prepaid indebtedness will be reinstated in repayment of the outstanding open account advances.

No financing of any operating subsidiary company which may be presently

or subsequently authorized by the Commission in connection with the construction or gas storage programs of any such subsidiary company will be consummated until such time as advances have been made equal to the amount of indebtedness prepaid. Any subsidiary company not requiring financing during 1971 and which has borrowed on open account from Columbia an amount smaller than the amount of indebtedness theretofore prepaid by it, will, on December 31, 1971, reinstate its indebtedness to Columbia in an amount sufficient to discharge its open account borrowings, and the balance of its prepaid indebtedness will be considered to have been permanently prepaid. Such permanent prepayment would be applied against indebtedness bearing the highest interest rates and would be consummated only with respect to indebtedness bearing interest at a rate equal to or in excess of the rate applicable to borrowings by subsidiary companies from Columbia as at December 31, 1971. In the event that a permanent prepayment by any subsidiary company would be indicated with respect to indebtedness bearing an interest rate less than said rate at December 31, 1971, such indebtedness will be reinstated by the subsidiary company at or before the end of 1971, in order to preserve the lower interest rate of the indebtedness scheduled for permanent prepayment.

It is stated that the proposed transactions are designed to utilize effectively aggregate system funds and to achieve the following: (1) Prepayment of inventory loans with commercial banks and other short-term borrowings at the earliest date, (2) deferment of outside financing until aggregate system funds approach a minimum balance, and (3) facilitation of the internal financing of emergency requirements. In addition, operating subsidiaries having excess funds will be able, through the prepayment of indebtedness, to decrease their own net corporate interest expense during the period such funds are not required.

The application-declaration states that expenses to be incurred by Columbia and its subsidiary companies in connection with the proposed transactions are estimated at $75 and $750, respectively, and that $550 of these aggregate expenses are for services, at cost, to be provided by Columbia Gas System Service Corp.

It is further stated that Columbia Gas of West Virginia, Inc., is required to obtain authorization from the Public Service Commission of West Virginia for certain of the transactions proposed herein; that the Public Service Commission of New York has authorized the reissue of prepaid notes by Columbia Gas of New York, Inc., and Home Gas Co.; and that the Public Service Commission of Kentucky and the State Corporation Commission of Virginia previously authorized the issuance of prepaid notes by Columbia Gas of Kentucky, Inc., and Virginia Gas Distribution Corp., respectively.

Notice is further given that any interested person may, not later than December 28, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commisison, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-16857; Filed, Dec. 15, 1970; 8:47 a.m.]

[70-4703]

KINGSPORT POWER CO.

Notice of Second Post-Effective Amendment Regarding Issue and Sale of Short-Term Notes to Banks

DECEMBER 3, 1970.

Notice is hereby given that Kingsport Power Co. (Kingsport), 40 Franklin Road, Roanoke, Va. 24009, a public utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed with this Commission a second posteffective amendment to its application in this proceeding pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) thereof as applicable to the proposed transactions. All interested persons are referred to the amended application, which is summarized below, for a complete statement of the proposed transactions.

By order dated January 17, 1969 (Holding Company Act Release No. 16268), the Commission authorized Kingsport to issue and sell its notes to two commercial banks prior to December 31, 1969, in an aggregate amount not to exceed $2,500,000 outstanding at any one time. By supplemental order dated December 15, 1969 (Holding Company Act Release No. 16553), the Commission authorized Kingsport to increase the amount of its notes outstanding at any one time to $3,500,000 and to extend the period of issuance for 1 year until December 31, 1970. Kingsport now proposes that the notes be issued prior to December 31, 1971, in an aggregate amount not to exceed $3,500,000 outstanding at any time. Kingsport requests the Commission's approval of the issue and sale of such amount of notes not already exempt pursuant to the first sentence of section 6(b) of the Act. The notes will be issued and sold to Manufacturers Hanover Trust Co., New York, N.Y., and Morgan Guaranty Trust Co., of New York, N.Y., in the aggregate principal amounts of $2,450,000 and $1,050,000, respectively; will mature not later than 270 days after the date of the issue or renewal; and will bear interest from the date thereof at the prime credit rate in effect from time to time. The notes may be prepaid at any time, in whole or in part, without premium. As of November 23, 1970, Kingsport had outstanding $1,500,000 of short-term notes.

Kingsport will use the proceeds from the sale of the notes to renew bank loans the proceeds of which were used for past expenditures in connection with its construction program, to provide funds to finance, in part, its future construction program, estimated for 1971 to cost approximately $1,600,000, and for other corporate purposes. It is stated that all of Kingsport's notes payable to banks outstanding at the time of its next permanent financing will be paid from the proceeds of that financing.

It is represented that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 22, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said posteffective amendment to the application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as now amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter,

including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

ROSALIE F. SCHNEIDER,
Recording Secretary.

[F.R. Doc. 70-16858; Filed, Dec. 15, 1970; 8:47 a.m.]

[70-4947]

OHIO POWER CO., AND WEST PENN POWER CO.

Notice of Proposed Transactions Relating to Sale and Acquisition of Common Stock of Jointly-Owned Coal Company

DECEMBER 4, 1970.

In the matter of Ohio Power Co., 301 Cleveland Avenue SW., Canton, OH 44701 and West Penn Power Co., Cabin Hill, Greensburg, PA 15601, 70-4947.

Notice is hereby given that Ohio Power Co. (Ohio Power), an electric-utility subsidiary company of American Electric Power Co., Inc., a registered holding company, and West Penn Power Co. (West Penn), an electric-utility subsidiary company of Allegheny Power System, also a registered holding company, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 9(a), 10, and 12 of the Act and Rules 45 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Ohio Power and West Penn presently own 50 percent, respectively, of the outstanding shares of common stock of Windsor Power House Coal Co. (Windsor), a West Virginia corporation, organized in 1920 for the purpose of owning and operating a coal mine located in Brooke County, W. Va. All of the coal mined at Windsor is sold to Beech Bottom Power Co., Inc. (Beech Bottom), for use at the Windsor Steam Electric Generating Station (Station), which is operated by Beech Bottom, and which is owned equally by Ohio Power and West Penn.

West Penn propose to sell and Ohio Power proposes to acquire 2,032 shares of Windsor common stock (the 50 percent interest of West Penn) for $681,934.40. Prior to the consummation of such sale, Ohio Power proposes to make a cash capital contribution to Windsor of $186,131.20, after which Windsor will pay a dividend of $45.80 per share, or a total of 186.131.20, out of earned surplus. In addition, Ohio Power proposes, prior to the sale of the stock, to make an open account advance to Windsor of $225,000, which will in turn pay its existing open account advance of such amount to West Penn. It is stated that the terms of sale were arrived at through arm's-length negotiations between West Penn and Ohio Power.

It is further stated that the Station will be retired on or before April 1, 1973, and that the reserves in the Windsor mine, which are estimated at 9 million tons, are greater than the needs of the Station, which are estimated at 1.4 million tons, during that period. Ohio Power owns other generating plants in the area and West Penn does not. Consequently, Ohio Power intends to use that amount of coal not needed to run the Station for its other plants. The Station and Beech Bottom will remain jointly owned after the transactions proposed herein.

It is also stated that the no finders', legal or other fees are expected to be paid or incurred in connection with the proposed transactions and that miscellaneous expenses are estimated at not more than $1,000 each for Ohio Power and West Penn, respectively. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 29, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

ROSALIE F. SCHNEIDER,
Recording Secretary.

[F.R. Doc. 70-16859; Filed, Dec. 15, 1970; 8:47 a.m.]

[812-2833]

PACIFIC INDUSTRIES, INC.

Notice of Filing of Application for Order Exempting Proposed Transaction

DECEMBER 9, 1970.

Notice is hereby given that Pacific Industries, Inc. (applicant), 26 Broadway, New York, NY 10004, a California corporation controlled by The Equity Corp., a registered closed-end investment company, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 (Act) for an order exempting from the provisions of section 17(a) of the Act the proposed sale of the business and assets of the Reliable Steel Supply Co. Division (Division) of applicant, to Reliable Steel Supply Co. (Reliable), a newly-formed California corporation, all the outstanding stock of which is owned by Samuel W. Block (Block) and Martin N. Graham (Graham). The proposed sale price, payable by a note plus cash, as described below, is $1,843,458 plus an amount equal to one-half of 1 percent of $1,843,458 for each month from May 1, 1970 to the date of closing. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein, which are summarized below.

The Equity Corp. (Equity) owns 51.72 percent of the outstanding voting securities of Bell Intercontinental Corp., which, in turn, owns 65.95 percent of the outstanding voting securities of applicant. Block and Graham are each employed by applicant pursuant to 5-year employment agreements expiring on March 2, 1971. Under sections 2(a)(3) and 2(a)(9) of the Act, applicant is presumed to be controlled by Equity and Block and Graham are affiliated persons of applicant, which is an affiliated person of Equity.

The Division is a warehouse distributor of airconditioning, heating and ventilating products, which it sells principally to airconditioning and heating contractors in the Los Angeles area. It also manufactures and sells to such contractors metal ducting which it fabricates from sheet metal.

Applicant acquired the business of the Division from Block, Graham and their associates (who were the original owners thereof) in 1961 in exchange for 140,000 shares of applicant's common stock. At the time of the acquisition, the business was valued at $1,400,000 based upon its book value. Thereafter, the business continued as a division of applicant under the management of Block and Graham. Block, who is approaching retirement age, has announced his unwillingness to renew his employment contract with applicant when it expires in March 1971.

Applicant proposes to use the proceeds of the proposed sale, and the working capital thus released, to expand the business of applicant's Frye Manufacturing

Company Division (Frye), a large independent producer of one-time carbon paper and related products. In furtherance of its program to concentrate on the activities of Frye, applicant, during the past several years, has disposed of its other operating divisions.

Negotiations between applicant and Block regarding the sale of the Division commenced about May 1, 1970. The agreement, dated September 9, 1970, provides for the sale of the business and assets of the Division to Reliable for a price of $1,843,458 (the amount of the book value of the Division on April 30, 1970) plus an amount equal to one-half of 1 percent of $1,843,458 for each month from May 1, 1970, to the date of closing. The purchase price would be paid by Reliable's delivering to applicant cash in the amount of $500,000 plus an amount equal to one-half of 1 percent of $1,843,458 for each month from May 1, 1970, to the date of closing and a 10-year promissory note in the principal amount of $1,343,458, payable at the rate of $10,000 per month, commencing with the month following the month of closing, plus interest on the unpaid balance at the rate of 6 percent per annum. The note is to be secured by a pledge of all the outstanding stock of Reliable. The agreement provides that Reliable will assume the liabilities of applicant with respect to the business of the Division, that any profits generated by the Division between May 1, 1970, and the date of closing are for the benefit of the purchaser and, similarly, any loss sustained during such period will be borne by the purchaser. The agreement further provides that if the exemption which is the subject of the application herein is not received by December 30, 1970, any party to the agreement may terminate it.

Applicant states that the terms of the transaction were negotiated at arm's length, with each of the parties represented by independent counsel and accountants in the negotiations. Dillon, Read & Co., Inc., an independent investment banker retained by applicant to review the transaction, has given applicant its opinion that the transaction is fair to applicant's shareholders.

Applicant's net income for the years 1964–69 has ranged from $257,000 in 1964 to a low of $101,000 in 1967 and a high of $280,000 in 1969. The average net income for the period 1964–69 (assuming a 50 percent tax rate) was $183,000. The sales price is therefore approximately 10 times such average earnings.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from purchasing from such company, or from any company controlled by such registered investment company, any security or other property, with certain exceptions, unless the Commission, upon application pursuant to section 17(b) of the Act, grants an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act.

Notice is further given that any interested person may, not later than December 24, 1970 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter, accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-16860; Filed, Dec. 15, 1970; 8:47 a.m.]

[811-1830]

ROYAL OPERATING CORP.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

DECEMBER 9, 1970.

Notice is hereby given that Royal Operating Corp. (Applicant), a New York corporation, and a registered, closed-end, nondiversified, management investment company, has filed an application pursuant to Section 8(f) of the Investment Company Act of 1940 (Act) for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application filed with the Commission for a statement of the representations made therein which are summarized below.

Applicant represents that at August 31, 1970, approximately 22 percent of its total assets consisted of "investment securities" as defined in section 3(a)(3) of the Act and approximately 76 percent of its total assets consisted of investments in real estate. At that date, the aggregate value of such investment securities, determined in accordance with section 2(a)(39) of the Act, was $366,225. In April of 1970 Applicant purchased five parcels of real property located in Commack, N.Y., at an aggregate purchase price of $1,292,987.50. The aggregate purchase price for four such parcels was $1,167,250, of which Applicant paid $390,000 in cash and assumed outstanding mortgages in the amount of $777,250. The purchase price for the remaining parcel was $125,737.50, all of which was paid by Applicant's issuing a purchase money mortgage in that amount to the seller. The aggregate value of such real property at August 31, 1970, was $1,287,520.

Applicant further alleges that since prior to May 25, 1970, it has been primarily engaged in the business of acquiring and maintaining interests in real estate. Its day to day operation consists primarily of maintaining the real property it presently owns, and substantially all of its present income is derived from its real estate operations. Applicant intends to continue to be primarily engaged in the business of acquiring interests in real estate, and it does not intend to make any further investments in investment securities.

Applicant claims that it is no longer an investment company as defined in section 3(a) of the Act because it neither holds itself out as being engaged primarily nor proposes to engage primarily, in the business of investing, reinvesting or trading in securities, nor does it own, or propose to own, investment securities, as defined in section 3(a) of the Act, having a value exceeding 40 per centum of the value of its total assets (exclusive of Government securities and cash items) on an unconsolidated basis.

Applicant also asserts that it is now excepted from the definition of an investment company pursuant to the provisions of section 3(c)(6)(C) of the Act. Section 3(c)(6)(C) excepts from the definition of an investment company any company primarily engaged in the business of purchasing or otherwise acquiring mortgages and liens on and interests in real estate.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 29, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should

order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-16861; Filed, Dec. 15, 1970; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 39]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 11, 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 989 (Deviation No. 5), IDEAL TRUCK LINES, INC., 912 North State Street, Norton, KS 67654, filed December 1, 1970. Carrier's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes, as follows: (1) From Kansas City, Mo., over U.S. Highway 24 to junction U.S. Highway 75, near Topeka, Kans., thence over U.S. Highway 75 to junction U.S. Highway 34 near Union, Nebr., thence over U.S. Highway 34 to Lincoln, Nebr.; and (2) from Kansas City, Mo., over U.S. Highway 24 to junction U.S. Highway 75 near Topeka, Kans., thence over U.S. Highway 75 to Omaha, Nebr., 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 Kansas City, Mo., over Interstate Highway 29 to junction U.S. Highway 36, thence west over U.S. Highway 36 to junction U.S. Highway 75, thence north over U.S. Highway 75 to junction U.S. Highway 34, thence west over U.S. Highway 34 to junction U.S. Highway 281, thence north over U.S. Highway 281 to junction U.S. Highway 30, thence west over U.S. Highway 30 to Ogallala, Nebr.; and (2) from Omaha, Nebr., over U.S. Highway 6 to junction unnumbered highway, thence over unnumbered highway via Mascot, Nebr., to Oxford, Nebr., thence over Nebraska Highway 46 to junction Nebraska Highway 89, thence over Nebraska Highway 89 via Beaver City, Nebr., to junction U.S. Highway 83, thence over U.S. Highway 83 to Oberlin, Kans., and return over the same routes.

No. MC 35334 (Deviation No. 11), COOPER-JARRETT, INC., 23 South Essex Avenue, Orange, NJ 07051, filed October 26, 1970, amended 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 Springfield, Ill., over U.S. Highway 36 to Indianapolis, Ind., thence over Interstate Highway 70 (U.S. Highway 40) to Columbus, Ohio, thence over Interstate Highway 71 to junction U.S. Highway 224, 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 Kansas City, Mo., over U.S. Highway 24 to Monroe City, Mo., thence over U.S. Highway 36 to Springfield, Ill., thence over U.S. Highway 66 to junction Alternate U.S. Highway 66, thence over Alternate U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 to Chicago, Ill., thence over U.S. Highway 6 to New Rochester, Ohio, thence over Ohio Highway 199 (formerly U.S. Highway 23) to junction U.S. Highway 224, thence over U.S. Highway 224 via Lodi, Ohio, to junction U.S. Highway 422, thence over U.S. Highway 422 to Ebensburg, Pa., thence over U.S. Highway 22 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y., and return over the same route.

No. MC 35334 (Deviation No. 12), COOPER-JARRETT, INC., 23 South Essex Avenue, Orange, NJ 07051, filed October 26, 1970, amended 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 Baltimore, Md., over Interstate Highway 83 to junction U.S. Highway 11-15, thence over U.S. Highway 11-15 to junction U.S. Highway 15, thence over U.S. Highway 15 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 220, thence over U.S. Highway 220 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction U.S. Highway 119, thence over U.S. Highway 119 to junction U.S. Highway 30, thence over U.S. Highway 30 to Pittsburgh, Pa., 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 Pittsburgh, Pa., over Pennsylvania Highway 51 to Uniontown, Pa., thence over U.S. Highway 40 to Baltimore, Md., thence over U.S. Highway 1 to Newark, N.J., and return over the same route.

No. MC 35334 (Deviation No. 13), COOPER-JARRETT, INC., 23 South Essex Avenue, Orange, NJ 07051, filed October 26, 1970, amended 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 junction U.S. Highway 22 and Interstate Highway 287, over Interstate Highway 287 to junction Interstate Highway 78, thence over Interstate Highway 78 to junction New Jersey Highway 31 (formerly New Jersey Highway 69), thence over New Jersey Highway 31 to junction U.S. Highway 46, thence over U.S. Highway 46 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 220, thence over U.S. Highway 220 to junction U.S. Highway 22, 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 Pittsburgh, Pa., over U.S. Highway 22 to junction U.S. Highway 1, thence over U.S. Highway 1 via Newark, N.J., to New York, N.Y., and return over the same route.

No. MC 35334 (Deviation No. 14), COOPER-JARRETT, INC., 23 South Essex Avenue, Orange, NJ 07051, filed October 26, 1970, amended 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 Baltimore, Md., over Interstate Highway 83 to junction U.S. Highway 11, thence over U.S. Highway 11 to junction U.S. Highway 15, thence over U.S. Highway 15 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 79, 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 Baltimore, Md., over Interstate Highway 70N to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Interstate Highway 76, thence over Interstate Highway 76 to junction Interstate Highway 80S, thence over Interstate Highway 80S to junction Interstate Highway 79, thence over Interstate Highway 79 to junction Interstate Highway 80 at or near Mercer, Pa., and return over the same route.

No. MC 35334 (Deviation No. 15), COOPER-JARRETT, INC., 23 South Essex Avenue, Orange, NJ 07051, filed October 26, 1970, amended 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 junction U.S. Highways 22 and 119 over U.S. Highway 119 to junction U.S. Highway 30, thence over U.S. Highway 30 to Pittsburgh, Pa., 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 Pittsburgh, Pa., over U.S. Highway 22 to junction U.S. Highway 1, thence over U.S. Highway 1 via Newark, N.J., to New York, N.Y., and return over the same route.

No. MC 35334 (Deviation No. 16), COOPER-JARRETT, INC., 23 South Essex Avenue, Orange, NJ 07051, filed October 26, 1970, amended 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 Philadelphia, Pa., over Pennsylvania Highway 309 to junction of the Northeast Extension of the Pennsylvania Turnpike, thence over the Northeast Extension of the Pennsylvania Turnpike to Exit 33 at the junction Interstate Highway 78, thence over Interstate Highway 78 to junction Pennsylvania Highway 309, thence over Pennsylvania Highway 309 to junction Pennsylvania Highway 93, thence over Pennsylvania Highway 93 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 220, thence over U.S. Highway 220 to junction U.S. Highway 22, thence over U.S. Highway 22 to Pittsburgh, Pa., 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 Pittsburgh, Pa., over Pennsylvania Highway 51 to Uniontown, Pa., thence over U.S. Highway 40 to Baltimore, Md., thence over U.S. Highway 1 to Newark, N.J., and return over the same route.

No. MC 35334 (Deviation No. 17), COOPER-JARRETT, INC., 23 South Essex Avenue, Orange, NJ 07051, filed October 26, 1970, amended 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 junction U.S. Highway 1 and U.S. Highway 130 over U.S. Highway 130 to junction Interstate Highway 295, thence over Interstate Highway 295 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction U.S. Highway 40, thence over U.S. Highway 40 to Baltimore Md., 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 Pittsburgh, Pa., over Pennsylvania Highway 51 to Uniontown, Pa., thence over U.S. Highway 40 to Baltimore Md., thence over U.S. Highway 1 to Newark, N.J., and return over the same route.

No. MC 69116 (Deviation No. 41), SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, IL 60606, filed December 3, 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) Between Chicago, Ill., and Milwaukee, Wis., over U.S. Highway 45; and (2) between Milwaukee, Wis., and Beloit, Wis., over Wisconsin Highway 15, 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 Chicago, Ill., over U.S. Highway 41 to junction Illinois Highway 120, thence over Illinois Highway 120 to junction Illinois Highway 42, thence over Illinois Highway 42 to the Illinois-Wisconsin State line, thence over Wisconsin Highway 32 (formerly Wisconsin Highway 42) to Milwaukee, Wis.; (2) from Chicago, Ill., over U.S. Highway 41 to Milwaukee, Wis.; (3) from Chicago, Ill., over Illinois Highway 42A to junction U.S. Highway 41, thence over U.S. Highway 41 to Milwaukee, Wis., thence over Wisconsin Highway 57 to junction Wisconsin Highway 23, thence over Wisconsin Highway 23 to Plymouth, Wis., thence over Wisconsin Highway 67 to Kiel, Wis., thence over Wisconsin Highway 57 to Green Bay, Wis.; (4) from Chicago, Ill., over Illinois Highway 42 to the Illinois-Wisconsin State line, thence over Wisconsin Highway 32 to Milwaukee, Wis.; (5) from Milwaukee, Wis., over U.S. Highway 16 (formerly portion Wisconsin Highway 19) to Watertown, Wis., thence over Wisconsin Highway 19 to Sun Prairie, Wis.; (6) from Fort Atkinson, Wis., over Wisconsin Highway 26 to Juneau, Wis.; (7) from Milton, Wis., over Wisconsin Highway 26 to Fort Atkinson, Wis.; (8) from Janesville, Wis., over Wisconsin Highway 59 to Edgerton, Wis.; (9) from Chicago, Ill., over U.S. Highway 14 to junction Wisconsin Highway 59, thence over Wisconsin Highway 59 to Cooksville, Wis., thence over Wisconsin Highway 138 to Stoughton, Wis.; and (10) from Chicago, Ill., over U.S. Highway 20 to Rockford, Ill., thence over Illinois Highway 2 to the Illinois-Wisconsin State line, thence across the State line to Beloit, Wis., thence over U.S. Highway 51 to Stoughton, Wis. (also from Chicago to Rockford as specified above), thence over U.S. Highway 51 to Stoughton, Wis., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-16871; Filed, Dec. 15, 1970; 8:48 a.m.]

[Notice 114]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 11, 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 111383 (Sub-No. 30) (Republication), filed November 12, 1969, published in the FEDERAL REGISTER issue of December 11, 1969, and republished this issue. Applicant: BRASWELL MOTOR FREIGHT LINES, INC., Post Office Box 4447, 3925 Singleton Boulevard, Dallas, TX 75208. Applicant's representative: Lawrence A. Winkle (same address as applicant). A Report and Recommended Order of Joint Board No. 28, which was served October 27, 1970, was made effective November 17, 1970, and notice was served December 7, 1970, finds: Upon consideration of all evidence of record, that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving the plantsite of Universal Manufacturing Corp. located near Mendenhall, Miss., as an off-route point in connection with applicant's presently authorized regular route between Jackson, Miss., and New Orleans, La. 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 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.

No. MC 121318 (Sub-No. 9) (Republication), filed March 16, 1970, published in the FEDERAL REGISTER issues of April 9, 1970, and May 7, 1970, and republished this issue. Applicant: YOURGA TRUCKING, INC., 104 Church Street, Wheatland, PA 16161. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, DC 20005. A Decision and Order of the Commission, Review Board No. 1, dated November 23, 1970, and served December 2, 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 iron and steel articles, from Greenville, Sharon, and Wheatland, Pa., to points in New York and New Jersey, restricted to the transportation of shipments originating at and destined to the points authorized.

Because it is possible that other parties who have relied upon the notice of the application as previously 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 the 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.

TRANSFER APPLICATION TO BE ASSIGNED FOR ORAL HEARING

No. MC-FC-72397. Authority sought by transferee, PELICAN TRUCK LINE, INC., Jena-Nebo Highway South, Post Office Box 156, Jena, LA 71342, for purchase of a portion of the operating rights of transferor, PELICAN TRUCKING COMPANY, INC., 1600 Wells Island Road, Post Office Box 7127, Shreveport, LA 71107. Applicants' attorney: Harold D. Miller, Jr., 700 Petroleum Building, Post Office Box 22567, Jackson, MS 39205. Operating rights in certificate No. MC-114165 (Sub-No. 1) sought to be transferred: *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or truck pipelines, between all points in Alabama, Arkansas, Florida, Louisiana, Mississippi, Tennessee, Texas, and Georgia.

By order of November 10, 1970, the Commission, Division 3, directed that the above-entitled application under section 212(b) of the Interstate Commerce Act be assigned for handling on a consolidated record with No. MC-F-10995, Mary Ellen Stidham, et al.—Control and Merger—Pelican Trucking Co., Inc. These proceedings will be assigned for hearing at a time and place hereafter to be fixed. Interested parties have 30 days from the date of this publication in which to file petitions for leave to intervene. Such petitions should set forth the reason or reasons for intervention, the place where hearing is desired to be held, the number of witnesses expected to be presented, and the estimated time required for presentation of evidence. The proceeding in No. MC-FC-72397 is governed by the rules and regulations Governing Transfers of Rights to Operate as a Motor Carrier in Interstate or Foreign Commerce (49 CFR 1132).

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-11042. Authority sought for control by ELLSWORTH BROS. TRUCK LINE, INC., 1200 Simmons Building, Dallas, TX 75201, of STUBBS TRANSPORTS, INC., Post Office Box 460, Henryetta, OK 74437, and for acquisition by CHEMICAL EXPRESS COMPANY, and in turn by A. POLLARD SIMMONS, CURTIS W. MEWBOURNE, and HERMAN J. RUPPEL, all of 1200 Simmons Building, Dallas, TX 75201, of control of such rights and property through the transaction. Applicants' attorney: Wm. E. Livingstone, III, 4555 First National Bank Building, Dallas, TX 75202. Operating rights sought to be controlled: *Gasoline*, as a *common carrier*, over irregular routes, from Magnolia Petroleum Plant near Electra, Tex., and from Burkburnett, Tex., to Sunray, Okla.; *motor fuel*, from Sunray, Okla., to Wichita Falls, Tex.; *casinghead gasoline*, from points in Archer, Clay, Jack, Montague, Wichita, Wilbarger, and Young Counties, Tex. (except Wichita Falls, Tex., and points within 5 miles thereof), to Sunray, Okla.; *casinghead gasoline*, in bulk, in tank vehicles, from points in Archer, Clay, Jack, Montague, Wichita, Wilbarger, and Young Counties, Tex. (except Wichita Falls, Tex., and points within 5 miles thereof), to Santa Fe, Okla.; *motor fuel gasoline*, from Sunray, Okla., to certain specified points in Texas; with restrictions; *petroleum products*, in bulk, in tank trucks, from Tulsa and Okmulgee, Okla., to certain specified points in Arkansas, from Cleveland, Okla., to certain specified points in Arkansas, from Bristow, Okla., to certain specified points in Arkansas; *doors, glazed windows, plywood, moulding, window frames and parts* thereof, *window glass and plate glass, empty containers, store fixtures, and insulation board*, from Henryetta, Okla., and points within 5 miles thereof, to points in Arkansas, Kansas, and Missouri; and *putty and used store fixtures*, from points in the destination territory described immediately above, to Henryetta, Okla., and points within 5 miles thereof. ELLSWORTH BROS. TRUCK LINE, INC., is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, Maryland, Oklahoma, Kansas, Arkansas, Missouri, Texas, Louisiana, Alabama, Florida, Georgia, Kentucky, South Carolina, Mississippi, and Tennessee. Application has not been filed for temporary authority under section 210a(b). NOTE: Finance Docket No. 26442 is a matter directly related.

No. MC-F-11043. Authority sought for control by COLONIAL MOTOR FREIGHT LINE, INC., Uwharrie Road, High Point, N.C. 27262, of GRIGGS TRUCKING COMPANY, Ruby, S.C. 29741, and for acquisition by A. L. HONBARRIER, also of High Point, N.C., of control of GRIGGS TRUCKING COMPANY, through the acquisition by COLONIAL MOTOR FREIGHT LINE, INC. Applicants' attorney: Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Operating rights sought to be controlled: Under a certificate of registration in Docket No. MC-120526 Sub-1, covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of South Carolina. COLONIAL MOTOR FREIGHT LINE, INC., is authorized to operate as a *common carrier* in North Carolina, Maryland, Virginia, Georgia, South Carolina, and Tennessee. Application has been filed for temporary authority under section 210a(b). NOTE: MC-120526 Sub-2, is a matter directly related.

No. MC-F-11044. Authority sought for purchase by SMITH'S TRANSFER CORPORATION, Post Office Box 1000, Staunton, VA 24401, of a portion of the operating rights of RUSSELL BEVERLEY TRUCKING CO., INC., Post Office Box 8811, Richmond, VA 23225, and for acquisition by R. R. SMITH and R. P. HARRISON, both of Staunton, Va. 24401, of control of such rights through the purchase. Applicants' attorney: Francis W. McInerny, 1000 16th Street NW., Washington, DC 20036. Operating rights sought to be transferred: *Frozen foods*, as a *common carrier*, over irregular routes, from Crozet, Va., to points in Connecticut, Delaware, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island; with restriction. Vendee is authorized to operate as a *common carrier* in Virginia, West Virginia, Kentucky, South Carolina, North

Carolina, New York, Pennsylvania, New Jersey, Maryland, District of Columbia, Massachusetts, Connecticut, Rhode Island, Maine, New Hampshire, Vermont, Delaware, Indiana, Tennessee, Georgia, Illinois, Ohio, Missouri, Michigan, Kansas, Wisconsin, and Minnesota. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10945. Authority sought for purchase by AMERICAN VAN & STORAGE, INC., 2125 Northwest First Court, Miami, FL 33127, of the operating rights of SMITH TRANSFER & STORAGE, INC., 5311 Monroe Road, Charlotte, NC, and for acquisition by A. J. LERETTE, also of 2125 Northwest First Court, Miami, FL, of control of such rights through the purchase. Applicants' attorney: Bernard C. Pestcoe, 708 City National Bank Building, 25 West Flagler Street, Miami, FL 33130. Operating rights sought to be transferred: *Household goods*, as a *common carrier*, over irregular routes, between Charlotte, N.C., on the one hand, and, on the other, points in South Carolina, Georgia, Virginia, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Florida, Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Arkansas, Kansas, Wisconsin, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11046. Authority sought for control by LaNETA M. ABLER, Post Office Box 249, Norfolk, NE 68701, of CANADA TRANSPORT, INC., Post Office Box 594, Lexington, NE 68850. Applicants' attorney: Duane W. Acklie, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501, operating rights sought to be controlled: Petroleum products, in bulk, as a *common carrier*, over irregular routes, from refining and distributing points in Kansas, to certain specified points in Nebraska; *refined petroleum products*, in bulk, in tank trucks, from refining and distributing points in Kansas to certain specified points in Nebraska, from Kansas City, Kans., to Arcadia, Nebr.; *liquid petroleum products*, in bulk, in tank trucks, from refining and distributing points in Kansas, to certain specified points in Nebraska; *rejected shipments* on the above specified commodities, from the above-specified destination points to the above-designated origin points. CANADA TRANSPORT, INC., holds no authority from this Commission. However, it is affiliated with PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, 25 13th Street, Box 596, Norfolk, NE 68701, which is authorized to operate as a *common carrier* in Kansas, Nebraska, Iowa, South Dakota, Illinois, Minnesota, Missouri, North Dakota, Colorado, Wisconsin, Oklahoma, Wyoming, Indiana, Michigan, Texas, and Montana. Application has not been filed for temporary authority under section 210a(b). NOTE: Applicants move to dismiss for lack of jurisdiction.

No. MC-F-11047. Authority sought for purchase by BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, Gadsden, AL 35903, of a portion of the operating rights of C. RICKARD & SONS, INC., 20 Atlantic Street, Bridgeport, Conn. 06604, and for acquisition by RALPH M. BOWMAN also of Gadsden, Ala., of control of such rights through the purchase. Applicants' attorneys and representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, AL 35203; Garfield Salyers, Jr., Post Office Box 17744, Atlanta, GA 35216; and Thomas W. Murrett, 342 North Main Street, West Hartford, CT. 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 regular routes, between New York, N.Y., and Hartford, Conn., serving all intermediate points, and the off-route points of Watertown, Litchfield, Torrington, Winsted, South Manchester, Wethersfield, Manchester, Newington, Guilford, Clinton, Westbrook, Saybrook, Groton, New London, and Norwick, Conn, points in Fairfield County, Conn., points in Hudson, Bergen, Passaic, Essex, and Union Counties, N.J., and those in that part of Middlesex County, N.J., north of the Raritan River, and points in Westchester, Rockland, Nassau, and Suffolk Counties, N.Y., between New Haven, Conn., and Hartford, Conn., serving all intermediate points, and the off-route points of Bristol, Unionville, and Collinsville, Conn.; *general commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a common carrier over irregular routes, between points in Fairfield County, Conn., on the one hand, and, on the other, points in Rhode Island, and Massachusetts. Vendee is authorized to operate as a *common carrier* in Alabama, Tennessee, South Carolina, Virginia, Maryland, Georgia, North Carolina, Florida, Kentucky, Mississippi, Louisiana, West Virginia, Delaware, New York, New Jersey, Connecticut, Indiana, Illinois, Ohio, Arkansas, Oklahoma, Michigan, Missouri, Texas, Pennsylvania, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-16872; Filed, Dec. 15, 1970; 8:48 a.m.]

[Notice 208]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 10, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30837 (Sub-No. 414 TA), filed December 4, 1970. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, WI 53140, Mailing: Post Office Box 160, 53141. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in initial movements, in truckaway and driveaway service, from Sioux City, Iowa, to points in the United States except Hawaii, for 180 days. Supporting shipper: International Harvester Co., 401 North Michigan Avenue, Chicago, IL 60611. (J. M. Gamble, General Traffic Manager.) Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 52979 (Sub-No. 15 TA), filed December 4, 1970. Applicant: HUNT TRUCK LINES, INC., West High Street, Rockwell City, IA 50579. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Counter tops, doors, desks, and cabinets* from Holstein, Iowa, to Chicago, Ill., and Minneapolis, Minn. Applicant proposes to interline at Chicago, Ill., and Minneapolis, Minn., for 120 days. Supporting shipper: V T Industries, Inc., 1000 Industrial Park, Holstein, IA 51025. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 82841 (Sub-No. 77 TA), filed December 4, 1970. Applicant: HUNT TRANSPORTATION, INC., 801 Livestock Exchange Building, Omaha, NE 68107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors) and (2) *attachments for, and equipment designed for use with the articles described* in (1) above, and *parts* for (1) and (2) above, when moving in mixed loads with the

articles described in (1) and (2) above, from Eau Claire, Wis., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, for 150 days. Supporting shipper: International Harvester Co., 401 North Michigan Avenue, Chicago, IL 60611. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, NE 68102.

No. MC 114312 (Sub-No. 19 TA), filed December 4, 1970. Applicant: ABBOTT TRUCKING, INC., Route 3, Box 74, Delta, OH 43515. Applicant's representative: A. Charles Tell, Columbus Center, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, and fertilizer products*, from Whiteland, Ind., to points in Ohio, for 150 days. Supporting shipper: (Agricultural Products Operation) ARCO Chemical Co., Division of Atlantic Richfield Co., Post Office Box 328, Fort Madison, IA 52627. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 116886 (Sub-No. 40 TA), filed December 4, 1970. Applicant: HOWELL'S MOTOR FREIGHT, INCORPORATED, 2210 Winston Avenue SW., Post Office Box 1529, Roanoke, VA 24014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses*, from Columbus, Ohio, to points in Ohio. NOTE: Applicant intends to tack the authority here applied for to authority held in MC-116886 Sub-No. 33, Hamilton County, Ohio, for 180 days. Supporting shipper: Oscar Mayer & Co. Inc., 910 Mayer Avenue, Madison, WI 53701. Send protests to: Clatin M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, VA 24015.

No. MC 117574 (Sub-No. 195 TA), filed December 4, 1970. Applicant: DAILY EXPRESS, INC., Post Office Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Applicant's representative: S. Berne Smith, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors) and (2) *attachments for*, and *equipment* designed for use with the articles described in (1) above, and *parts* for (1) and (2) above, when moving in mixed loads with the articles described in (1) and (2) above from Eau Claire, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. Restriction: Restricted to traffic originating at Eau Claire, Wis., for 180 days. Supporting shipper: International Harvester Co., 401 North Michigan Avenue, Chicago, IL 60611. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Building, Post Office Box 869, Harrisburg, PA 17108.

No. MC 119789 (Sub-No. 48 TA), filed December 4, 1970. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles*, distributed by meat packinghouses as described in sections A and C *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Friona, Tex., to points in California, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Missouri Beef Packers, Inc., 630 Amarillo Building, Amarillo, TX 79101. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, TX 75202.

No. MC 124245 (Sub-No. 13 TA), filed December 4, 1970. Applicant: ALBERT V. MIELSTRUP, doing business as ACE REFRIGERATED TRUCKING SERVICE, 219 East Tutt Street, South Bend, IN 46618. Applicant's representative: Wm. L. Carney, 105 East Jennings Avenue, South Bend, IN 46614. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses* as described in appendix I, sections A, B, and C to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 786, from South Bend, Ind., to points in Ohio, Jennings, Jefferson, Jackson, Scott, Switzerland, and Clark Counties, Ind., and Harrison, Ohio, for 180 days. Supporting shipper: Oscar Mayer & Co., Inc., Madison, Wis. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 127812 (Sub-No. 8 TA), filed December 4, 1970. Applicant: TYSON TRUCK LINES, INC., 185 Fifth Avenue SW., New Brighton, MN 55112. Applicant's representative: Richard L. Tyson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat bones*, from West Fargo, N. Dak., to South St. Paul, Minn., for 180 days. Supporting shipper: Swift Chemical Co., Oak Brook, Ill. 60521. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 128273 (Sub-No. 78 TA), filed December 4, 1970. Applicant: MIDWESTERN EXPRESS, INC., Box 189, 121 Humboldt Street, Fort Scott, KS 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Twine and sisal products*, from Philadelphia, Pa.; Toledo, Ohio; Chicago, Ill.; Milwaukee, Wis.; and Duluth, Minn.; to points in Illinois, Indiana, Ohio, Michigan, Minnesota, Wisconsin, Iowa, North Dakota, and South Dakota, for 180 days. Supporting shipper: Schermerhorn Bros. Inc., 1940 Wazee Street, Denver, CO 80202. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Building, Wichita, KS 67202.

No. MC 128273 (Sub-No. 79 TA), filed December 4, 1970. Applicant: MIDWESTERN EXPRESS, INC., Box 189, 121 Humboldt Street, Fort Scott, KS 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except frozen) from points in California, Oregon, and Washington, to points in Wyoming, North Dakota, South Dakota, Minnesota, Wisconsin, and the Upper Peninsula of Michigan, for 180 days. Supporting shipper: Pacific Gamble Robinson Co., 661 Fifth Avenue North, Minneapolis, MN 55405. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Building, Wichita, KS 67202.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-16873; Filed, Dec. 15, 1970; 8:48 a.m.]

[Notice 209]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 11, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 3252 (Sub-No. 70 TA), filed December 8, 1970. Applicant: MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, ME 04103. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, MA 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Plattsburg, N.Y., to points in Addison, Chittenden, Franklin, Grand Isle, Lamoille, Orange, Orleans, Washington, and Widsor Counties, Vt., for 180 days. Supporting shipper: Mobil Oil Corp., 150 East 42d Street, New York, NY 10017. Send protests to: District Supervisor Donald G. Weiler, Room 307, 76 Pearl Street, Portland, ME 04112.

No. MC 61592 (Sub-No. 195 TA), filed December 4, 1970. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Post Office Box K, Bettendorf, IA 52722. Applicant's representative: Michael Jenkins (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors); and (2) *attachments for, and equipment designed* for use with the articles described in (1) above, and *parts* for (1) and (2) above when moving in mixed loads with the articles described in (1) and (2) above, from Eau Claire, Wis., to points in Connecticut, District of Columbia, Alabama, Florida, Georgia, Delaware, North Carolina, South Carolina, Massachusetts, New York, Maine, New Hampshire, New Jersey, Maryland, Virginia, Rhode Island, Vermont, Mississippi, and Tennessee. Restriction: Restricted to traffic originating at Eau Claire, Wis., for 180 days. Supporting shipper: International Harvester Co., 401 North Michigan Avenue, Chicago, IL 60611. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, IA 52801.

No. MC 113463 (Sub-No. 8 TA), filed December 8, 1970. Applicant: CONTRACT CARRIERS, INC., 830 Broadway NE., Albuquerque, NM 87102. Applicant's representative: V. L. Brown, 724 Bank of New Mexico Building, Albuquerque, NM 87101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Golden, Colo., to Silver City, N. Mex.; and (2) *empty malt beverage containers*, from Silver City, N. Mex., to Golden, Colo., for 180 days. Supporting shipper: Phillip F. Maloof & Co., 742 West Bowman, Las Cruces, NM 88001. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10515 Federal Building, U.S. Courthouse, Albuquerque, NM 87101.

No. MC 128909 (Sub-No. 15 TA), filed December 4, 1970. Applicant: COMMODORE CONTRACT CARRIERS, INC., 8712 West Dodge Road, Suite 4000, Omaha, NE 68114. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, NE 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *House trailers*, designed to be drawn by passenger automobiles, *buildings*, in sections, mounted on wheeled undercarriages with hitch-ball connectors; and (b) *parts, appliances, furniture, and accessories for the items listed in (1) (a)* between the plantsite of Commodore Mobile Homes, Inc., of California, at Galt, Calif., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; (2) *wheels, tires, axles, and hitches*, from points in the United States (except Alaska and Hawaii) to the plantsite of Commodore Mobile Homes, Inc., of California, at Galt, Calif. Restriction: All service hereunder shall be limited to the transportation of traffic originating at or destined to the plantsites of the Commodore Corp., its subsidiaries or divisions; under continuing contracts with The Commodore Corp., its subsidiaries and/or divisions. Supporting shipper: Morley Zipursky, Commodore Corp., 8712 West Dodge Road, Suite 4000, Omaha, NE 68114. Send protests to: Carroll Russell, District Supervisor, 705 Federal Office Building, Omaha, NE 68102.

No. MC 129087 (Sub-No. 2 TA), filed December 4, 1970. Applicant: LORAIN A. BELL, doing business as L. A. BELL MOTOR LINES, Post Office Box 475, Chesterton, IN 46304. Applicant's representative: Lorain A. Bell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic scrap*, from Porter, Ind., to Mount Clemens, Mich., and *plastic sheet or plate*, from Mount Clemens, Mich., to Porter, Ind., for 180 days. Supporting shipper: Faircraft Engineering, Inc., Porter, Ind. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, Ind. 46802.

No. MC 129442 (Sub-No. 1 TA), filed December 4, 1970. Applicant: OKLAHOMA ARMORED CAR, INC., 1005 Southwest Second Street, Oklahoma City, OK 73125. Applicant's representative: Richard F. Ellis (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Banking items*, including checks, deposit slips, accounting papers, statements, cash letters and data processing reports, between Tulsa, Okla., and points in Jasper, Newton, McDonald, Barton, Lawrence, and Green Counties, Mo., and Cherokee, Labette, Crawford, Montgomery, Neosho, and Bourbon Counties, Kans., for 180 days. Supporting shipper: B. M. Hatchett, Assistant Vice President, National Bank of Tulsa, Post Office Box 2300, Tulsa, OK 74102. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 133106 (Sub-No. 6 TA), filed December 8, 1970. Applicant: NATIONAL CARRIERS, INC., Post Office Box 1358, 1501 East Eighth Street, Liberal, KS 67901. Applicant's representative: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wire, electric cord sets, and power supply cords*, from Rumford, R.I., to points in Illinois, Michigan, Ohio, Minnesota, Missouri, Colorado, Texas, Iowa, Nebraska, Kansas, Indiana, and Oklahoma. Under a continuing contract with International Telegraph, Royal Electric Division, for 180 days. Supporting shipper: International Telephone and Telegraph, Royal Electric Division, 170 Greenwood Avenue, Rumford, RI. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, KS 67202.

No. MC 134358 (Sub-No. 1 TA), filed December 4, 1970. Applicant: CENTRAL DISPATCH, INC., Nicholson and Wabash Streets, Kansas City, MO 64120. Applicant's representative: John L. DiGirolamo (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, 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), from the plantsite and storage facilities used by Aristo Kansas Meat Packers, at or near Holton, Kans., to points in Arkansas, Illinois, Iowa, and Missouri, for 180 days. NOTE: Applicant states that it does intend to interline with other carriers at Chicago, Ill., St. Louis and Kansas City, Mo. Supporting shipper: Aristo Kansas Meat Packers, Holton, Kans. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 134894 (Sub-No. 1 TA), filed December 4, 1970. Applicant: JOHN J. WOODSIDE STORAGE CO., INC., 255 Edgewood Avenue SE., Atlanta, GA 30303. Applicant's representative: Monty Schumacher, 2045 Peachtree Road NE., Suite 310, Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Use household goods*, as defined by the Commission, and *unaccompanied baggage and personal effects*, between points in Georgia, and points in Barbour, Chambers, Cherokee, Cleburn, De Kalk, Henry, Houston, Jackson, Lee, Randolph, and Russell Counties, Ala., and Baker, Columbia, Gadsden, Hamilton, Jackson, Jefferson, Leon, Madison, and Massau Counties, Fla., and Cherokee, Clay, and Macon Counties, N.C., and Abbeville, Aiken, Allendale, Anderson, Barnwell, Beaufort, Edgefield, Hampton, Jasper, McCormick, and Oconee Counties, S.C., and Bradley, Hamilton, Marion, Polk, and Sequatchie Counties, Tenn.

Restriction: The operations authorized herein are subject to the following conditions: Said operations are restricted to the transportation of traffic having a prior or subsequent movement, in containers, except as to unaccompanied baggage and personal effects, beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic, for 180 days. Supporting shippers: Asiatic Trans-Pacific, Inc., 321 Valencia Street, San Francisco, CA 94103; Asiatic Forwarders, Inc., 335 Valencia Street, San Francisco, CA 94103; C & D Moving & Storage Co., Inc., 22 Julian Avenue, San Francisco, CA 94103. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rooom 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 135063 (Sub-No. 1 TA), filed December 4, 1970. Applicant: TRIPLE C ENTERPRISES LTD., 1148 9th Avenue NE., Moose Jaw, SK Canada. Applicant's representative: John R. Davidson, 805 Midland Bank Building, Billings, MT 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron and scrap metal*, from points in North Dakota, South Dakota, Montana, and Wyoming, to ports of entry on the international boundary line between the United States and Canada in the States of North Dakota and Minnesota, for 180 days. Supporting shipper: Interprovincial Steel and Pipe Corp., Ltd., Post Office Box 1670, Regina, SK Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, MT 59101.

No. MC 135119 TA, filed December 8, 1970. Applicant: BULLDOG TRUCKING, INC., Post Office Box 5702, Old Daniellsville Road, Athens, GA 30604. Applicant's representative: Archie B. Culbreth, Suite 417, 1252 West Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile mill waste*, between points in Alabama, Georgia, North Carolina, South Carolina, and Tennessee, for 180 days. Supporting shippers: Dixie Textile Waste Co., Room 307, 87 Walton Street, Atlanta, GA 30307; International Corp., 3088 Roswell Road NW., Atlanta, GA 30305; The Branmon Co., 3330 Peachtree Road NW., Atlanta, GA 30326; Bryant Bros. Textile, Inc., 3330 Peachtree Road NE., Atlanta, GA 30326; Warren Coleman, Inc., Warcole Textile, Inc., 3098 Piedmont Road, Post Office Box 11733, Atlanta, GA 30305. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commision, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[F.R. Doc. 70-16874; Filed, Dec. 15, 1970; 8:48 a.m.]

CENTRAL RAILROAD COMPANY OF NEW JERSEY

Cancellation of Conference

DECEMBER 14, 1970.

The conference called by the Interstate Commerce Commission to consider possible emergency measures concerning The Central Railroad Company of New Jersey for Thursday, December 17, 1970, at 10 a.m., at the Commission's office in Washington, D.C., is canceled.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[F.R. Doc. 70-16981; Filed, Dec. 15, 1970; 8:50 a.m.]

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PART II

DEPARTMENT OF THE TREASURY

Minimum Standards of Conduct

Title 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 0—STANDARDS OF CONDUCT

Effective on the date of publication in the FEDERAL REGISTER, Part 0 is republished in its entirety, for the purpose of incorporating amendments thereto effected since April 16, 1966, which have been approved by the Civil Service Commission, and making editorial changes and nonsubstantive amendments for the purpose of clarification and updating or effecting consistency throughout this part.

Dated: November 19, 1970.

[SEAL] ERNEST C. BETTS, Jr.,
Assistant Secretary for Administration.

Prescribing standards of conduct for officers and employees of the Treasury Department in conformity with sections 201 through 209 of Title 18 of the United States Code, Executive Order No. 11222 of May 8, 1965, and Title 5, Chapter I, Part 735, of the Code of Federal Regulations.

Subpart A—Regular Employees

GENERAL PROVISIONS

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Subpart C—Additional Rules and Guidelines Applicable to Employees Stationed in Foreign Countries

GENERAL PROVISIONS

SPECIFIC RULES OF CONDUCT

ADVICE AND COUNSELING

AUTHORITY: The provisions of this Part 0 issued under E.O. 11222, May 8, 1965; 18 U.S.C. 201 note; 5 CFR 735.104.

Subpart A—Regular Employees

GENERAL PROVISIONS

§ 0.735–1 Purpose.

This part describes the standards of conduct required of all employees of the Treasury Department. The regulations in this part implement Civil Service Commission regulations (5 CFR Part 735) issued on October 1, 1965, in accordance with Executive Order 11222. The standards of conduct in this part are not to be considered all-inclusive and may be supplemented by bureaus to meet specific needs. The absence of a specific published standard of conduct covering an act tending to discredit an employee or the Department does not mean that such an act is condoned, is permissible or would not call for and result in corrective or disciplinary action.

§ 0.735–2 Scope.

This part covers three general types of employment situations as follows:

(a) Subpart A of this part sets the general policy and defines rules of conduct and procedures for all regular employees.

(b) Subpart B of this part applies to special Government employees, primarily advisers and consultants.

(c) Subpart C of this part sets forth additional rules and guide lines applicable to employees stationed in foreign countries.

§ 0.735–3 Policy.

(a) Executive Order 11222 of May 8, 1965, 18 U.S.C. 201 note, states the basic philosophy of conduct for those who carry out the public business:

Where government is based on the consent of the governed, every citizen is entitled to have complete confidence in the integrity of his government. Each individual officer, employee, or adviser of government must help to earn and must honor that trust by his own integrity and conduct in all official actions.

(b) Personnel of the Treasury Department are expected to adhere to the above stated principles and to standards of behavior that will reflect credit on the Government. The Department's position is that of having confidence in its employees and of taking a positive and reasonable approach to the matter of maintaining the high standards of conduct necessary in the transaction of Treasury activities. Those few employees who violate the laws or the rules or regulations on conduct in this part will be disciplined in accordance with the gravity of the offenses committed.

(c) Disciplinary action may be in addition to any penalty prescribed by law. If disciplinary or other remedial action is necessary, it will be taken only after consideration of the explanation of the employee and will be effected in accordance with applicable laws and regulations. Remedial action may include, but is not limited to:

(1) Changes in assigned duties.

(2) Disqualification for a particular assignment.

(3) Divestment by the employee of his conflicting interest.

(4) Disciplinary action.

§ 0.735–4 Definitions.

In this part:

(a) "Regular employee" or "employee" means an officer or employee of the Treasury Department, but does not include a special Government employee.

(b) "Special Government employee" means an officer or employee of the Treasury Department who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis.

(c) "Person" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

Conflicts of Interest

§ 0.735–20 General.

The elimination of conflicts of interest in the Federal service is one of the most important objectives in establishing general standards of conduct. A conflict of interest situation may be defined as one in which a Federal employee's private interest, usually of an economic nature, conflicts or raises a reasonable question of conflict with his public duties and responsibilities. The potential conflict is of concern whether it is real or only apparent. The rules of the Treasury Department concerning conflicts of interest appear in §§ 0.735–33, 0.735–35, 0.735–36, and 0.735–38.

§ 0.735–21 Summary of provisions of criminal code.

The following is a brief summary of the provisions of the criminal code, 18 U.S.C., effective January 21, 1963, which define the conflicts of interest which are subject to fine and imprisonment. These provisions have been interpreted by the Attorney General in a memorandum distributed to Heads of Departments and Agencies, dated January 28, 1963, 28 F.R. 985 and published in a note following 18 U.S.C. 201. It should be noted that lesser prohibitions apply to special Government employees than to regular employees as indicated in Subpart B of this part.

(a) *Section 203.* Section 203 prohibits an employee from receiving, agreeing to receive or asking for, directly or indirectly, any compensation for services, otherwise than as provided by law, rendered by himself or another in relation to any matter in which the United States is a party or has a substantial interest before any Department or agency.

(b) *Section 205.* Section 205 prohibits an employee from (1) acting as an agent or attorney in prosecuting any claim against the United States or receiving any share of interest in such claim for assistance in its prosecution, or (2) acting as agent or attorney for anyone before any Department or agency in connection with any particular matter in which the United States is a party or has a direct and substantial interest. This section does not prohibit a regular Government employee from acting with official approval and with or without compensation as agent or attorney for his parents, spouse, child or any person for whom, or for any estate for which he is serving as guardian or other fiduciary, with certain exceptions set forth in that section. The provisions of this section and section 203 do not prevent an employee, if not inconsistent with the faithful performance of his duties, from acting without compensation as agent or attorney for any person who is the subject of disciplinary, loyalty or other personnel administration matter in connection with such matter.

(c) *Section 207(a).* Section 207(a) prohibits a former employee at any time after his employment has ceased, from knowingly acting as agent or attorney for anyone other than the United States in connection with any particular matter involving a specific party or parties in which the United States has a direct and substantial interest and in which he participated personally and substantially as an employee.

(d) *Section 207(b).* Section 207(b) prohibits any such former Government employee within one year after his employment from appearing personally before any court or Department or agency as agent or attorney for anyone other than the United States in connection with any particular matter involving a specific party or parties in which the United States is a party or directly and substantially interested and which was under his official responsibility within 1 year prior to the termination of such responsibility.

(e) *Section 208.* Section 208 prohibits any employee from participating personally and substantially as a Government employee in any particular matter in which to his knowledge he, his spouse, minor child, partner, or organization in which he is an employee or prospective employee, has a financial interest. An employee may be exonerated from the provisions of this section if he makes full disclosure of the financial interest to the official responsible for his appointment and receives in advance a written determination by that official that the interest is not so substantial as to be likely to affect the integrity of his service.

(f) *Section 209.* Section 209 prohibits any employee from receiving any salary or any contribution to or supplementation of his salary as compensation for his services as an employee from any source other than the Government. This section does not apply to a special Government employee, and does not prevent participation in any bona fide pension, retirement, profit sharing, or other welfare or benefit plan maintained by a former employer. This section also does not prohibit payment or acceptance of certain contributions, awards or expenses in connection with Government employee training programs or attendance at meetings authorized under 5 U.S.C. 4101–4118.

Rules of Conduct

§ 0.735–30 Proscribed actions.

An employee shall avoid any action, whether or not specifically prohibited by this part, which might result in, or create the appearance of:

(a) Using public office for private gain;

(b) Giving preferential treatment to any person;

(c) Impeding Government efficiency or economy;

(d) Losing complete independence or impartiality;

(e) Making a Government decision outside official channels; or

(f) Affecting adversely the confidence of the public in the integrity of the Government.

§ 0.735–30a Political activity.

Employees have the right to vote as they may choose and to express their opinions on all political subjects and candidates, but are forbidden to take active part in political management or campaigns (5 U.S.C. 7324). Political activity in some local elections is permissible; but before employees engage in such activity, they should familiarize themselves with the statutory provisions and the Civil Service Commission's regulations on this subject (5 U.S.C. 7324–7327 and 5 CFR Part 733). It is unlawful for employees to solicit, receive or to be concerned with political assessments, subscriptions, or contributions for any political purpose whatever from other employees. (18 U.S.C. 602, 603, 606, 607.) Employees may make voluntary contributions to a regularly constituted political organization for its general expenditures subject to the limitations set forth in 18 U.S.C. 608. Employees may be disqualified for employment for know-

ingly supporting or advocating the violent overthrow of our constitutional form of government (5 U.S.C. 7532 and E.O. 10450, as amended).

§ 0.735–31 Strikes.

Employees shall not strike against the Government (5 U.S.C. 7311).

§ 0.735–32 Gifts or gratuities from Government employees.

Employees of the Federal Government are prohibited from soliciting contributions from other employees for gifts or presents to persons in superior official positions. Neither may such superiors receive any gift or present offered to them from employees in the Government receiving less salary than themselves (5 U.S.C. 7351). Collections of spontaneous origin may be made for token gifts upon retirement or resignation or for expressing condolences in cases of illness or death. Solicitations for such gifts should be limited to employees in the immediate office of the employee concerned and a few close associates with whom he has worked. In no case should general solicitations be made for a gift, nor should gifts to the recipients be in cash, except that small amounts (e.g. under $10) remaining after the purchase of a gift may be included with the gift. However, a collection, within the foregoing limitations, may be made for a token gift to express felicitation to an employee and, with the approval of his supervisor, for a cash gift to assist in a catastrophic illness or disaster, provided that these collections are limited to coworkers of approximately equal status to the recipient employee, and to his immediate supervisors.

§ 0.735–33 Gifts or gratuities from outside sources.

(a) Except as provided in paragraphs (b) and (c) of this section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value from a person who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with the Treasury Department,

(2) Conducts operations or activities that are regulated by the Treasury Department, or

(3) Has interests that may be substantially affected by the performance or non-performance of his official duty.

(b) General exceptions to the rule in paragraph (a) of this section are as follows unless otherwise precluded by heads of bureaus:

(1) Acceptance of gifts, entertainment, and food is acceptable when the circumstances make it clear that obvious family or personal relationships (such as those between the parents, children or spouse of the employee and the employee) rather than the business of the persons concerned are the motivating factors.

(2) Acceptance of food and refreshments of nominal value on infrequent occasions is permitted when such action occurs in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where an employee may properly be in attendance. This exception also applies when Treasury officials are in attendance at large organized functions which have traditionally been considered appropriate and important ones to attend because of the recognized benefit of such attendance to Treasury operations.

(3) Employees may accept loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans, except where prohibited by law.

(4) Employees may accept unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars and other items of nominal intrinsic value.

(c) The receipt of payment or reimbursement, by outside sources, for the expenses of travel and subsistence for activities related to Government employment is permitted only in accordance with § 0.735–39.

§ 0.735–34 Gifts or gratuities from foreign governments.

The Constitution prohibits employees from accepting from foreign governments, except with the consent of the Congress, presents, emoluments, offices, or titles. The Congress has given its consent in 5 U.S.C. 7342 to the acceptance of certain specified gifts and decorations.

§ 0.735–35 Outside financial interests.

An employee shall not participate on a private basis, directly or indirectly, in any financial transaction as a result of, or primarily relying on, information obtained through his employment with the Treasury Department; or if in the transaction his private interest is, or may reasonably be expected to be, in conflict with his official interests or duties.

§ 0.735–36 Using official designation.

Employees shall not permit their official position, status or designation to be used in a manner that is intended to further, or gives the appearance of furthering, the private business interests of the user.

§ 0.735–37 Purchase of Government property.

Employees are prohibited from, either directly or indirectly, bidding or purchasing at any sale of Government property under the direction or incident to the functions of the bureaus or offices in which they are employed. Government property under the control of the Treasury Department shall not be sold to a Government employee, either directly or indirectly, unless a properly authorized representative of the bureau or office disposing of the property has determined that the sale is in the best interest of the Government. Before purchasing any Government property from any agency of the Government, either directly or indirectly, employees of the Treasury Department shall make known to the disposing agency that they are such employees and shall be governed by the disposing agency's rules relating to sales to Government employees (Treasury Order 19, Rev. No. 1, May 26, 1955).

§ 0.735–38 Outside employment and other outside activities.

Employees shall not engage in any outside employment or other outside activities, with or without compensation, which (a) interfere with the efficient performance of official duties, (b) might bring discredit on or cause unfavorable and justifiable criticism of the Government or (c) might reasonably result in a conflict of interest, or an apparent conflict of interest, with official duties and responsibilities. Bureau heads will establish appropriate instructions to meet their peculiar needs in regard to outside employment and other outside activities of their employees. These instructions will require employees to obtain written permission from appropriate approving officials. To simplify administration of this rule, bureaus may include in their instructions criteria not inconsistent with the regulations in this part which provide for outside activities which are clearly permissible and would normally not require written permission.

§ 0.735–39 Engagements to speak, write, or teach.

(a) Employees may teach, lecture, or write providing such action is not prohibited by law, Executive Order 11222, or the regulations in this part. The requirements prescribed in § 0.735–38 also apply to engagements to speak, write and teach. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service, that depends on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when an appropriate approving official gives written authorization for use of nonpublic information on the basis that the use is in the public interest. Before an employee delivers a formal speech or releases an article relating to matters connected with Treasury Department business, he must submit it for review to the appropriate approving official.

(b) In any of these activities the appropriate approving official will determine whether the activity may be undertaken, and if so, whether as official duty, or whether in a private capacity. If it is undertaken as official duty, expenses will be borne by the Treasury Department, and the employee may not accept compensation or permit his expenses to be paid for by the person or group under whose auspices the activity is being performed, except as may be authorized under 5 U.S.C. 4111 and 5 CFR Part 410, Subpart G, relating to acceptance of contributions, awards and other payments from certain tax-exempt organizations incident to training or attendance at meetings. If it is determined that the activity shall be undertaken in a private capacity, the employee may not use duty hours or Government facilities, but he

may accept compensation, and he may use his official title provided he makes it clear that he does not represent the Treasury Department. This paragraph does not allow an employee to be reimbursed, or payment to be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits. Under 5 CFR 735.203 (c), the Secretary of the Treasury may not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs or operations of his agency, or which draws substantially on official data or ideas which have not become part of the body of public information. Under 46 Comp. Gen. 689 (1967) no reimbursement or donation may be made to the Treasury Department to cover the expenses of travel and subsistence of an employee on official business except when the expenses are incurred in connection with the program for the sale of United States public debt obligations (31 U.S.C. 772a).

(c) For purposes of this section, the "appropriate approving official" shall be the bureau head or his deputy or, in the Office of the Secretary, the head of an office or his deputy.

(d) Treasury officials are prohibited from official attendance at segregated meetings. They should not participate in conferences or speak before audiences where any racial group has been segregated or excluded from the meeting, from any of the facilities, or the conferences or from membership in the group. These prohibitions also apply to other Treasury employees, except where the meeting is undertaken primarily for the benefit of the Government and not for the entertainment or benefit of the particular group or audience. For purposes of this paragraph, the term "Treasury officials" refers to all Presidential and Schedule C appointees, all chiefs and deputy chiefs of bureaus and of offices in the Office of the Secretary, all career assistant secretaries and deputy assistant secretaries and the chief officers of a regional, State, or district organization or other field office, except for district law enforcement offices consisting of 10 employees or less. (For a more detailed interpretation of this policy, see Administrative Circular 109 and supplements thereto.)

§ 0.735–40 Soliciting aid or advertising for organizations or associations of Treasury employees.

Employees shall not solicit financial aid from or sell tickets to persons outside the Federal Government for the benefit of any organization or association comprised of Treasury Department employees. No publication of any such organization shall contain any commercial advertising, and the costs of such publications must be wholly paid by the organization or association (Treasury Order 17, May 29, 1937). Employee organizations and associations may, however, accept financial aid for convention purposes from Boards of Trade, Chambers of Commerce, Convention Bureaus and other such organizations serving similar purposes which have followed a regular practice of furnishing financial aid to organizations which hold conventions.

§ 0.735–41 Gambling, betting, and lotteries.

(a) An employee shall not participate while on Government-owned or leased property or while on duty for the Government, in any form of gambling, betting, lotteries or the sending of chain letters, even if such activities are in support of a worthy cause. However, this section does not preclude activities necessitated by an employee's law enforcement duties. (See §§ 91.7, 407.7 and 605.7 of this title.)

(b) Possession on Government-owned or leased premises of any numbers slip or ticket, record, notation, receipt, or other writing of a type ordinarily used in any illegal form of gambling such as a tip sheet or dream book, unless explained to the satisfaction of the head of the bureau or his delegate, shall be prima facie evidence that the employee is participating in an illegal form of gambling on such premises.

§ 0.735–42 Use of intoxicants.

Employees must refrain from using intoxicants habitually to excess or in any way which adversely affects their work performance (5 U.S.C. 7352). Intoxicants may not be consumed while on official duty unless required in order to maintain security on an undercover assignment.

§ 0.735–43 Indebtedness.

Employees shall not without good reason fail to maintain good credit and a reputation for prompt settlement of their just financial obligations in a proper and timely manner. They are expected to manage their private financial affairs in a manner which will not cause embarrassment to the Treasury Department. This particularly includes just financial obligations to Federal, State, and local governments for taxes as well as private concerns and individuals. A "just financial obligation," as used in this section, means one acknowledged by the employee; reduced to judgment by a court; or, in the case of taxes, a final administrative determination confirmed by notice of a tax lien issued by a governmental agency, Federal, State, or local. "In a proper and timely manner," as used in this section, means in a manner which the Treasury Department determines does not, under the circumstances, reflect adversely on the Department as his employer. In the event of dispute between an employee and an alleged creditor, this section does not require the Department to determine the validity or amount of the disputed debt.

§ 0.735–44 Care of documents.

The care of Government documents is a Federal requirement which is regulated by legislation. All records and documents in the custody of employees are in their custody for official purposes only. It is unlawful to remove or conceal, alter, mutilate, obliterate or destroy records or documents or to remove or attempt to remove them from official custody with the intent of performing any of the above actions (18 U.S.C. 2071). Employees must not remove records and documents from official files without approval from proper authority. Working papers, copies of reports and other official records and documents shall be promptly sent to file when no longer needed for official purposes. Disposal or destruction of records and documents is to be made in accordance with established requirements. There are specific instructions relating to the safeguarding of classified information which are furnished to employees authorized to have access to such information. See further the regulations in Part 1 of this title which implement 5 U.S.C. 301 and 552 and which govern the care and the disclosure of records in the Treasury Department, and see the relevant regulations, if any, issued by a bureau or office to which the record belongs.

§ 0.735–45 Lending or borrowing money.

Employees shall not, either directly or indirectly, lend to or borrow from other employees substantial sums of money. In negotiating loans from authorized sources, such as credit unions, welfare associations, commercial or private banking institutions, etc., if the transaction involves the signature of one or more endorsers or comakers, the borrower must not in any instance solicit, or permit to be affixed to any instrument as endorser or comaker, the signature of any Treasury employee who is under his supervision.

§ 0.735–46 Use of Government cars.

Employees are prohibited from using Government cars for other than official purposes. Use of such cars for transportation of employees between their domiciles and places of employment can only be justified where affirmatively authorized by statute, as in 31 U.S.C. 638a.

§ 0.735–47 Disclosure of information to the public.

Employees may not disclose official information without either appropriate general or specific authority under Department or bureau regulations. See further 31 CFR 1.8 and 1.9.

§ 0.735–48 Giving testimony.

When directed to do so by competent Treasury authority, employees must testify or respond to questions (under oath when required) concerning matters of official interest. See further 31 CFR 1.10.

§ 0.735–49 Personal communications.

Employees may not conduct personal business while on official duty. Personal use of telephones is restricted to essential need. Employees who receive personal mail at their office will advise addressors to stop sending such mail to the Treasury Department address.

§ 0.735–50 Use of Federal property.

Employees may not directly or indirectly use or allow the use of Federal property of any kind for other than officially approved activities. They also

have a positive responsibility to protect and conserve all Federal property including equipment and supplies, which is entrusted or issued to them.

§ 0.735–50a Conduct in and on Treasury buildings and grounds.

Employees must adhere to the regulations governing conduct in and on the Treasury Building, and Treasury Annex Building, and grounds (Part 407 of this title); the Bureau of Engraving and Printing Building, and Bureau of Engraving and Printing Annex Building, and grounds (Part 605 of this title); and the Bureau of the Mint buildings and grounds located in Denver, Fort Knox, New York, Philadelphia, San Francisco, and West Point (Part 91 of this title); and Treasury occupied General Services Administration buildings and grounds (41 CFR Subpart 101–19.3).

§ 0.735–51 Influencing legislation or petitioning Congress.

Employees are prohibited from using Government time, money or property (as, for example, through sending telegrams or letters) to influence a Member of Congress to favor or oppose any legislation. This prohibition does not apply to the official handling through proper channels of matters relating to legislation affecting the Treasury Department (18 U.S.C. 1913); or to the rights of employees to petition Members of Congress either individually or collectively or to furnish information to any committee or member of either House of Congress (5 U.S.C. 7102).

§ 0.735–52 Soliciting, selling, and canvassing.

Except when authorized by the head of the bureau, office or division concerned, and except as provided by § 0.735–32, employees are prohibited from soliciting, from making collections, from canvassing for the sale of any article or from distributing literature or advertising matter in any space occupied by Treasury.

§ 0.735–53 Civil Service examination processes.

Appointment and future advancement in the Federal career service are based on the important principle of individual merit and qualifications. The selection and merit competitive processes are protected by the Civil Service statutory provisions, 5 U.S.C. Chapter 33 and the Civil Service regulations. Employees shall not participate, either directly or indirectly, in any of the following actions: (a) Intentionally make a false statement or practice any deception or fraud in examination or appointment, (b) induce persons to withdraw from competition for competitive service positions, (c) engage in any improper activity with respect to the taking of Civil Service examinations and examination ratings, and (d) obstruct the right of any person to take examinations according to the Civil Service rules and regulations.

§ 0.735–54 Falsification of official records.

Employees shall avoid making false, misleading or ambiguous statements, deliberately or wilfully, whether verbal or written, in connection with any matter of official interest. Some of these matters of official interest are: Transactions with the public, other Federal agencies or fellow employees; application forms and other forms which serve as a basis for appointment, reassignment, promotion or other personnel actions; vouchers; leave records; work reports of any nature or accounts of any kind; affidavits; entry or record of any matter relating to or connected with the employee's duties; and report of any moneys or securities received, held or paid to, for or on behalf of the United States (18 U.S.C. 1001).

§ 0.735–55 Miscellaneous statutory provisions.

Bureau heads should advise employees of any laws which relate specifically to employees in their bureaus. The attention of every employee is directed to the statutes relating to conduct listed below:

(a) House Concurrent Resolution 175, 85th Congress, 2d Session, 72 Stat. B12, the "Code of Ethics for Government Service" (5 U.S.C. 7301 note).

(b) The prohibition placed on Treasury Department employees against carrying on any trade in any public funds or debts or obtaining any personal gain from transacting the Department's business (31 U.S.C. 1018).

(c) Chapter 11 of Title 18, U.S.C. relating to bribery, graft, and conflicts of interest as appropriate to the employees concerned.

(d) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(e) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(f) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643) and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(g) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(h) The prohibitions against the employment of a member of a Communist organization (50 U.S.C. 784).

(i) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).

(j) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

(k) The prohibition against Federal employment of any person convicted of a felony in furtherance of, or while participating in, a riot or civil disorder (5 U.S.C. 7313).

(l) The tax imposed on certain employees (e.g., Presidential appointees, employees excepted under Schedule C, employees whose compensation is equal to or greater than that for GS–16, or executive assistants or secretaries to any of the foregoing) who knowingly engage in self-dealing with a private foundation (26 U.S.C. 4941, 4946). "Self-dealing" is defined in the statute to include certain transactions involving an employee's receipt of compensation or other benefits such as a loan, or reimbursement for travel or other expenses from, or his sale to or purchase of property from, a private foundation.

(m) The prohibition against a public official appointing or promoting a relative, or advocating such an appointment or promotion (5 U.S.C. 3110).

§ 0.735–56 General conduct prejudicial to the Government.

An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS

§ 0.735–70 Employees required to submit statements.

Except as provided in § 0.735–71 statements of employment and financial interests will be filed by the following employees:

(a) Those paid at a level of the Executive Schedule in Subchapter II of Chapter 53 of Title 5, United States Code.

(b) Those classified at GS–13 or above under 5 U.S.C. 5332, or at a comparable pay level under another authority, who are in positions, specifically identified in Appendix A to this part, the incumbents of which are responsible for making a Government decision or taking a Government action in regard to:

(1) Contracting or procurement;

(2) Administering or monitoring grants or subsidies;

(3) Regulating or auditing private or other non-Federal enterprise; or

(4) Other activities where the decision or action has an economic impact on the interests of any non-Federal enterprise.

(c) Those classified at GS–13 or above under 5 U.S.C. 5332, or at a comparable pay level under another authority, who are in positions, specifically identified in Appendix A to this part, which the Secretary of the Treasury has determined have duties and responsibilities which require the incumbent to report employment and financial interests in order to avoid involvement in a possible conflicts-of-interest situation and carry out the purpose of law, Executive order, 5 CFR Part 735, and this part.

(d) Those classified below GS–13 under 5 U.S.C. 5332, or at a comparable pay level under other authority, who are in positions which otherwise meet the criteria in paragraphs (b) and (c) of this section, but only when the inclusion of the positions in Appendix A to this part has been specifically justified by the Secretary of the Treasury in writing to the Civil Service Commission as an exception that is essential to protect the integrity of the Government and avoid employee involvement in a possible conflicts-of-interest situation.

(e) Alterations to, deletions from, and other amendments of the list of positions in Appendix A to this part may be made

under the criteria in paragraphs (b) through (d) of this section and are effective upon approval by the Secretary of the Treasury and actual notification to the incumbents. Amendments to the list in Appendix A of this part shall be submitted annually for publication in the FEDERAL REGISTER.

§ 0.735–70a Employee's complaint on filing requirement.

Employees shall have, in conformity with the grievance procedures prescribed in Treasury Personnel Manual Chapter 771–4 and the grievance procedures of the bureau or office in which the particular employee is employed, an opportunity for review of a complaint that his position has been improperly included in Appendix A of this part as one requiring the submission of a statement of employment and financial interests.

§ 0.735–71 Exceptions.

(a) Employees in positions that meet the criteria in paragraph (b) of § 0.735–70 may be excluded from the reporting requirement when the Secretary of the Treasury determines that:

(1) The duties of a position are such that the likelihood of the incumbent's involvement in a conflicts-of-interest situation is remote; or

(2) The duties of a position are at such a level of responsibility that the submission of a statement of employment and financial interests is not necessary because of the degree of supervision and review over the incumbent or the inconsequential effect on the integrity of the Government.

(b) A statement of employment and financial interests is not required by this part when the employee is required to report to the Chairman of the Civil Service Commission under section 401 of Executive Order 11222.

§ 0.735–73 Form and content of statements.

The statements of employment and financial interests required under this subpart for use by employees and special Government employees shall contain, as a minimum, the information required by the formats prescribed by the Civil Service Commission in the Federal Personnel Manual. Such statements shall not include questions that go beyond, or are in greater detail than, those included in the Commission's formats without the approval of the Commission.

§ 0.735–74 Time and place for submission of employees' statements.

Each employee required to submit a statement of employment and financial interests shall submit that statement to the office or official designated by the bureau head not later than:

(a) Ninety days after the effective date of the regulations in this part (April 16, 1966) if employed on or before that effective date; or

(b) Thirty days after his entrance on duty but not earlier than 90 days after the effective date of the regulations in this part if appointed after that effective date (April 16, 1966).

§ 0.735–75 Supplementary statements.

Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported in a supplementary statement as of June 30 each year, except when the Civil Service Commission authorizes a different date. If no changes or additions occur, a negative report is required, and the notation "no change" should be made on the form. Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts-of-interest provisions of 18 U.S.C. 208, or Subpart B of 5 CFR Part 735 or this part.

§ 0.735–76 Interests of employees' relatives.

For purposes of completing the statements of employment and financial interests, the interest of a spouse, minor child, or other member of the employee's immediate household is to be considered an interest of the employee. In other words, those blood relations who are residents of the employee's household are to be treated for purposes of completing the financial statement as though they were the employee and therefore, the report of financial statements should reflect their employment and financial interests in the same manner that the employment and financial interests of the employee are shown.

§ 0.735–77 Information not known by employees.

If any information required to be included in a statement of employment and financial interests or a supplementary statement including holdings placed in trust is not known to the employee but is known to another person, the employee shall request that other person to submit the information in his behalf.

§ 0.735–78 Information excluded.

The regulations in this part do not require an employee to submit on a statement of employment and financial interests or supplementary statement any information relating to the employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purposes of the regulations in this part, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

§ 0.735–79 Review of statements.

Presidential appointees who are heads of bureaus and those in the Office of the Secretary will file their statements with the General Counsel for his review. The General Counsel's statement will be filed with the Secretary. Heads of bureaus and their principal assistants or deputies who are not Presidential appointees will file their statements with the official in the Office of the Secretary to whom they report under Treasury Order 190, as revised. In a similar manner, financial statements of all Presidential appointees below the level of bureau head will be forwarded through the bureau head to the official in the Office of the Secretary to whom the bureau head reports. Each bureau will make provisions for a review of the statements submitted by other employees. This review may be made either by the bureau head or his designee. The system of review shall be designed to disclose conflicts of interest or apparent conflicts of interest on the part of employees. If information from the statements submitted or from other sources indicates a conflict of interest or an apparent conflict of interest, the employee concerned shall be given an opportunity to explain the conflict or apparent conflict. If the conflict or apparent conflict is not resolved at bureau or lower organizational level, the matter will be referred to the General Counsel who may refer it to the Advisory Committee on Ethical Standards. He shall report all cases formally referred to him to the Secretary.

§ 0.735–80 Confidentiality of employees' statements.

Statements of employment and financial interests, and supplementary statements shall be held in confidence. To insure this confidentiality, bureaus and offices shall designate which employees are authorized to review and retain the statements. Employees so designated are responsible for maintaining the statements in confidence and shall not allow access to, or allow information to be disclosed from, a statement except to carry out the purpose of this part. Information from a statement may not be disclosed except as the Civil Service Commission or the Secretary of the Treasury may determine for good cause shown.

§ 0.735–81 Effect of employees' statements on other requirements.

The statements of employment and financial interests and supplementary statements required of employees under the regulations in this part are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in the matter in which his or the other person's participation is prohibited by law, order, or regulation.

RESPONSIBILITIES

§ 0.735–90 Assignment of responsibilities.

The assignment of responsibilities to carry out the provisions of this part is described below in §§ 0.735–91—0.735–97.

§ 0.735–91 Department.

The Department's responsibilities are to (a) issue policy and basic standards of conduct applicable to all Treasury employees, (b) periodically review the basic

standards issued and to review initially and periodically those additional standards issued by the bureaus, (c) set requirements to insure that supervisors and employees are aware of the standards of conduct, of their responsibilities in maintaining and adhering to those standards and of the fact that disciplinary action will be taken in cases of failure to maintain or adhere to them, and (d) establish procedures for furnishing advice to management and to employees on the application of standards of conduct. These procedures involve the establishment of an Advisory Committee on Ethical Standards and the referral to the Advisory Committee of problems relating to bureau heads and officials who report directly to the Secretary. Problems relating to all other employees on which advice or guidance is necessary or desirable may also be referred to the Committee through personnel or legal channels.

§ 0.735–92 The Department's Counselor.

The General Counsel has been designated by the Secretary as the Counselor for the Department on matters covered by the regulations in this part. He is responsible for coordination of the counseling service within the Department and for interpretations on questions of conflicts of interest and other matters under this part. He shall report matters formally referred to him to the Secretary.

§ 0.735–93 Deputy Counselors.

The Chief Counsel or legal advisor for each bureau is the Deputy Counselor for that bureau. As such, his responsibility is to give authoritative advice and guidance on conflicts of interest and other matters covered by this part.

§ 0.735–94 Role of personnel officers.

Personnel officers at all organizational levels are responsible for providing general guidance and assistance to supervisors and employees in implementing and adhering to the provisions of the regulations in this part. Where questions arise or where advice is sought by either supervisors or employees which involve either advice or interpretation which is legal in nature, personnel officers will be responsible for seeing that the advice or interpretation is sought or obtained from the Deputy Counselor or the Counselor, as appropriate.

§ 0.735–95 Bureaus.

The responsibilities of the bureaus are to (a) provide employees with basic standards of conduct and any additional standards and explanations necessary to effectively carry out the policy of the President and of the Department, (b) see that employees and supervisors are aware of their responsibilities in maintaining and adhering to established standards of conduct, (c) inform employees as to how and from whom they may get additional clarification of standards of conduct and related laws, rules, and regulations, (d) advise employees of the location or availability of regulations governing conduct in and on Treasury buildings and grounds (§ 0.735–50a), (e) insure that appropriate disciplinary action is taken against employees who violate standards of conduct and related laws, rules and regulations and against supervisors who fail to carry out their responsibilities in taking or recommending disciplinary action when appropriate against employees under them who have committed such offenses, and (f) review and evaluate the effectiveness of standards issued and their application.

NOTE: Bureaus shall provide employees with copies of the regulations in this part. New employees shall be given copies of the regulations in this part at the time of their employment. All employees will be reminded of the standards of conduct at least annually. This may be done by posting the standards on the bulletin board, by reminders in house organs or by other forms of written communication, including payroll inserts.

§ 0.735–96 Supervisor.

It is the responsibility of each supervisor to (a) know the standards of conduct applicable to him and the employees under his supervision, (b) advise the employees under his supervision or help them obtain advice on the application of the standards of conduct, (c) adhere to them, (d) see that the employees under his supervision know and adhere to them also, and (e) take or recommend disciplinary action when appropriate in cases where the employees under his supervision violate the standards or the principles upon which they are based.

§ 0.735–97 Employees.

Each employee in the Department is required to (a) know the standards of conduct and their application in his case, (b) seek information from his supervisor in case of doubt or misunderstanding on the application of the standards of conduct, (c) adhere to the standards of conduct, and (d) be aware of the consequences of violation of the laws, rules and regulations regarding conduct.

LISTING OF EMPLOYEES WHO MUST FILE STATEMENTS

§ 0.735–100 Listing of employees.

Appendix A to this part is a listing of specific employees who must file statements. Bureau heads shall review the list of positions in Appendix A to this part on an annual basis and submit changes as appropriate. The effective date of any change is set by § 0.735–70(e).

Subpart B—Preventing Conflicts of Interest on the Part of Special Government Employees in the Department

GENERAL PROVISIONS

§ 0.735–200 Purpose.

This subpart implements the provisions of Executive Order 11222 dated May 8, 1965, relating to special Government employees in the Treasury Department.

§ 0.735–201 Scope.

This subpart relates basically to special Government employees who are consultants and advisers, including experts. Submission of financial statements by special Government employees other than advisers, consultants, and experts is waived except where statements would otherwise be required under § 0.735–70. Employees who are employed for more than 130 days are treated as regular employees and are subject to the provisions of Subpart A of this part.

§ 0.735–202 Policy.

It is the Department's policy in issuing the instructions in this part to adhere rigidly to the policy set forth by the President that every citizen is entitled to have complete confidence in the integrity of his Government and that each individual officer, employee or adviser of the Government must help to earn and must honor that trust by his own integrity and conduct in all official actions.

GENERAL RULES OF CONDUCT APPLICABLE TO SPECIAL GOVERNMENT EMPLOYEES

§ 0.735–203 Applicability of Subpart A of this part.

Special Government employees shall familiarize themselves with the rules of conduct contained in Subpart A of this part so they can be guided by the principles contained in those rules insofar as their employment with the Treasury is concerned. In addition, the rules of conduct in §§ 0.735–204—0.735–209 specifically apply to them.

§ 0.735–204 Use of Government employment.

A special Government employee shall not use his Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties.

§ 0.735–205 Use of inside information.

A special Government employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. "Inside information" as used in this section means information obtained under Government authority which has not become part of the body of public information.

§ 0.735–206 Teaching, lecturing, and writing.

Special Government employees may teach, lecture, or write providing such action is not prohibited by law, Executive Order 11222, or the regulations in this part. However, a special Government employee shall not, either with or without compensation, engage in teaching, lecturing, or writing that is dependent upon information obtained as a result of his employment with the Department, except when that information has been made available to the general public or will be made available on request, or when the official to whom he reports receives written authorization from the

Secretary or the Advisory Committee for the Secretary for the use of non-public information on the basis that the use is in the public interest.

§ 0.735–207 Coercion.

A special Government employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business or financial ties.

§ 0.735–208 Gifts, entertainment, and favors.

A special Government employee, while so employed or in connection with his employment, shall not receive or solicit from a person having business with the Treasury Department anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business or financial ties. Exceptions to this are the same exceptions contained in Subpart A of this part for regular employees of the Department.

§ 0.735–209 Miscellaneous statutory provisions.

The statutory provisions relating to Treasury employees referred to in §§ 0.735–30a, 0.735–31, 0.735–32, 0.735–34, 0.735–42, 0.735–44, 0.735–46, 0.735–51, 0.735–53, 0.735–54, and 0.735–55 apply to special Government employees when serving in their official capacities with the Department. Where there are specific statutes applicable to employees in certain Treasury bureaus, the bureau concerned should inform its special Government employees of the applicability of those statutes to them.

CONFLICT OF INTEREST STATUTES

§ 0.735–210 Applicability of 18 U.S.C. 203 and 205.

(a) The prohibitions in 18 U.S.C. 203 and 205 applicable to special Government employees are less stringent than those which affect regular employees; i.e., those who are appointed for more than 130 days a year. These two sections in general operate to preclude a regular Government employee, except in the discharge of his official duties, from representing another person before a department, agency or court, whether with or without compensation, in a matter in which the United States is a party or has a direct and substantial interest. However, the two sections impose only the following major restrictions upon a special Government employee:

(1) He may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and in which he has at any time participated personally and substantially in the course of his Government employment.

(2) He may not, except in the discharge of his official duties, represent anyone else in a matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and which is pending before the agency he serves. However, this restraint is not applicable if he has served the agency no more than 60 days during the past 365. He is bound by the restraint, if applicable, regardless of whether the matter is one in which he has ever participated personally and substantially.

(b) These restrictions prohibit both paid and unpaid representation and apply to a special Government employee on the days when he does not serve the Government as well as on the days when he does.

(c) The rules to be followed in the Treasury Department to determine the duration of employment of special Government employees and other temporary employees in order to ascertain the application of these statutes are set forth in Personnel Bulletin No. 70–42.

(d) An employee who undertakes service with the Treasury Department and another department or agency shall inform each of his arrangements with the other.

(e) There may be situations where a consultant or adviser has a responsible position with his regular employer which requires him to participate personally in contract negotiations with the Treasury. In this situation, the consultant or adviser should participate in the negotiations for his employer only with the knowledge of a responsible Treasury official; i.e., the full-time official to whom the consultant or adviser reports. Prior to permitting such participation, the responsible Treasury official shall obtain the approval in writing of the Advisory Committee.

(f) Section 205 of Title 18, U.S. Code, contains certain exemptive provisions. The first of these deals with a similar situation which may arise after a Government grant or contract has been negotiated. This provision in certain cases permits both the Government and the private employer of a special Government employee to benefit from his performance of work under a grant or contract for which he would otherwise be disqualified because he had participated in the matter for the Government or it is pending in an agency he has served more than 60 days in the past year. More particularly, the provision gives the head of a department or agency the power, notwithstanding any prohibition in either section 203 or 205 of Title 18, U.S. Code, to allow a special Government employee to represent before such department or agency either his regular employer or another person or organization in the performance of work under a grant or contract. The action required to effect the exemption is a certification by the Secretary to be submitted for publication in the FEDERAL REGISTER. Such certifications will be forwarded to the Secretary through the General Counsel, and the exemption will not take effect until the certification is published.

(g) The other exemptive provision requiring action permits a special Government employee to represent, with or without compensation, a parent, spouse, child, or person or estate he serves as a fiduciary, but only if he has the approval of the official responsible for appointments to his position and the matter involved is neither one in which he has participated personally or substantially nor one under his official responsibility. The term "official responsibility" is defined in 18 U.S.C. 202 to mean, in substance, the direct administrative or operating authority to control Government action. In the Treasury Department, the "official responsible for appointments" for these purposes will be the bureau head for purposes of those appointed as consultants and advisers in bureaus, or the person to whom the appointee reports for purposes of those appointed as consultants or advisers in the Office of the Secretary.

§ 0.735–211 Applicability of 18 U.S.C. 207.

(a) Section 207 of Title 18, U.S. Code applies to individuals who have left Government service, including former special Government employees. It prevents a former employee or special Government employee from representing another person in connection with certain matters in which he participated personally and substantially on behalf of the Government. The matters are those involving a specific party or parties in which the United States is also a party or has a direct and substantial interest. In addition, section 207 of Title 18, U.S. Code, prevents a former employee or special Government employee, for a period of 1 year after his employment has ceased, from appearing personally for another person in such matters before a court, department, or agency if the matters were within the area of his official responsibility at any time during the last year of his Government service. It should be noted that a consultant or adviser usually does not have "official responsibility."

(b) For the purposes of section 207 of Title 18, U.S. Code, the employment of a special Government employee ceases on the day his appointment expires or is otherwise terminated, as distinguished from the day on which he last performs service. Accordingly, the appointment of an adviser or consultant should be terminated promptly as soon as it is determined that his services are no longer required.

§ 0.735–212 Applicability of 18 U.S.C. 208.

(a) Section 208 of Title 18, U.S. Code, bears on the activities of Government personnel, including special Government employees, in the course of their official duties. In general, it prevents an employee or special Government employee from participating as such in a particular matter in which, to his knowledge, he, his spouse, minor child, partner, or a profit or nonprofit enterprise with which he is connected has a financial interest. However, the section permits such an employee's agency to grant him an ad hoc exemption if the interest is not so substantial as to affect the integrity of his services. Insignificant interests may

also be waived by a general rule or regulation.

(b) The matters in which special Government employees are disqualified by section 208 of Title 18, U.S. Code, are not limited to those involving a specific party or parties in which the United States is a party or has an interest, as in the case of sections 203, 205, and 207 of Title 18, U.S. Code. Section 208, therefore, undoubtedly extends to matters in addition to contracts, grants, judicial and quasi-judicial proceedings, and other matters of an adversary nature. Accordingly, a special Government employee should in general be disqualified from participating as such in a matter of any type the outcome of which will have a direct and predictable effect upon the financial interests covered by the section. However, the power of exemption may be exercised in this situation if the special Government employee renders advice of a general nature from which no preference or advantage over others might be gained by any particular person or organization. The power of exemption may, of course, be exercised also where the financial interests involved are minimal in value.

(c) Exemptions under section 208 of Title 18, U.S. Code may be made by general rule or regulation by the Secretary. Ad hoc exemptions may be made by the Secretary, the Under Secretary and the Under Secretary for Monetary Affairs, or upon obtaining the approval of the Advisory Committee on Ethical Standards, by other officials in the Office of the Secretary and by bureau heads to whom advisers and consultants report.

CONSULTANTS AND ADVISERS

§ 0.735–220 Advice on rules of conduct and conflict of interest statutes.

If a special Government employee who is a consultant or adviser has doubt as to the ethics of any conduct falling within the standards of conduct and conflict of interest statutes, he should confer with the Chief Counsel of the bureau in which he is serving or the General Counsel of the Department if he is serving in the Office of the Secretary. The Chief Counsel of any bureau may refer doubtful questions to the General Counsel. Questions of ethical judgment may be referred to the Advisory Committee on Ethical Standards by the General Counsel.

§ 0.735–221 Industry, labor, agricultural, and other representatives.

There are situations where a consultant or adviser or member of an advisory committee may be providing advice as a representative of an outside group and not as an employee or special Government employee of the Department. Such questions normally arise with respect to members of advisory committees within the departments. Some advisory committees are clearly composed of representatives of industries. The Attorney General has ruled that the Advisory Group to the Commissioner of Internal Revenue is composed of persons serving in a representative capacity. Bureaus or offices using advisory committees may seek the advice of the Chief Counsel, or through him, the General Counsel, to determine whether members of any given advisory committee are serving in a representative capacity and not as employees of the Department. Persons serving in a representative capacity are not subject to the conflict of interest laws, but they should nonetheless be guided by the considerations in this part covering such points as use of inside information, abuse of office and gifts.

§ 0.735–222 Responsibility of the individual special Government employee.

Each person appointed as a special Government employee in the Treasury Department is responsible for:

(a) Familiarizing himself with the contents of this part and the applicability of the conflict of interest statutes in his particular case.

(b) Seeking advice and assistance in interpreting the laws and instructions in case he has any questions concerning them.

(c) Being alert to the possibility of conflicts of interest.

(d) Furnishing the Department with information concerning his financial interests and keeping this information current.

PROCEDURES TO BE FOLLOWED IN THE DEPARTMENT

§ 0.735–230 Information and assistance to special Government employees and their supervisors.

Each special Government employee appointed in the Department and each supervisor of a special Government employee will be given a copy of this part and will be required to familiarize himself with the conflict of interest laws and the provisions of the instructions applicable to him. If a special Government employee or prospective special Government employee or a supervisor desires assistance in interpreting the instructions or laws, he will be referred to the Chief Counsel or General Counsel. Either of the latter may refer questions of ethical judgment to the Advisory Committee on Ethical Standards. The committee is identified in Treasury Order No. 215.

§ 0.735–231 Disclosure of financial interests.

(a) In order to carry out its responsibility to avoid the use of the services of special Government employees in situations in which violations of the conflict of interest laws or of the regulations in this part may occur, at the time of initial employment and each reappointment thereafter each special Government employee who is a consultant or adviser will be required to supply a statement of (1) all other employment and (2) the financial interests of the special Government employee which the head of the bureau or office in which he serves determines are relevant in the light of the duties he is to perform, including, but not limited to, the name of companies in which he has a significant financial interest, and the nature of such financial interest. Each statement of financial interests will be forwarded to the General Counsel through the Advisory Committee on Ethical Standards along with a statement of the duties which the proposed special Government employee will be assigned.

(b) The supervisor of the special Government employee should review the statement of employment and financial interests in relationship to the duties to be performed and initially determine that no conflict of interest exists prior to submission of the material to the Advisory Committee. Accordingly, such statements must be kept current during the period the special Government employee is on the Government rolls. Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported in a supplementary statement to be furnished 6 months after the date of employment. If no changes or additions occur, a negative report is required, and the notation "no change" should be made on the form.

(c) The Department official or bureau head appointing a member of an advisory board or committee to serve in an individual rather than a representative capacity, may (1) waive disclosure of financial information when he considers that such information is not relevant to the advisory duties of the board or committee, or (2) waive disclosure of financial information except that which is relevant to the advisory duties of such board or committee. Such waiver or partial waiver is for the convenience of the Department and shall in no instance be considered a substitute for the exemption procedures described under "Applicability of 18 U.S.C. 208" in this subpart. If the official or bureau head elects to waive or partially waive disclosure of information as described in this paragraph rather than obtain complete disclosure of financial information, he must report in writing to the General Counsel through the Advisory Committee the names of the persons to whom waivers were granted and the specific reasons for the waivers. In cases of doubt as to which of the three actions is appropriate, he should obtain advice from the Advisory Committee.

§ 0.735–232 Service with other Federal agencies.

If a special Government employee is serving in other Federal agencies, he will be required to inform the Department and each of the agencies of his arrangements with the others so that appropriate administrative measures may be effected. Information of service with other Federal agencies will be submitted along with the statement of employment and financial interests and must be kept current while employed with the Treasury Department.

§ 0.735–233 Resolution of cases involving a conflict or apparent conflict of interest.

When a situation arises which indicates a confillict of interest or apparent conflict of interest and the matter is not resolved, information about the situation

will be reported to the General Counsel, who in turn will report to the Secretary. In any such situation, the special Government employee shall be provided an opportunity to explain the conflict or appearance of conflict.

§ 0.735–234 Disciplinary and other remedial action.

A violation of the regulations in this part may be cause for appropriate remedial action which may be in addition to any penalty prescribed by law. Remedial action may include, but is not limited to:

(a) Change in assigned duties;

(b) Disqualification for a particular assignment;

(c) Divestment by the special Government employee of his conflicting interest;

(d) Disciplinary action.

§ 0.735–235 Legal interpretation.

Whenever the General Counsel and the General Counsel of the Civil Service Commission believe that a substantial legal question is raised by the employment of a particular special Government employee as a consultant or adviser, the General Counsel will advise the Department of Justice, through the Office of Legal Counsel, in order to insure a consistent and authoritative interpretation of the law.

§ 0.735–236 Safeguard of information.

Statements of employment and financial interests, and supplementary statements shall be held in confidence. To insure this confidentality, bureaus and offices shall designate which employees are authorized to review and retain the statements. Employees so designated are responsible for maintaining the statements in confidence and shall not allow access to, or allow information to be disclosed from, a statement except to carry out the purpose of this part. Information from a statement may not be disclosed except as the Civil Service Commission or the Secretary of the Treasury may determine for good cause shown.

Subpart C—Additional Rules and Guidelines Applicable to Employees Stationed in Foreign Countries

GENERAL PROVISIONS

§ 0.735–300 Purpose.

This subpart sets forth additional rules and guidelines applicable to employees and special Government employees stationed in foreign countries.

§ 0.735–301 Policy.

Treasury employees and special Government employees on official duty in foreign countries are both representatives of the Treasury Department and the United States Government and guests of the country in which they serve. This subpart is intended simply to emphasize these points.

§ 0.735–302 General provisions governing conduct in foreign countries.

Treasury employees and special Government employees should familiarize themselves with the standards of conduct for State Department personnel overseas and be guided accordingly. The most important provisions regarding conduct, not otherwise covered in this subpart, are contained in §§ 0.735–310—0.735–316. Since application of the standards may vary slightly in different countries due to local differences, Treasury employees and special Government employees should look to the State Department embassy for the country in which service is being performed for guidance, interpretation and assistance.

SPECIFIC RULES OF CONDUCT

§ 0.735–310 Basic rule of conduct.

Treasury employees and special Government employees are obligated to obey the laws of the country in which they are assigned and to observe the rules of moral and courteous conduct in their official and personal lives.

§ 0.735–311 Applicability to American employees.

Each head of a Treasury organization overseas shall insure that all employees and special Government employees under his jurisdiction have read and are familiar with the provisions of this part.

§ 0.735–312 Applicability to members of families.

Restrictions placed on Treasury employees and special Government employees with respect to speeches, interviews and participation in activities abroad also shall apply to those members of the family of the employee and special Government employee who normally reside with him and are dependent on him. An employee or special Government employee shall be held to strict accountability for the actions of his family. Members of an employee's or special Government employee's family shall avoid expressing views which are unfriendly to or critical of the United States or the host country, their Governments, institutions, or people, either to or in the presence of persons of a foreign nationality. They shall, in addition, refrain from engaging in, or associating closely with, groups of people or organizations engaged in activities which are inimical to or embarrassing to the Government of the United States.

§ 0.735–313 Expression of thoughts and views.

Employees and special Government employees shall not allude in public speeches or newspaper interviews to disputes between governments or to active political issues in the United States or elsewhere, except with the authorization of the Department.

§ 0.735–314 Political activities.

Treasury employees and special Government employees shall not engage in any form of political activity in the country to which they are assigned. (This restriction does not apply to alien spouses who may continue to vote in their own countries.)

§ 0.735–315 Acceptance of employment by a member of a family.

Members of the family of a Treasury employee or special Government employee overseas shall not transact or be interested in any business or engage for profit in any profession in the country to which the employee or special Government employee is assigned without the approval of the bureau concerned. Bureaus may make certain exceptions to this with respect to employment for the U.S. Government.

§ 0.735–316 Sale of personal automobiles and other personal property.

The following provisions apply to all American employees and special Government employees regardless of agency, attached to United States embassies and constituent posts:

(a) The importation, sale or export of personal property including automobiles of American employees and special Government employees and their dependents must be in accordance with the laws, regulations and conventions of the host country.

(b) Personal property, including motor vehicles, brought to posts abroad by American employees and special Government employees must be for their bona fide personal use or that of their dependents, and not with intent of sale or transfer.

(c) Automobiles purchased for shipment to new posts of assignment should be unostentatious in appearance and modestly equipped.

(d) The employee or special Government employee will not be permitted to sell his personal property, including motor vehicles, at an amount in excess of the price he paid for it plus any taxes and customs paid by him, or for any valuable consideration in excess of the total of these amounts. However, an employee or special Government employee need not sell his personal property, including motor vehicles; he may export it, at his own or U.S. Government expense, under pertinent travel or shipping regulations. He must export it if required to do so by local law, local government regulation, or rules established by the ambassador.

(e) Full responsibility rests with the ambassador for controlling the importation and sale of personal property by all American employees or special Government employees attached to the embassy or constituent posts. He will issue and ensure compliance with local regulations consistent with policy prescribed herein and with other applicable regulations.

(f) Since conditions surrounding the importation and sale of personal property, including motor vehicles, vary widely country by country, Treasury must rely on the ambassador to issue detailed local regulations and procedures tailored to meet unique local situations. In issuing such local regulations and procedures consideration should be given to the following alternatives among others available to the ambassador. The ambassador may—

(1) Limit or prohibit importation of certain kinds of personal property. (For example, he may limit the number or frequency of motor vehicles imported.)

(2) Limit classes of persons to whom sales may be made. (For example, he may arrange for personal property sales to the host government, or to the U.S. Mission's commissary or employee association for use or rental by it.)

(3) Limit the conversion of currency realized from the sale of personal property.

(4) Require the exportation of personal property at Government or the employee's or special Government employee's expense under applicable travel or shipping regulations.

ADVICE AND COUNSELING

§ 0.735–320 Responsibility for guidance and assistance.

Supervisors in charge of Treasury activities overseas are responsible for providing guidance and assistance to their employees and special Government employees regarding conduct in such overseas activities. In the event the supervisor in the overseas location needs assistance and guidance or interpretation, he should first look to the State Department representative in the overseas country. If that is not possible or if he needs further assistance he should contact his bureau head. Bureaus may refer questions on the regulations in this part to the Director of Personnel who will confer with the State Department where necessary to assure uniformity of interpretation and of conditions in overseas locations.

APPENDIX A—IDENTIFICATION OF POSITIONS THE INCUMBENTS OF WHICH MUST FILE FINANCIAL STATEMENTS

SPECIFIC POSITIONS

Office of the Secretary

All employees Grade 15 and above.
All employees Grades 13 and 14, Office of Domestic Gold and Silver Operations.
All contract and procurement personnel Grades 13 and 14, Office of Administrative Services.

Office of the General Counsel

All attorneys Grade 15 and above, except those in the Office of the Director of Practice.

Bureau of Accounts

Commissioner of Accounts.
Deputy Commissioner of Accounts.
Chief Disbursing Officer.
Director, Government Financial Operations.
Comptroller.
Assistant Comptroller (Depositary Analysis).
Chief Auditor.
Operating Facilities Officer.
Chief, Procurement Section.

Office of the Comptroller of the Currency

Deputy Comptroller of the Currency.
Chief National Bank Examiner.
Chief Counsel.
Deputy Chief Counsel.
Associate Chief Counsel.
Regional Counsel.
Administrative Assistant to the Comptroller.
Deputy Administrative Assistant to the Comptroller.
Special Assistant to the Comptroller.
Chief Representative in Trusts.
Assistant Chief National Bank Examiner.
Director, International Division.
Chief, Organization Division.
Regional Administrator of National Banks.
Deputy Regional Administrator of National Banks.

Bureau of Customs

Deputy Commissioner of Customs.
Assistant Commissioners of Customs.
Chief Counsel.
Director, Audit Division.
Assistant Director, Audit Division.
Director, Financial Management Division.
Director, Appraisement and Collections Division.
Director, Inspection and Control Division.
Director, Technical Services Division.
Director, Tariff Classification Rulings Division.
Director, Entry Procedures and Penalties Division.
Director, Carriers, Drawback, and Bonds Division.
Director, Regulations Division.
Director, Facilities Management Division.
Customs Law Specialists GS–14 and above.
Regional Commissioners of Customs.
Deputy Regional Commissioners of Customs.
Assistant Regional Commissioners of Customs.
Deputy Assistant Regional Commissioners (Classification and Value).
Deputy Assistant Regional Commissioners (Inspection and Control).
Deputy Assistant Regional Commissioners (Financial Management).
Regional Counsels.
District Directors.
Assistant District Directors.
Special Agents in Charge.
Assistant Special Agents in Charge.
Deputy Special Agents in Charge.
Customs Attaches.
Resident Agents.
Senior Resident Agents.
Directors, Field Audit.
Assistant Directors, Field Audit.
Members and Supervisors of Import Specialist Teams, GS–13 and above.
Employees in Grades GS–15 and above and persons in comparable or higher positions not subject to the Classification Act, not otherwise identified above, except:
Director, Office of Planning and Research.
Planning and Research Officer, Office of Planning and Research.
Director, Personnel Management Division.
Assistant to the Commissioner (Security).
Assistant to the Commissioner (Foreign Customs Assistance).
Director, Management Analysis Division.

Bureau of Engraving and Printing

Director, Bureau of Engraving and Printing.
Deputy Director.
Office Chiefs.
Employees in Grade GS–13 and above who are responsible for making a Government decision or taking a Government action in regard to contracting or procurement.

Internal Revenue Service

All Staff Assistants in the Office of the Commissioner.
Assistant Commissioners.
Deputy Assistant Commissioners.
Office of Assistant Commissioner (Compliance):
—Division Directors.
—Assistant Division Directors.
Office of Assistant Commissioner (Data Processing):
—Director, Systems Divison.
Office of Assistant Commissioner (Planning and Research):
—Executive Assistant.
—Director, Systems Development Division.
Office of Assistant Commissioner (Technical):
—Technical Advisor to the Assistant Commissioner.
—Division Directors.
—Assistant Division Directors.
—Technical Advisor to Division Director.
—Branch Chiefs.
—Personnel at GS–13 and above who have authorty to sign off on tax rulings.
Office of Assistant Commissioner (Administration):
—Director, Facilities Management Division.
Regional Commissioners.
Regional Inspectors.
Assistant Regional Commissioners of Appellate, Audit, Collection, and Intelligence.
Executive Assistants to the Assistant Regional Commissioners of Appellate, Audit, Collection, and Intelligence.
District Directors.
Assistant District Directors.
All Attorneys, GS–15 and above.
Branch Chiefs, Assistant Branch Chiefs, and Associate Branch Chiefs in Appellate in Branch Offices.
Contract and procurement personnel in GS–13 and above.

Bureau of the Mint

Director of the Mint.
Deputy Director of the Mint.
Technical Consultant to the Director.
Assistant Technical Consultant to the Director.
Chief and Assistant Chief, Management Analysis and Production Division.
Financial Manager and Assistant Financial Manager, Budget and Finance Division.
Contract Specialist.
General Attorney.
Superintendents and Assistant Superintendents, Philadelphia and Denver Mints and New York Assay Office.
Officers in Charge, San Francisco Assay Office and Fort Knox Bullion Depository.
Assistant Officer in Charge, San Francisco Assay Office.

Bureau of the Public Debt

Commissioner of Public Debt.
Assistant Commissioner of Public Debt.
Deputy Commissioner of Public Debt.
Chief Counsel.
Assistant Chief Counsel.

U.S. Savings Bonds Division

Chief, Office Services.

U.S. Secret Service

Assistant Director for Administration.
Deputy Assistant Director for Administration.
Chief, Financial Management Division.
Chief, Administrative Operations Division.
Legal Counsel.

Office of the Treasurer, United States

Treasurer of the United States.
Deputy Treasurer of the United States.
Assistant Deputy Treasurer.
Assistant to the Deputy Treasurer.
Administrative Officer.

APPENDIX B—CONFIDENTIAL STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS

NOTE: Appendix B filed as part of the original document (April 16, 1966).

APPENDIX C—STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS FOR SPECIAL GOVERNMENT EMPLOYEES

NOTE: Appendix C filed as part of the original document (April 16, 1966).

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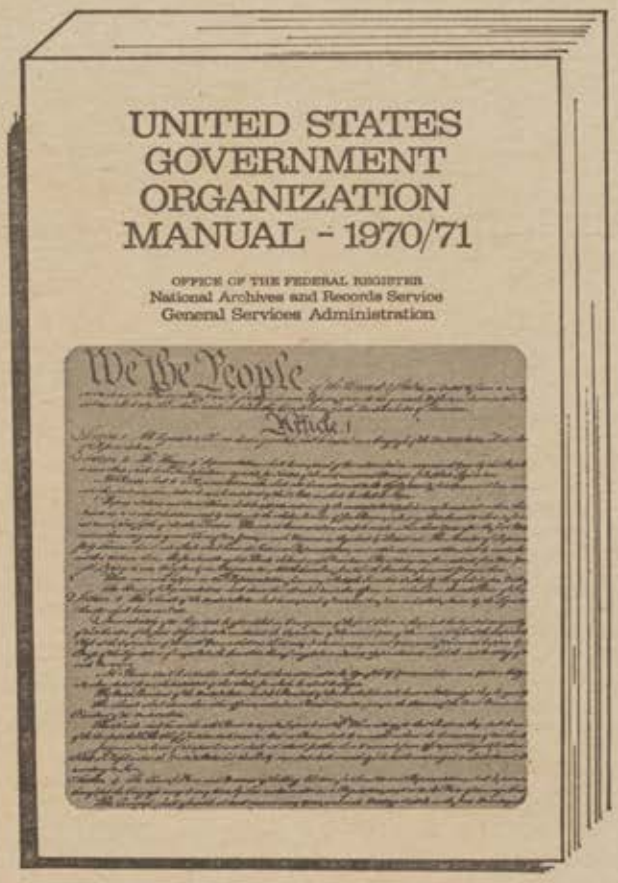

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