

# FEDERAL REGISTER

VOLUME 36 • NUMBER 9

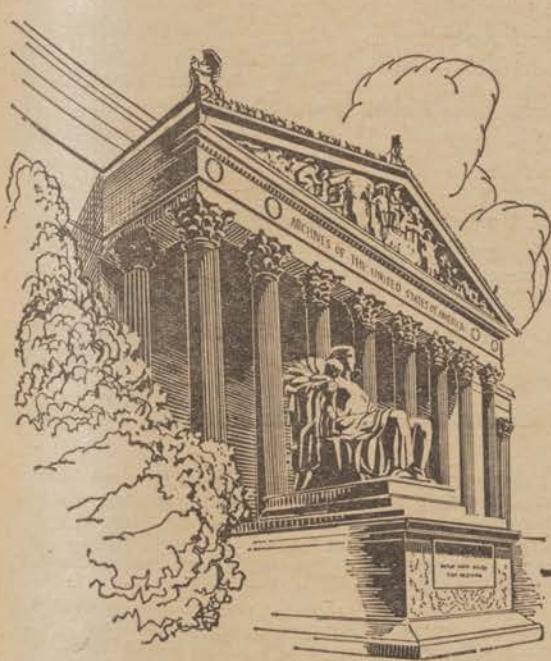
Thursday, January 14, 1971 • Washington, D.C.

Pages 489-594

#### Agencies in this issue—

Agricultural Research Service  
Atomic Energy Commission  
Civil Aeronautics Board  
Consumer and Marketing Service  
Defense Department  
Delaware River Basin Commission  
Environmental Protection Agency  
Federal Aviation Administration  
Federal Communications Commission  
Federal Maritime Commission  
Federal Power Commission  
Federal Reserve System  
Fish and Wildlife Service  
Food and Drug Administration  
Foreign Direct Investments Office  
General Services Administration  
Interior Department  
Internal Revenue Service  
Interstate Commerce Commission  
Land Management Bureau  
National Highway Safety Bureau  
National Oceanic and Atmospheric  
Administration  
National Park Service  
Panama Canal  
Securities and Exchange Commission  
Small Business Administration  
Veterans Administration

Detailed list of Contents appears inside.



# Public Papers of the Presidents of the United States

Annual volumes containing the public messages and statements, news conferences, and other selected papers released by the White House.

Volumes for the following years are now available:

## HARRY S. TRUMAN

1945	\$5.50	1949	\$6.75
1946	\$6.00	1950	\$7.75
1947	\$5.25	1951	\$6.25
1948	\$9.75	1952-53	\$9.00

## DWIGHT D. EISENHOWER

1953	\$6.75	1957	\$6.75
1954	\$7.25	1958	\$8.25
1955	\$6.75	1959	\$7.00
1956	\$7.25	1960-61	\$7.75

## JOHN F. KENNEDY

1961	\$9.00	1962	\$9.00
1963			\$9.00

## LYNDON B. JOHNSON

1963-64 (Book I)	\$6.75	1966 (Book I)	\$6.50
1963-64 (Book II)	\$7.00	1966 (Book II)	\$7.00
1965 (Book I)	\$6.25	1967 (Book I)	\$8.75
1965 (Book II)	\$6.25	1967 (Book II)	\$8.00
1968-69 (Book I)	\$10.50		
1968-69 (Book II)	\$9.50		

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office  
Washington, D.C. 20402



Area Code 202

Phone 962-8626

(49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$2.50 per month or \$25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935

Approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$2.50 per month or \$25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

# Contents

## AGRICULTURAL RESEARCH SERVICE

Rules and Regulations	
Brucellosis; modified certified areas	
Hog cholera and other communicable swine diseases; areas quarantined	

## AGRICULTURE DEPARTMENT

See Agricultural Research Service; Consumer and Marketing Service.	
--	--

## ATOMIC ENERGY COMMISSION

Notices	
Utah Construction and Mining Co.; availability of detailed statement on environmental considerations	

## CIVIL AERONAUTICS BOARD

Notices	
Hearings, etc.:	
McGregor Swire Air Services (America), Ltd.	
Trans World Airlines, Inc.	

## COMMERCE DEPARTMENT

See Foreign Direct Investments Office; National Oceanic and Atmospheric Administration.	
---	--

## CONSUMER AND MARKETING SERVICE

Rules and Regulations	
Oranges, Navel, grown in Arizona and California; handling limitation	
Proposed Rule Making	
Inspection and certification of certain agricultural commodities and products thereof; plant sanitation	

## DEFENSE DEPARTMENT

Rules and Regulations	
Salaries and personnel practices applicable to teachers and other employees of overseas dependents' school system; discontinuance	

## DELAWARE RIVER BASIN COMMISSION

Notices	
Charges for water supply; public hearing regarding proposed resolution of policy	
Point Pleasant water supply diversion; availability of environmental statement	

## ENVIRONMENTAL PROTECTION AGENCY

Notices	
Pesticide chemical petitions:	
Uniroyal, Inc.	567
William Cooper & Nephews, Inc.	567
493 FEDERAL AVIATION ADMINISTRATION	
Rules and Regulations	
Federal airways and jet route segments; alteration	494
Transition area; designation	494
Proposed Rule Making	
Transition area; designation	556

## FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations	
Organization; information bulletins	505
Proposed Rule Making	
FM broadcast stations; table of assignments:	
Certain stations in Alabama	560
Skowhegan, Maine, etc.	557
Television broadcast stations; table of assignments, New Haven, Conn.; extension of time	

## FEDERAL MARITIME COMMISSION

Notices	
Agreements filed:	
Port of Oakland and Harry H. Blanco Co.	567
Sea-Land Service, Inc., and Azta Shipping Co.	568
West Coast United States & Canada/India, Pakistan, Burma & Ceylon Rate Agreement	
American Export Isbrandtsen Lines, Inc.; order to show cause regarding publication of discriminatory rates	567
543	
545	

## FEDERAL POWER COMMISSION

Rules and Regulations	
Accounting treatment for land held for future utility use and for profits or losses realized through sales of those lands	
Uniform systems of accounts and forms	
Notices	
Hearings, etc.:	
Appalachian Power Co. and Indiana & Michigan Electric Co.	573
DeQueen, Ark., city of, and Louisiana-Nevada Transit Co.	569
El Paso Natural Gas Co.	569

Lone Star Gas Co.	569
Natural Gas Pipeline Company of America	570
Ohio Power Co.	573
Panhandle Eastern Pipe Line Co	570
Pennsylvania Power & Light Co	570
St. Lawrence Gas Co., Inc.	574
South Georgia Natural Gas Co.	571
Texas Gas Exploration Corp. et al.	571
Transcontinental Gas Pipe Line Corp.	572
Trunkline Gas Co.	572
United Gas Pipe Line Co. and Southern Natural Gas Co.	573

## FEDERAL RESERVE SYSTEM

Notices	
Applications for approval of acquisition of shares of banks:	
First at Orlando Corp.	575
Virginia Commonwealth Bankshares, Inc.	575
BancOhio Corp.; approval of acquisition of bank stock by bank holding company	574

## FISH AND WILDLIFE SERVICE

Rules and Regulations	
Crab Orchard National Wildlife Refuge, Ill.; public access, use, and recreation	506

## FOOD AND DRUG ADMINISTRATION

Rules and Regulations	
Cheese, blue and gorgonzola; identity standards; confirmation of effective date	495
Food additives and new animal drugs; buquinolate	495
Notices	
Food additive petitions:	
Diamond Shamrock Corp.	564
Monsanto Co.; withdrawal	564

## FOREIGN DIRECT INVESTMENTS OFFICE

Proposed Rule Making	
Rules of practice and general procedures	547

## GENERAL SERVICES ADMINISTRATION

507 Rules and Regulations	
Procurement by formal advertising; preparation of documents for acceptance	505

## HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.	
-----------------------------------	--

(Continued on next page)

**INTERIOR DEPARTMENT**

See also Fish and Wildlife Service; Land Management Bureau; National Park Service.

**Notices**

Commissioner of Indian Affairs; delegation of authority 563

**INTERNAL REVENUE SERVICE****Rules and Regulations**

Occupational tax stamps 505

**INTERSTATE COMMERCE COMMISSION****Notices**

Motor carrier, broker, water carrier, and freight forwarder applications 577

Motor carrier temporary authority applications (2 documents) 588, 590

**LAND MANAGEMENT BUREAU****Notices**

Oregon; opening of land; correction 563

Utah; proposed withdrawal and reservation of lands 563

**NATIONAL HIGHWAY SAFETY BUREAU****Rules and Regulations**

Motor vehicle safety standards; control location, identification, and illumination 503

**Proposed Rule Making**

Consumer information; availability requirements 557

**NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION****Notices**

LeRoy G. Cossette; loan application 563

**NATIONAL PARK SERVICE****Rules and Regulations**

Mammoth Cave National Park, Ky.; fishing, cave entry, vehicles 506

**PANAMA CANAL****Rules and Regulations**

Military reservations; revision of boundaries of certain reservations 496

**SECURITIES AND EXCHANGE COMMISSION****Notices***Hearings, etc.:*

Alberto-Culver Co. et al. 576

American Electric Power Co., Inc. 576

Hydroponics, Inc. 576

Pitney-Bowes, Inc., et al. 577

Viacom International, Inc. 577

**SMALL BUSINESS ADMINISTRATION****Notices**

Small Business Investment Company of Connecticut; approval of application for transfer of control of licensed small business investment company 575

**TRANSPORTATION DEPARTMENT**

See Federal Aviation Administration; National Highway Safety Bureau.

**TREASURY DEPARTMENT**

See Internal Revenue Service.

**VETERANS ADMINISTRATION****Rules and Regulations**

Loan guaranty; maximum interest rate 543

**List of CFR Parts Affected**

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1971, and specifies how they are affected.

**7 CFR**

907

**PROPOSED RULES:**

68

**9 CFR**

76

78

**14 CFR**

71 (2 documents)

75

**PROPOSED RULES:**

71

**15 CFR****PROPOSED RULES:**

1020

1025

1030

1035

1040

1050

**18 CFR**

543

545

493

493

494

494

556

494

494

19

121

135e

135g

**21 CFR**

44

45

301

**26 CFR**

547

547

547

**32 CFR**

547

259

**35 CFR**

5

**36 CFR**

7

**38 CFR**

36

**41 CFR**

5A-2

**47 CFR**

0

**PROPOSED RULES:**

73 (3 documents)

**49 CFR**

571

**PROPOSED RULES:**

575

**50 CFR**

505

28

498

500

543

505

557-562

503

557

506

# Rules and Regulations

## Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture  
SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-503]

### PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

#### Areas Quarantined

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

In § 76.2, the introductory portion of paragraph (e) is amended by adding the name of the State of Florida; paragraph (g) is amended by deleting the name of the State of Florida; and a new paragraph (e)(16) relating to the State of Florida is added to read:

(16) *Florida*. That portion of Escambia County bounded by a line beginning at the junction of U.S. Highway 29, State Highway 95 and State Highway 10, U.S. Highway 90A; thence, following U.S. Highway 29, State Highway 95 in a northwesterly direction to State Highway 196; thence, following State Highway 196 in a westerly direction to State Highway 99; thence, following State Highway 99 in a northwesterly direction to the Perdido River; thence, following the east bank of the Perdido River in a generally southerly direction to State Highway 10, U.S. Highway 90A; thence, following State Highway 10, U.S. Highway 90A in a northeasterly direction to its junction with U.S. Highway 29, State Highway 95.

(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. 18210, as amended)

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

The amendment quarantines a portion of Escambia County, Florida, 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 portion of such County.

The amendment also deletes Florida from the list of hog cholera free States in § 76.2(g), and the special provisions pertaining to the interstate movement of swine and swine products from and to such free States under Part 76 are no longer applicable to Florida.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera, and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the *FEDERAL REGISTER*.

Done at Washington, D.C., this 8th day of January 1971.

GEORGE W. IRVING, Jr.,  
Administrator,  
Agricultural Research Service.

[FR Doc. 71-515 Filed 1-13-71; 8:50 am]

### PART 78—BRUCELLOSIS

#### Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

##### MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111-113, 114a-1, 120, 121, 125), § 78.13 of said regulations designating Modified Certified Brucellosis Areas is hereby amended to read as follows:

##### § 78.13 Modified Certified Brucellosis Areas.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

*Alabama.* The entire State;  
*Alaska.* The entire State;  
*Arizona.* The entire State;  
*Arkansas.* The entire State;  
*California.* The entire State;  
*Colorado.* The entire State;  
*Connecticut.* The entire State;  
*Delaware.* The entire State;

*Florida.* Alachua, Baker, Bay, Bradford, Brevard, Broward, Calhoun, Charlotte, Citrus, Clay, Collier, Columbia, Dade, De Soto, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Hernando, Highlands, Hillsborough, Holmes, Indian River, Jackson, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Liberty, Madison, Manatee, Marion, Martin, Monroe, Nassau, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Putnam, St. Johns, St. Lucie, Santa Rosa, Sarasota, Seminole, Sumter, Suwanee, Taylor, Union, Volusia, Wakulla, Walton, and Washington Counties;

*Georgia.* The entire State;

*Hawaii.* The entire State;

*Idaho.* The entire State;

*Illinois.* The entire State;

*Indiana.* The entire State;

*Iowa.* The entire State;

*Kansas.* The entire State;

*Kentucky.* The entire State;

*Louisiana.* Acadia, Allen, Ascension, Assumption, Beauregard, Bienville, Bossier, Caddo, Calcasieu, Caldwell, Cameron, Catahoula, Claiborne, Concordia, De Soto, East Raton Rouge, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Iberia, Iberville, Jackson, Jefferson, Jefferson Davis, Lafayette, Lafourche, La Salle, Lincoln, Livingston, Madison, Morehouse, Natchitoches, Orleans, Ouachita, Plaquemines, Pointe Coupee, Rapides, Red River, Richland, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vermilion, Vernon, Washington, Webster, West Baton Rouge, West Carroll, West Feliciana, and Winn Parishes;

*Maine.* The entire State;

*Maryland.* The entire State;

*Massachusetts.* The entire State;

*Michigan.* The entire State;

*Minnesota.* The entire State;

*Mississippi.* The entire State;

*Missouri.* The entire State;

*Montana.* The entire State;

*Nebraska.* The entire State;

*Nevada.* The entire State;

*New Hampshire.* The entire State;

*New Jersey.* The entire State;

*New Mexico.* The entire State;

*New York.* The entire State;

*North Carolina.* The entire State;

*North Dakota.* The entire State;

*Ohio.* The entire State;

*Oklahoma.* The entire State;

*Oregon.* The entire State;

*Pennsylvania.* The entire State;

*Rhode Island.* The entire State;

*South Carolina.* The entire State;

*South Dakota.* Aurora, Beadle, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Corson, Custer, Davison, Day, Deuel, Dewey, Douglas, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hyde, Jackson, Jerauld, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Marshall, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Stanley, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;

*Tennessee.* The entire State;

*Texas.* Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin,

## RULES AND REGULATIONS

Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazos, Brewster, Briscoe, Brooks Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Chambers, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Freestone, Gaines, Garza, Gillespie, Glasscock, Collad, Gray, Grayson, Gregg, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hockley, Hood, Houston, Howard, Hudspeth, Hutchinson, Irion, Jack, Jasper, Jeff Davis Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamar, Lamb, Lampasas, Lee, Leon, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, McCulloch, McLennan, McMullen, Madison, Marion, Martin, Mason, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Polk, Potter, Presidio, Rains, Randall, Reagan, Real, Red River, Reeves, Refugio, Roberts, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Tom Greene, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Val Verde, Van Zandt, Ward, Washington, Webb, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala Counties:

Utah. The entire State;  
Vermont. The entire State;  
Virginia. The entire State;  
Washington. The entire State;  
West Virginia. The entire State;  
Wisconsin. The entire State;  
Wyoming. The entire State;  
Puerto Rico. The entire area;  
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111-113, 114a-1, 120, 121, 125; 29 F.R. 16210, as amended, 9 CFR 78.16)

*Effective date.* The foregoing amendment shall become effective upon publication in the **FEDERAL REGISTER** (1-14-71).

The amendment adds the following additional areas to the list of areas designated as Modified Certified Brucellosis Areas because it has been determined that such areas come within the definition of § 78.1(i): Hardee County in Florida; Chambers, Delta, Hardin, and Lamar Counties in Texas.

St. Martin Parish in Louisiana was deleted from the list of Modified Certified Brucellosis Areas on October 14, 1970. Since said date, it has been determined that such parish again comes within the definition of § 78.1(i); and, therefore, it has been redesignated as a Modified Certified Brucellosis Area.

The amendment deletes the following areas from the list of areas designated as Modified Certified Brucellosis Areas because it has been determined that such area no longer comes within the definition of § 78.1(i): Avoyelles Parish in Louisiana.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedures provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the **FEDERAL REGISTER**.

Done at Washington, D.C., this 11th day of January 1971.

R. S. SHARAN,  
Acting Director, Animal Health  
Division, Agricultural Research Service.

[FR Doc. 71-516 Filed 1-13-71; 8:50 am]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70-EA-69]

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

#### Designation of Transition Area

On page 14089 of the **FEDERAL REGISTER** for September 4, 1970, the Federal Aviation Administration published proposed regulations which would designate a Romulus, N.Y., transition area.

Interested parties were given 30 days in which to state objections to the proposed rule. Representatives of Penn Yan Airport which lies within the control area and Seneca Falls Airport which lies 2.5 miles from the area objected to the proposal. The former because of the imposition of the area over Penn Yan and the latter because of the reduction in the area which is being used for training and VFR flights. Because of the foregoing, the rule has been restructured so that the transition area is reduced from 10.5 to 6 miles. This reduction basically answers and should remove the aforementioned objections.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., March 4, 1971, as follows:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Romulus, N.Y., transition area described as follows:

ROMULUS, N.Y.

That airspace extending upward from 700 feet above the surface within a 6-mile radius

of a point 42°44'30" N., 76°52'20" W., and within 3.5 miles each side of the 330° bearing from the Seneca RBN 42°44'40" N., 76°54'18" W., extending from the 6-mile-radius area to 11 miles northwest of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655 (c))

Issued in Jamaica, N.Y., on December 22, 1970.

LOUIS J. CARDINALI,  
Acting Director, Eastern Region.

[FR Doc. 71-472 Filed 1-13-71; 8:46 am]

[Airspace Docket No. 70-SO-43]

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

### PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

#### Alteration of Federal Airways and Jet Route Segments

The purpose of these amendments to Parts 71 and 75 of the Federal Aviation Regulations is to alter VOR Federal airway and jet route segments in the vicinity of Nashville, Tenn.

The Nashville VORTAC is scheduled to be decommissioned at its present location and will be relocated during April 1971 to a site on the Nashville Metropolitan Airport at lat. 36°07'10" N., long. 86°40'57" W. Accordingly, action is being taken herein to realign the VOR airway and jet route segments which utilize the Nashville VORTAC in their designation.

Since these amendments are minor in nature and no substantive change in the regulations is effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., April 29, 1971, as hereinafter set forth.

1. Section 71.123 (34 F.R. 20419; 35 F.R. 2009, 4256, 5465, 6274, 7051) is amended as follows:

a. In V-5 all between "Nashville, Tenn., and Louisville, Ky.;" is deleted and "including an east alternate via INT Chattanooga 332° and Nashville 117° radials; Bowling Green, Ky.; New Hope, Ky., including an east alternate from Nashville to New Hope via INT Nashville 034° and New Hope 202° radials;" is substituted therefor.

b. In V-16 all between "Nashville, Tenn., and Knoxville, Tenn., is deleted and "including a north alternate from Jacks Creek to Nashville via INT Jacks Creek 049° and Nashville 285° radials; INT Nashville 102° and Hinch Mountain, Tenn., 285° radials; Hinch Mountain; including a south alternate via INT Nashville 117° and Hinch Mountain 268° radials, and a north alternate

via INT Nashville 085° and Hinch Mountain 301° radials," is substituted therefor. c. In V-140 all between "Livingston, Tenn., and "Whitesburg, Ky., is deleted and "including a south alternate via INT Nashville 085° and Livingston 232° radials; London, Ky., including a north alternate from Nashville to London via INT Nashville 049° and London 258° radials," is substituted therefor.

2. Section 75.100 (35 F.R. 2359) is amended as follows:

a. In the text of Jet Route No. 39 all between "Birmingham, Ala.;" and "Louisville, Ky." is deleted and "Nashville, Tenn.;" is substituted therefor.

b. In the text of Jet Route No. 45 all between "Atlanta, Ga.;" and "Des Moines, Iowa;" is deleted and "Nashville, Tenn.; St. Louis, Mo.;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 6, 1971.

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

[FR Doc. 71-743 Filed 1-13-71; 8:46 am]

## BUQUINOLATE

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (34-716V) filed by The Norwich Pharmacal Co., proposing (1) a revision in the limitation for use of buquinolate in replacement chickens to increase the feeding period for the drug from 16 weeks to 20 weeks of age and (2) an increase in the tolerance for residues of buquinolate in eggs. The supplemental application is approved.

The order also provides for recodification of the regulation concerning buquinolate in Part 121 to Part 135e in accordance with § 3.517 (21 CFR 3.517).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), in accordance with § 3.517, and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121, 135e, and 135g are amended, as follows:

### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

#### PART 121—FOOD ADDITIVES

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

#### § 121.291 [Deleted]

1. Section 121.291 *Buquinolate* is deleted.

### SUBCHAPTER C—DRUGS

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

2. Part 135e is amended by adding thereto the following new section:

##### § 135e.34 Buquinolate.

(a) *Chemical name.* Ethyl 4-hydroxy-6,7-diisobutoxy-3-quinolincarboxylate.

(b) *Approvals.* Premix level 16.5 percent granted to The Norwich Pharmacal Co., Post Office Box 191, Norwich, N.Y. 13815.

(c) *Assay limits.* Finished feed not less than 80 percent nor more than 120 percent of the labeled amount.

(d) *Special considerations.* Maximum level permitted in medicated feed: 0.011 percent (100 grams per ton). Do not feed to chickens over 140 days of age. Do not use in feeds containing bentonite.

(e) *Related tolerances.* See § 135g.2 of this chapter.

(f) *Conditions of use.* It is used as follows:

##### BUQUINOLATE IN ANIMAL FEED

	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1	75 (0.00825%)			For broiler chickens from day old to market age.	As an aid in the prevention of coccidiosis caused by <i>E. tenella</i> , <i>E. maxima</i> , <i>E. necatrix</i> , <i>E. brunetti</i> , and <i>E. acervulina</i> .
2	75 (0.00825%)	Arsanilic acid	90 (0.01%)	For broiler chickens; withdraw 5 days before slaughter; as sole source of organic arsenic.	As an aid in the prevention of coccidiosis caused by <i>E. tenella</i> , <i>E. maxima</i> , <i>E. necatrix</i> , <i>E. brunetti</i> , and <i>E. acervulina</i> ; growth promotion and feed efficiency; improving pigmentation.
3	75 (0.00825%)	3-Nitro-4-hydroxy-phenyl-arsenic acid.	22, 7-45, 4 (0.0025% 0.005%)	do.	Do.
4	75 (0.00825%)	Penicillin	2.4-50	For broiler chickens from day old to market age; as procaine penicillin.	As an aid in the prevention of coccidiosis caused by <i>E. tenella</i> , <i>E. maxima</i> , <i>E. necatrix</i> , <i>E. brunetti</i> , and <i>E. acervulina</i> ; growth promotion and feed efficiency.
5	75 (0.00825%)	Bacitracin	4-50	For broiler chickens from day old to market age; as zinc bacitracin or bacitracin methylene disalicylate.	Do.
6	75 (0.00825%)	Penicillin + bacitracin	3.6-50	For broiler chickens from day old to market age; not less than 0.6 gram of penicillin nor less than 3.0 grams of bacitracin; as procaine penicillin plus zinc bacitracin or bacitracin methylene disalicylate.	Do.
7	75 (0.00825%)	Chlortetracycline	200	For broiler chickens in low calcium feed containing 0.8 percent dietary calcium and 1 percent to 1.5 percent sodium sulfate; to be fed continuously for not more than the first 21 days of life.	As an aid in the prevention of coccidiosis caused by <i>E. tenella</i> , <i>E. maxima</i> , <i>E. necatrix</i> , <i>E. brunetti</i> , and <i>E. acervulina</i> ; treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis); prevention of synovitis.
8	75-100 (0.00825% 0.011%)			For broiler chickens from day old to market age.	As an aid in the prevention of coccidiosis caused by <i>E. tenella</i> , <i>E. maxima</i> , <i>E. necatrix</i> , <i>E. brunetti</i> , and <i>E. acervulina</i> .
9	75 (0.00825%)			For replacement chickens intended for use as caged layers; administer from day old through 140 days of age or until caging whichever occurs sooner.	Do.
10	75-100 (0.00825% 0.011%)			do.	Do.

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

[FR Doc. 71-475 Filed 1-13-71; 8:46 am]

**PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD**

3. Section 135g.2 is revised to read as follows:

**§ 135g.2 Buquinolate.**

Tolerances are established for residues of buquinolate as follows:

(a) In edible tissues of chickens:

(1) 0.4 part per million in uncooked liver, kidney, and skin with fat.

(2) 0.1 part per million in uncooked muscle.

(b) In eggs:

(1) 0.5 part per million in uncooked yolk.

(2) 0.2 part per million in uncooked whole eggs.

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

(Sec. 512(1), 82 Stat. 347; 21 U.S.C. 360b(1))

Dated: December 30, 1970.

JAMES O. GESLING,

Acting Director,

Bureau of Veterinary Medicine.

[FR Doc. 71-423 Filed 1-13-71; 8:45 am]

## Title 35—PANAMA CANAL

### Chapter I—Canal Zone Regulations

#### PART 5—PUBLIC LANDS; MILITARY RESERVATIONS

##### Revision of Boundaries of Certain Military Reservations

Effective upon publication in the **FEDERAL REGISTER** (1-14-71), Subpart B of Part 5 of Title 35, Code of Federal Regulations, is amended as follows:

###### **§ 5.24 [Amended]**

1. Section 5.24 *Fort Clayton Army Reservation* is amended as follows:

(a) Delete the last five (5) paragraphs of the description of Parcel No. 1, thereby ending said description with the paragraph reading: "N. 26°30' W., 766 feet, to monument No. 55, the point of beginning."

(b) Delete the description of Parcel No. 2 in its entirety and substitute therefor the following amended description of said parcel:

###### PARCEL NO. 2

Beginning at monument "U", which is a 3-inch iron pipe set in concrete, located southwesterly from the southerly corner of the hangar situated southwesterly from the Civil Affairs Building, Ancon, C.Z. The geodetic position of monument "U" is in latitude 8°57' N. plus 5,895.3 feet and longitude 79°33' W. plus 2,413 feet and is on the southerly boundary of Parcel No. 2, Albrook Air Force Base.

Thence from said initial point by metes and bounds:

N. 58°14'06" W., 227.6 feet, along the southwesterly edge of the concrete apron, southwesterly from the above-mentioned hangar, to monument No. 75-9, which is an iron rod set in concrete, located at the southwesterly edge of the above-mentioned apron;

N. 24°57'39" E., 146.2 feet, to monument No. 75-8, which is an iron rod set in concrete, located 15 feet westerly from the westerly corner of the above-mentioned hangar;

N. 32°22'09" E., 199.9 feet, along a line parallel to and 15 feet northwesterly from the northwesterly face of the above-mentioned hangar, to monument No. 75-7, which is a monel metal plug, located in a concrete sidewalk, and is 15 feet northwesterly from the northerly corner of the above-mentioned hangar;

N. 38°19'54" E., 157.2 feet, to monument No. 75-6, which is an iron rod set in concrete, located 5 feet northerly from the northerly edge of the northerly concrete apron of the above-mentioned hangar;

S. 58°18'51" E., 53.6 feet, to monument No. 75-5, which is an iron rod set in concrete, located 5 feet northerly from the northerly edge of the above-mentioned apron;

S. 84°11'06" E., 49.2 feet, to monument No. 75-4, which is an iron rod set in concrete, located 5 feet northerly from the northerly edge of the above-mentioned apron, and is 250 feet southeasterly from the northwesterly edge of a concrete taxiway;

N. 39°47'24" E., 210.7 feet, along a line parallel to and 250 feet southeasterly from the above-mentioned taxiway to monument No. 75-3, which is a 1 1/2-inch iron pipe set in concrete, located 250 feet southeasterly from the above-mentioned taxiway;

S. 20°18'10" E., 187.1 feet, to monument "Y", which is a 3-inch iron pipe set in concrete, located southwesterly from the Civil Affairs Building, Ancon;

S. 20°18'10" E., 254.1 feet, to monument "X", which is a 2 1/2-inch iron pipe set in concrete, located 15 feet northerly from the north edge of the Gaillard Highway pavement;

S. 67°02'00" W., 308.7 feet, to monument "W", which is a 3-inch iron pipe set in concrete, located on the outside of a cyclone fence near the southeast corner of the above-mentioned hangar;

S. 54°38'10" W., 65.7 feet, along the above-mentioned cyclone fence, to monument "V", which is a 3-inch iron pipe set in concrete;

S. 49°14'20" W., 154.6 feet, along the above-mentioned cyclone fence, to monument "U", the point of beginning.

(c) Incorporate, immediately under the foregoing amended description of Parcel No. 2, the following description of new Parcel No. 3 of Fort Clayton Army Reservation:

###### PARCEL NO. 3

Beginning at monument "A", which is an iron rod in concrete, located 15 feet and 8 inches easterly from the centerline of the 30-foot-wide concrete pavement of Bruja Road, the geodetic position of which, referred to the Canal Zone triangulation system, is in latitude 8°58' N. plus 2,894.3 feet and longitude 79°35' W. plus 4,056.2 feet from Greenwich.

Thence from said initial point by metes and bounds:

Northerly, along a line parallel to and 15 feet and 8 inches easterly from the centerline of the 30-foot-wide concrete pavement of Bruja Road, to monument "B", which is a brass plug located at the back of the easterly curb, above the southerly side of a concrete box culvert which crosses Bruja Road. Monument "B" is in latitude 8°58' N. plus 5,623.1 feet and longitude 79°35' W. plus 4,705 feet;

S. 49°33'25" E., 2,030 feet, more or less, through monument B-1, which is a 2-inch iron pipe set in concrete, to an unmarked point 1, the distances being 1,241 feet, more or less, and 789 feet, more or less, successively, from beginning of the course;

S. 40°26'35" W., 350 feet, more or less, to an unmarked point 2, located at the back of the curb on the northerly side of Tamarind

Avenue and the northwesterly projection of the back of the curb on the northeasterly side of Second Street;

Southeasterly, 150 feet, more or less, along the northwesterly projection of the back of the northeasterly curb of Second Street, crossing Tamarind Avenue, and following along the back of said curb, to an unmarked point 3, located at the back of the northeasterly curb of Second Street;

S. 73°45' E., 160 feet, more or less, to an unmarked point 3-A;

S. 16°15' W., 60 feet, more or less, to an unmarked point 3-B;

S. 73°45' W., 40 feet, more or less, to an unmarked point 3-C;

N. 16°15' E., 60 feet, more or less, to an unmarked point 3-D;

S. 73°45' E., 100 feet, more or less, to an unmarked point No. 4;

S. 3°00' W., 190 feet, more or less, crossing Sago Avenue, to an unmarked point No. 5;

N. 73°45' W., 100 feet, more or less, to an unmarked point No. 6;

N. 16°15' E., 40 feet, more or less, to an unmarked point No. 7, located northeasterly from the northeasterly corner of transformer house No. 2913;

N. 73°45' W., 40 feet, more or less, passing along the northerly side of the above-mentioned transformer house, to an unmarked point No. 8;

S. 16°15' W., 40 feet, more or less, passing along the westerly side of the above-mentioned transformer house, to an unmarked point No. 9;

N. 73°45' W., 110 feet, more or less, to an unmarked point No. 10, located at the back of the northeasterly curb of Second Street;

Southeasterly and southwesterly, 495 feet, more or less, following along the back of the above-mentioned curb, to an unmarked point No. 11, located at the back of the easterly curb of Second Street;

Due east, 265 feet, more or less, to an unmarked point No. 12, located on the meridian 79°35' W., plus 3,000 feet;

Due south, 290 feet, more or less, to an unmarked point No. 13, the geodetic position of which is in latitude 8°58' N. plus 2,894.3 feet and in longitude 79°35' W. plus 3,000 feet;

S. 68°00' W., 1,015 feet, more or less, to an unmarked point No. 14, located 75 feet easterly from the centerline of the 30-foot-wide concrete pavement of Bruja Road;

Northwesterly, 383 feet, more or less, along a line parallel to and 75 feet easterly from the centerline of the above-mentioned Bruja Road to an unmarked point No. 15, the geodetic position of which is in latitude 8°58' N. plus 2,894.3 feet and longitude 79°35' W. plus 3,996.9 feet;

Due west, 59.3 feet, to monument "A", the point of beginning.

The above-described boundary line from unmarked point No. 1 through point No. 14 inclusive, is common with the northerly boundary of U.S. Naval Reservation, Rodman, C.Z. (Parcel No. 1).

The directions of the lines refer to the true meridian. All geographic positions are referred to the Panama-Colon datum of the Canal Zone triangulation system.

The area of Fort Clayton Army Reservation is 5,047.1 acres, more or less (Parcel No. 1 is 4,980.3 acres, more or less, and Parcel No. 2 is 4.9 acres, more or less, as is shown on Canal Zone Government Drawing No. 6116-34 (Revision No. 6, dated Sept. 28, 1966) entitled "Map Showing U.S. Army and U.S. Air Force reservations—Fort Clayton, Corozal, Curundu, and Albrook Air Force Base, Canal Zone", scale 1: 10,000 dated May 29, 1952; and Parcel No. 3 is 61.9 acres, more or less, as is shown on Canal Zone Government Drawing M-6117-46-R1, scale 1: 3,000, dated June 9, 1966). Both drawings are on file in the Office of the Governor, Balboa Heights, C.Z.

## § 5.28 [Amended]

2. Section 5.28 *Fort Gulick Army Reservation* is amended as follows:

(a) Delete the last paragraph of the description of Parcel No. 2 (which begins with the words: "The reservation contains a total area of 1,901.9 acres, more or less \* \* \*").

(b) Incorporate, immediately under said description of Parcel No. 2, the following description of new Parcel No. 3 of Fort Gulick Army Reservation:

## PARCEL NO. 3

The area comprising this parcel is situated east of Randolph Road, south of Galeta Road, west of Canal Zone-Republic of Panama boundary and north of Boyd-Roosevelt Highway and the boundary is more particularly described as follows:

Beginning at monument No. 1, which is a brass plug located in the concrete pavement, on the easterly side of Randolph Road, and northerly from the junction of Galeta Road, the geodetic position of which, referred to the Canal Zone triangulation system is in latitude 9°22' N. plus 4,566.3 feet and longitude 79°52' W. plus 5,664.3 feet from Greenwich. Monument No. 1 is S. 32°39'00" E., 131 feet from Precise Bench Mark "C".

Thence from said initial point by metes and bounds:

N. 62°40'40" E., 148.2 feet to monument No. 10, which is a 2-inch iron pipe, located on the northerly side of Galeta Road;

S. 14°02'10" E., 50 feet, more or less, to an unmarked point called No. 10-A, located on a line parallel to and 30 feet southerly from the centerline of Galeta Road;

In a generally easterly and northerly direction, following a line parallel to and 30 feet southerly from the centerline of Galeta Road and Road R12-E (old 100' Hill Road) to an unmarked point called 81-H, located on longitude 79°51' W. plus 3,607.6 feet and latitude 9°23' N. plus 882.99 feet;

Due east, 75 feet, more or less, to monument No. 34, which is a brass plug in concrete;

N. 89°58'00" E., 3,926.6 feet, through monument No. 43, which is a brass plug in concrete monument, to an unmarked point called 43-A, located on the Canal Zone-Republic of Panama boundary line, the distances being 3,531.4 feet and 395.2 feet, successively, from beginning of the course;

S. 00°32'00" W., 747.8 feet, along the Canal Zone-Republic of Panama boundary line, to monument No. 1, which is a 4-inch iron pipe with a cap;

S. 00°32'00" W., 2,260.7 feet, through monument No. 1-1, which is a 1½-inch iron pipe, to monument No. 2, which is a 4-inch iron pipe with a cap, the distances being 816 feet and 1,444.7 feet, successively, from beginning of the course;

S. 00°33'00" W., 2,920.3 feet, through monuments Nos. 2-1 and 2-2, which are 1½-inch iron pipes, and monument No. 3, which is a 4-inch iron pipe with a cap, to monument No. 3-1, which is a 2-inch iron pipe, the distances being 496.2 feet, 1,142.3 feet, 835.1 feet, and 446.7 feet, successively, from beginning of the course;

S. 00°35'50" W., 363.5 feet, along the Canal Zone-Republic of Panama boundary, through monument No. 3-2, which is a 1½-inch iron pipe, to monument No. 3-3, which is a 1½-inch iron pipe, the distances being 141 feet and 222.5 feet, successively, from beginning of the course;

S. 00°33'00" W., 382.6 feet, through monument No. 3-4, which is a 1½-inch iron pipe, to monument No. 3-5, which is a 1½-inch iron pipe, the distance being 108.6 feet and 274 feet, successively, from beginning of the course;

S. 00°32'50" W., 467.1 feet, through monument No. 3-6, which is a 2-inch iron pipe, to monument No. 3-7, which is a 2½-inch iron pipe, the distances being 260 feet and 207.1 feet, successively, from beginning of the course;

S. 00°33'20" W., 824.7 feet, through monument No. 4, which is a 4-inch iron pipe with a cap, to monument No. 4-1, which is a 1½-inch iron pipe, the distances being 446 feet and 378.7 feet, successively, from beginning of the course;

S. 00°32'00" W., 627.8 feet, to monument No. 4-2, which is a 1½-inch iron pipe;

S. 00°32'50" W., 843 feet, through monuments Nos. 4-3 and 4-4, which are 2-inch iron pipes, monument No. 4-5, which is a 1½-inch iron pipe, to monument No. 4-6, which is a 1½-inch iron pipe, the distances being 381.2 feet, 190.8 feet, 187.6 feet, and 103.4 feet, successively, from beginning of the course;

S. 00°33'20" W., 350.5 feet, to monument No. 4-7, which is a 2-inch iron pipe;

S. 00°32'30" W., 372.7 feet, through monument No. 5, which is a 4-inch iron pipe with a cap, to monument No. 5-1, which is a 2-inch iron pipe, located on the northern boundary of the Colon Corridor, the distances being 363.8 feet and 8.9 feet, successively, from beginning of the course;

S. 63°00'39" W., along the northern boundary of the Colon Corridor, a distance of 4,614.02 feet to monument N.H. 1;

Thence following the boundary of the Coco Solo Hospital Area, to monument N.H. 9-1, as follows:

N. 16°58'20" W., 477.5 feet, to monument N.H. 16, which is a 2-inch iron pipe;

N. 55°03'30" W., 1,047 feet, through monuments N.H. 15 and N.H. 14, which are 2-inch iron pipes, to monument N.H. 13, which is a 2-inch pipe, the distances being 209.5 feet, 448.1 feet, and 389.4 feet successively, from beginning of the course;

S. 55°45'15" W., 983.1 feet, through monuments N.H. 12 and N.H. 11, which are 2-inch iron pipes, to monument N.H. 10, which is a 2-inch iron pipe, located on the right bank of the Rio Coco Solo, the distances being 500 feet, 200 feet, and 283.1 feet, successively, from beginning of the course. The geodetic position of monument N.H. 10 is in latitude 9°21' N. plus 1,208.3 feet and longitude 79°51' W. plus 5,634.5 feet;

In a general southerly direction, along the right bank of the Rio Coco Solo, to monument N.H. 9-1, which is a 2-inch iron pipe, located on the northern boundary of the Colon Corridor, the geodetic position of which is in latitude 9°20' N. plus 5,973 feet and longitude 79°51' W. plus 5,128.4 feet;

Southwesterly, along the northern boundary of the Colon Corridor, to monument S-2, which is a scribed brass plug, located in the easterly edge of the concrete pavement of the R-16 Road;

S. 78°16'45" W., 60.5 feet, following the northern boundary of the Colon Corridor, through monument S-1, which is a scribed brass plug, located in the westerly edge of the concrete pavement of the above mentioned R-16 Road, to monument "S", which is a 2-inch iron pipe, located 50 feet westerly from the centerline of the pavement of the above-mentioned R-16 Road, the distances being 21 feet and 39.5 feet, successively, from beginning of the course. The geodetic position of monument "S" is in latitude 9°20' N. plus 3,537.3 feet and longitude 79°52' W. plus 2,537.2 feet;

Northerly, along a line parallel to and 50 feet westerly from the centerline of the concrete pavement of the above mentioned R-16 Road, through monument "R", which is a 10-inch square concrete post, to monument F-32, which is a 2-inch iron pipe. The

geodetic position of monument "R" is in latitude 9°20' N. plus 6,043.5 feet and longitude 79°52' W. plus 3,182.9 feet and the geodetic position of monument F-32 is in latitude 9°21' N. plus 757.7 feet and longitude 79°52' W. plus 3,782.2 feet;

N. 66°00'30" E., 575.6 feet, through monument F-31, which is a brass plug, located near the westerly edge of the concrete pavement of the above mentioned R-16 Road and monument F-30, which is a 2-inch iron pipe, to monument F-29, which is a 2-inch iron pipe, the distances being 40.6 feet, 448.5 feet, and 86.5 feet, successively from beginning of the course;

N. 25°27'40" W., 478.2 feet, through monument F-28, which is a 2-inch iron pipe, to monument F-27, which is a 3-inch iron pipe, the distances being 218 feet and 260.2 feet, successively, from beginning of the course;

N. 64°53'25" E., 1,449.1 feet, through monument F-26, which is a 2-inch iron pipe, monument F-25, which is a 2½-inch iron pipe, monument F-24, which is a 2-inch iron pipe, monument F-23, which is a brass plug in concrete slab of a barbecue pit, to monument F-22, which is a 2-inch iron pipe, the distances being 337.1 feet, 370.7 feet, 240.5 feet, 347.8 feet, and 153 feet, successively, from beginning of the course;

N. 19°08'50" W., 717.5 feet, along a line parallel to and 160 feet southwesterly from the centerline of a concrete taxi strip, through monument F-21, which is a 2-inch iron pipe, to monument F-20, which is a 3-inch iron pipe, the distances being 142.7 feet and 574.8 feet, successively, from beginning of the course;

N. 55°05'35" W., 202.8 feet, through monument F-19, which is a 2½-inch iron pipe, to monument F-18, which is a 2-inch iron pipe, the distances being 105.7 feet and 97.1 feet, successively, from beginning of the course;

S. 56°48'40" W., 243.8 feet, to monument F-17, which is a 2-inch iron pipe;

S. 08°30'10" W., 279.2 feet, through monument F-16, which is a 2-inch iron pipe, to monument F-15, which is a 2-inch iron pipe, the distances being 164.5 feet and 114.7 feet, successively, from beginning of the course;

S. 09°58'05" E., 234.5 feet, to monument F-14, which is a 2-inch iron pipe;

S. 64°48'55" W., 319.3 feet, to monument F-13, which is a 2-inch iron pipe;

S. 44°09'40" W., 281.5 feet, through monument F-12, which is a 2½-inch iron pipe, to monument F-11, which is a 2-inch iron pipe, the distances being 100.8 feet and 180.7 feet, successively, from beginning of the course;

From monument F-11 to monument F-4, the boundary follows parallel to and approximately 1.5 feet from the outside of a cyclone fence;

S. 53°48'55" W., 151.4 feet, to monument F-10, which is a 2-inch iron pipe;

N. 76°14'05" W., 491.5 feet, to monument F-9, which is a 2-inch iron pipe;

S. 86°18'25" W., 98.9 feet, to monument F-8, which is a 2-inch iron pipe;

S. 33°54'25" W., 150.0 feet, to monument F-7, which is a 2-inch iron pipe;

S. 86°13'40" W., 331.5 feet, to monument F-6, which is a 2-inch iron pipe;

S. 03°12'35" E., 106.9 feet, to monument F-5, which is a 2-inch iron pipe;

S. 85°37'25" W., 498.6 feet to monument F-4, which is a 2-inch iron pipe, located on the northerly side of France Road and the easterly side of Randolph Road;

N. 03°46'35" W., 400 feet, along the westerly side of a cyclone fence on the easterly side of Randolph Road, to monument F-3, which is a brass plug located in the easterly lip of a concrete ditch;

## RULES AND REGULATIONS

N.  $03^{\circ}33'45''$  W., 1,569.6 feet, along a line which is parallel to and 43.5 feet easterly from the centerline of the 30-foot-wide pavement of Randolph Road to monument F-2, which is a 2-inch iron pipe;

N.  $81^{\circ}59'55''$  E., 16.5 feet, to monument F-1, which is a 2-inch iron pipe, located 60 feet easterly from the centerline of the pavement of the above-mentioned Randolph Road;

Northerly, 3,493.8 feet, along a line parallel to and 60 feet, more or less, easterly from the centerline of the above-mentioned concrete pavement of Randolph Road, to monument B-1, which is a 2-inch iron pipe;

S.  $89^{\circ}59'45''$  E., 17.1 feet, to monument No. B-1-A, which is a  $1\frac{1}{4}$ -inch iron pipe, located near the southwesterly corner of a cyclone fence;

N.  $03^{\circ}34'00''$  W., 1,947.5 feet, along a line parallel to and 77.3 feet easterly from the centerline of the 30-foot-wide pavement of Randolph Road, along the westerly side of a cyclone fence, to monument B-14, which is a 2-inch iron pipe;

Thence following along a line parallel to and approximately 1.5 feet westerly from the above-mentioned cyclone fence, on the easterly side of Randolph Road, to monument B-16, as follows:

N.  $07^{\circ}45'00''$  W., 254.4 feet, to monument B-15, which is a 2-inch iron pipe;

N.  $12^{\circ}13'30''$  W., 849.6 feet, to monument B-16, which is a 2-inch iron pipe;

S.  $86^{\circ}46'30''$  W., 200.4 feet, crossing Randolph Road, to monument B-17, which is a 2-inch iron pipe;

N.  $87^{\circ}51'45''$  W., 562 feet, to monument B-18, which is a 2-inch iron pipe, located northeasterly from Quarters No. 334;

N.  $14^{\circ}14'00''$  W., 763.2 feet, more or less, through monument B-19, which is a brass plug in a top of a concrete seawall, to an unmarked point called B-20, on the northerly face of the above-mentioned seawall at the intersection of the mean low waterline of Margarita Bay, the distances being 760.7 feet and 2.5 feet, more or less, successively, from beginning of the course;

Easterly, following the mean low waterline of Margarita Bay, along the northerly side of the above-mentioned concrete seawall to an unmarked point called No. 4, located N.  $12^{\circ}14'20''$  W., 2 feet, more or less, from monument No. 3, which is a brass plug in the center of the above-mentioned seawall:

S.  $12^{\circ}14'20''$  E., 2 feet, more or less, to the above-mentioned monument No. 3, the geodetic position of which is in latitude  $9^{\circ}22' N.$  plus 4,810.6 feet and longitude  $79^{\circ}52' W.$  plus 5,797.7 feet;

S.  $12^{\circ}14'20''$  E., 249.9 feet, along the easterly side of a cyclone fence and along the westerly side of a concrete drainage ditch to monument No. 2, which is a brass plug located in the lip of the above-mentioned drainage ditch;

Due east, 80.4 feet, crossing Randolph Road, to monument No. 1, the point of beginning.

The directions of the lines refer to the true meridian.

All geographic positions are referred to the Panama-Colon datum of the Canal Zone Triangulation System.

The reservation contains a total area of 4,953 acres, more or less (Parcel No. 1 at Gulick—mainland 1,755.8 acres and islands 85.3 acres, more or less; Parcel No. 2 at Coco Solo—area above mean low water 60.75 acres, more or less; Parcel No. 3 is 3,051 acres, more or less) and is as shown on Canal Zone Government Drawing No. M 6118-44, entitled "Map Showing Boundary of Fort Gulick Army Reservation" scale 1:10,000, dated January 20, 1958 (Revision No. 1 dated Feb. 20, 1959) and No. 6121-72 entitled "Map Showing United States Army and Navy Reservations, Fort Gulick, Fort Randolph and Coco Solo, Canal Zone" dated September 15, 1969, scale

1:10,000. These maps are on file in the Office of the Governor of the Canal Zone, Balboa Heights, C.Z.

**3. Section 5.29 Fort Kobbe Army Reservation** is amended as follows: Delete paragraph (a) in its entirety and substitute therefor the following amended description of Fort Kobbe Army Reservation, amend paragraph (c), and delete paragraph (d).

**§ 5.29 Fort Kobbe Army Reservation.**

(a) The following described area of land, situated in the Canal Zone and designated as Fort Kobbe Army Reservation, is reserved and set apart as, and assigned to the uses and purposes of, an Army reservation, under the jurisdiction and control of the Secretary of the Army, but subject to § 5.82:

Beginning at monument No. E-8, which is a 12-inch square concrete monument, located on the westerly boundary of the Palo Seco Leper Colony, the geodetic position of which, referred to the Canal Zone triangulation system, is in latitude  $8^{\circ}54' N.$  plus 4,728.9 feet and longitude  $79^{\circ}34' W.$  plus 2,002.3 feet, from Greenwich.

Thence from said initial point by metes and bounds:

East, 373.3 feet, along the above-mentioned boundary to monument E-8, which is a 12-inch square concrete monument.

S.  $40^{\circ}58'30''$  E., 249.9 feet, along the above-mentioned boundary to monument E-7, which is a 12-inch-square concrete monument.

S.  $28^{\circ}23'40''$  E., 628.7 feet, along the above-mentioned boundary to monument E-6, which is a 2-inch iron pipe.

S.  $28^{\circ}20'40''$  E., 156.7 feet, along the above-mentioned boundary to monument E-5, which is a 12-inch-square concrete monument.

S.  $29^{\circ}33'50''$  E., 337.4 feet, along the above-mentioned boundary through monument E-4, which is a 2-inch iron pipe, to monument E-3, which is a 2-inch iron pipe, the distances being 92.9 feet and 244.5 feet, successively, from beginning of the course.

S.  $29^{\circ}33'10''$  E., 724 feet, along the above-mentioned boundary to monument E-2, which is a 2-inch iron pipe.

S.  $29^{\circ}34'00''$  E., 525.6 feet, along the above-mentioned boundary to monument E-1, which is a 2-inch iron pipe, located above high water mark on the shore of Panama Bay, the geodetic position of which is in latitude  $8^{\circ}54' N.$  plus 2,468.2 feet and longitude  $79^{\circ}34' W.$  plus 308.9 feet.

S.  $29^{\circ}34'00''$  E., 540 feet, more or less, to an unmarked point called "E", located on the mean low waterline on the shore of Panama Bay.

In the generally southwesterly direction along the mean low waterline on the shore of Panama Bay to an unmarked point called "F".

North, 3,800 feet, more or less, to monument F-1, which is a 10-inch square concrete monument, located above the high water mark on the shore of Panama Bay, the geodetic position of which is in latitude  $8^{\circ}53' N.$  plus 4,038.1 feet and longitude  $79^{\circ}36' W.$

North, 2,009.3 feet, through monuments F-2, F-3, and F-4, which are 3-inch iron pipes, to monument "G", which is a  $2\frac{1}{2}$ -inch iron pipe, beneath the surface of the ground in a rock crushing plant, the distances being 162.5 feet, 851.8 feet, 905 feet, and 90 feet, successively, from the beginning of the course;

North,  $89^{\circ}59'30''$  W., 209.1 feet, more or less, through monument No. 1-A, which is a 2-inch iron pipe, to an unmarked point

called "R", located on the centerline of Rio Venado, the distances being 159.1 feet and 50 feet, more or less, successively, from the beginning of the course;

Northerly, 1,600 feet, more or less, along the centerline of the Rio Venado to an unmarked point called "Q", located on the centerline of the Rio Venado, on the parallel of  $8^{\circ}54' N.$  plus 1,300 feet;

East, 3,100 feet, more or less, to an unmarked point called "P", located 20 feet southeasterly from the centerline of Foggin Road on the parallel of  $8^{\circ}54' N.$  plus 1,300 feet;

Northeasterly and northerly, 1,000 feet, more or less, along an offset line 20 feet east from the centerline of Foggin Road, to an unmarked point called "O", located on the northerly projection of the above-mentioned 20-foot offset line and its intersection with a line parallel to and 30 feet northeasterly and easterly from the centerline of Andrew's Boulevard.

Northwesterly and northerly, 2,850 feet, more or less, along a line parallel to and 30 feet northeasterly and easterly from the centerline of Andrew's Boulevard to an unmarked point called "N", located 20 feet southerly from the centerline of Evans Jones Street;

Easterly, 1,743 feet, more or less, along a line parallel to and 20 feet southerly from the centerline of Evans Jones Street and Big Row Road to an unmarked point called M-4;

S.  $11^{\circ}40' W.$ , 55 feet, to an unmarked point called M-3;

S.  $78^{\circ}20' E.$ , 52 feet, to an unmarked point called M-2;

N.  $11^{\circ}40' E.$ , 55 feet, to an unmarked point called M-1;

Easterly, 705 feet, more or less, along a line parallel to and 20 feet southerly from the centerline of Big Row Road to an unmarked point called "M", located on the intersection of the above-mentioned offset line with the meridian  $79^{\circ}35' W.$  plus 1,600 feet;

Easterly, 1,600 feet, to an unmarked point called "L", located on parallel of latitude  $8^{\circ}54' N.$  plus 4,328.9 feet and meridian  $79^{\circ}35' W.$ ;

North, 400 feet, to an unmarked point called "K";

East, 4,011.8 feet, to E-9, which is a 12-inch square concrete monument, the point of beginning.

The above described boundary from unmarked point "R" through points "Q", "P", "O", "N", "M", "L", and "K", to monument E-9 is common with the easterly and southerly boundary of Howard Air Force Base (Parcel No. 1).

The directions of the lines refer to the true meridian. All geographic positions are referred to the Panama-Colon datum of the Canal Zone triangulation system.

The area of the above described tract is 1,607 acres, more or less (the area above high water line is 1,400 acres, more or less) and is as shown on Canal Zone Government Drawing No. X-6121-47, Sheet 1 of 2, entitled "Boundaries of Howard Air Force Base and Fort Kobbe Army Reservation," scale 1:10,000, dated May 13, 1969, on file in the office of the Engineering Division, Panama Canal Company, Balboa Heights, C.Z.

(c) If the Venado Beach area is activated by the Canal agencies as a recreational area and bathing beach, persons eligible to utilize such area shall be permitted access thereto through Fort Kobbe Army Reservation, and suitable provision shall be made to enable the Canal agencies to construct an access road connecting Venado Beach with roads heretofore or hereafter constructed within said reservation.

(d) [Deleted]

4. Section 5.42 Coco Solo Navy Reservation is amended by deleting the description of Parcel No. 2 in its entirety and substituting therefor the following revised description of said parcel:

**§ 5.42 Coco Solo Navy Reservation.**

(a) \* \* \*

**PARCEL NO. 2**

Beginning at monument No. 10, which is a 2-inch iron pipe, located on the northerly side of Galeta Road and N. 62°40'40" E., a distance of 148.2 feet from monument No. 1. The geodetic position of monument No. 10 is in latitude 9°22' N. plus 4,634.4 feet and longitude 79°52' W. plus 5,532.6 feet from Greenwich.

Thence from said initial point by metes and bounds:

N. 75°40'10" E., 260.2 feet, to monument No. 9, which is a 2-inch iron pipe, located on the northerly side of Galeta Road;

N. 65°25'30" E., 284.3 feet, to an unmarked point called No. 8, located 50 feet northerly from the centerline of Galeta Road, on the mean low waterline of the Caribbean Sea on the left bank of the Rio Coco Solo;

In a general westerly and northerly direction, following the mean low waterline of the Caribbean Sea, along the left bank of the Rio Coco Solo and the shore of Margarita Island (except where drainage ditches extend inland from the shoreline) to an unmarked point called No. 7-A, located on longitude 79°52' W. plus 5,780 feet;

The above-described boundary from monument No. 10 to unmarked point called No. 7-A, is common with a part of the southern and all of the eastern boundary of Fort Randolph Army Reservation.

Due north, 130 feet more or less, to an unmarked point called No. 7-B, located on the mean low waterline of the Caribbean Sea, on the southerly side of an unnamed island southeast from Palma Media Island;

In a general northerly and easterly direction, following the mean low waterline of the Caribbean Sea, along the seaward side of all mainland and islands (two unnamed islands south of Palma Media Island, Palma Media Island, Galeta Islands, Pena Guapa Islands, an unnamed Island east of Pena Guapa Island, and the western part of Largo Remo Island) to an unmarked point called No. 7-I, located on the northerly side of Largo Remo Island and N. 00°32'00" E., 850 feet, more or less, from monument No. 0, of the original Canal Zone-Republic of Panama Five Mile Boundary Line;

N. 00°14'50" E., 100 feet, more or less, to an unmarked point called No. 7-J, located on the Canal Zone-Republic of Panama boundary and the extreme low waterline of the Caribbean Sea;

In a general easterly, southerly and westerly direction following the Canal Zone-Republic of Panama boundary line along the extreme low waterline of the Caribbean Sea, along the shoreline of the Largo Remo Island, Droque Island, and two small islands to the north and adjacent to Droque Island, to an unmarked point called No. 7-K, located on the C.Z.-R.P. boundary and the extreme low waterline of the Caribbean Sea at the southerly side of Largo Remo Island;

S. 00°32'00" W., 2,602.2 feet, more or less, along the Canal Zone-Republic of Panama boundary line to an unmarked point called 43-A;

S. 89°58'00" W., 3,926.6 feet, through monument No. 43, which is a brass plug in concrete, to monument No. 34, which is a brass plug in concrete;

Due west, 75 feet, more or less, to an unmarked point called 81-H, located on latitude

9°23' N. plus 882.99 feet and longitude 79°51' W. plus 3,607.6 feet;

In a general westerly and southerly direction, following a line parallel to and 30 feet southerly from the centerline of Road R12-E (old 100' Hill Road) and Galeta Road to an unmarked point called No. 10-A, located on a line parallel to and 30 feet southerly from the centerline of Galeta Road;

N. 14°02'10" W., 50 feet, more or less, crossing Galeta Road to monument No. 10, the point of beginning.

There shall also be included within the above-described reservation all land and water within a zone extending a distance of 100 yards out from the mean low water line on all shores of the Reservation lying west of a line extended through unmarked points called 7-J and 7-K;

In any area where such 100-yard zone would overlap any similar zone included within Fort Randolph Army Reservation, the dividing line between the respective zones shall be midway between the mean low water lines of the respective reservations.

The above described boundary from monument No. 43-A to monument No. 10, the point of beginning, is common with that part of the northern boundary of Parcel No. 3, Fort Gulick Army Reservation.

The directions of the lines refer to the true meridian. All geographic positions are referred to the Panama-Colon datum of the Canal Zone triangulation system.

The total area of Coco Solo Navy Reservation above the mean low waterline or above the extreme low waterline, is 2,702.7 acres, more or less (Parcel No. 1 is 136.7 acres, more or less, and Parcel No. 2 is 2,566 acres, more or less), and is as shown on Canal Zone Government Drawing No. 6121-72, entitled "Map Showing United States Army and Navy Reservations, Fort Gulick, Fort Randolph, and Coco Solo, Canal Zone" scale 1:10,000, dated September 15, 1969, on file in the Office of the Governor of the Canal Zone, Balboa Heights, C.Z.

\* \* \*

5. Section 5.44 Farfan Naval Radio Station is deleted in its entirety and the following section is substituted therefor:

**§ 5.44 U.S. Naval Radio Station, Farfan, C.Z.**

(a) The following-described area of land, situated in the Canal Zone and designated as the U.S. Naval Radio Station, Farfan, C.Z., is reserved and set apart as, and assigned to the uses and purposes of, a Navy reservation, under the jurisdiction and control of the Secretary of the Navy, but subject to § 5.82:

Beginning at monument "J", which is a concrete post 8 inches square, located on the easterly side of Bruja Road and on the easterly boundary of Howard Air Force Base (Parcel No. 1), the geodetic position of which referred to the Canal Zone triangulation system is in latitude 8°56' N. plus 200.6 feet and longitude 79°35' W. plus 3,637.1 feet from Greenwich.

From monument "J" to Army triangulation station "North Base" the bearing and distance is S. 56°27'10" W., 584.9 feet.

Thence from said initial point by metes and bounds:

North, 2,079.4 feet, through monuments N-1 and N-2, which are 2½-inch galvanized iron pipes, to an unmarked point called N-3, the distances being 687.7 feet, 767.7 feet, and 624 feet, successively, from beginning of the course;

East, 1,837 feet, to an unmarked point called N-4;

North, 920.7 feet, to an unmarked point called N-5;

East, 1,799.1 feet, through monuments N-8, N-9, N-10, and N-10-A, which are 2½-inch galvanized iron pipes, to monument N-B, which is an 8-inch square concrete post, the distances being 395.2 feet, 231.7 feet, 324.9 feet, 213 feet, and 634.3 feet, successively, from beginning of the course;

S. 58°07'15" E., 2,077.4 feet, through monument NBX, which is a 2½-inch galvanized iron pipe, to monument N-C, which is an 8-inch square concrete post, the distances being 1,050 feet and 1,027.4 feet, successively, from beginning of the course;

South, 5,999.3 feet, through monuments N-11, N-12, N-13, N-14, and N-15, which are 2½-inch galvanized iron pipes, to an unmarked point, located in a swamp, referred to as N-D on the map, the distances being 275.8 feet, 800.1 feet, 699.9 feet, 244.6 feet, 435.5 feet, and 3,543.4 feet, successively, from beginning of the course;

West, 3,464 feet, to monument N-24-N, which is an 8-inch square concrete post;

N. 52°07'00" W., 2,452.1 feet, through monuments N-25-N and N-25-A, which are 2½-inch galvanized iron pipes, to monument N-26-N, which is an 8-inch square concrete post, the distances being 1,489.1 feet, 463 feet, and 500 feet, successively, from beginning of the course;

North, 2,591.5 feet, through monuments 55, 54, 53, 52, and 51, which are 2½-inch galvanized iron pipes, to monument "J", the point of beginning, the distances being 78.5 feet, 600 feet, 303 feet, 530 feet, 580 feet, and 500 feet, successively, from beginning of the course;

The directions of the lines refer to the true meridian. All geographic positions are referred to the Panama-Colon datum of the Canal Zone triangulation system.

The area of the tract is 785.7 acres, more or less, and is as shown on Panama Canal Drawing M-6120-32, entitled "Boundary of U.S. Naval Radio Station, Far Fan, C.Z., scale 1:5,000, dated March 10, 1967, on file in the Office of the Engineering Division, Panama Canal Company, Balboa Heights, C.Z.

(b) The Panama Canal Company may continue to use that portion of the area set apart by paragraph (a) of this section which comprises the lowlands adjacent to the Rio Farfan and which lies generally below the 20-foot contour, as a hydraulic dump, and personnel and equipment of the Panama Canal Company shall be permitted free access to such fill area for all purposes related to the use and maintenance of the area as a hydraulic dump. Adequate diking will be provided and maintained by the Panama Canal Company to protect the Navy's facilities in the area from flooding and silting from the discharge of a hydraulic dredge.

6. Section 5.48 U.S. Naval Reservation, Rodman, C.Z. is amended as follows: Delete the descriptions of Parcel No. 1 and Parcel No. 2 in their entirety and substitute therefor the following amended descriptions of said parcels, and add a new paragraph (c).

**§ 5.48 U.S. Naval Reservation, Rodman, C.Z.**

(a) \* \* \*

**PARCEL NO. 1**

Beginning at an unmarked point called "R" on the drawing, located east 301 feet, more or less, from the centerline of Bruja Road and on the boundary line of Parcel No. 3, Fort Clayton Army Reservation, the geodetic position of which, referred to the Canal Zone triangulation system, is in latitude 8°58' N.



S. 00°04'50" E., 152.3 feet, to monument No. 36, which is a 10-inch square concrete monument;

S. 82°23'20" E., 493.2 feet, to monument No. 36-1, which is a 2-inch iron pipe;

S. 82°20'10" E., 238.9 feet, to monument No. 36-2, which is a 2-inch iron pipe set in concrete;

S. 82°20'00" E., 119.4 feet, to monument No. 36-2, which is a 2-inch iron pipe set in concrete;

S. 82°22'30" E., 662.1 feet, to monument No. 37, which is a 10-inch-square concrete monument;

N. 00°02'19" W., 39.4 feet, to monument No. N-17-A, which is a 1½-inch iron pipe set in concrete, located 200 feet southerly from the centerline of the present Thatcher Highway pavement, the geodetic position of which, referred to the Canal Zone triangulation system, is in latitude 8°57' N. plus 2,337.7 feet, more or less, and longitude 79°36' W., plus 3.4 feet, more or less;

Southeasterly, along a line parallel to and 200 feet southerly from the centerline of the present Thatcher Highway pavement, to monument No. 40-A, which is a 1½-inch iron pipe set in concrete, located 200 feet southeasterly from the centerline of the present Thatcher Highway pavement and 50 feet westerly from the centerline of the Bruja Road pavement;

Northeasterly, along a line parallel to and 50 feet westerly from the centerline of Bruja Road pavement to an unmarked point called No. 40, located 50 feet southwesterly from the centerline of Thatcher Highway pavement, the geodetic position of which is in latitude 8°57' N. plus 1,269.6 feet and longitude 79°35' W. plus 2,871.9 feet;

S. 49°42'40" E., 103.3 feet, crossing Bruja Road, to monument No. 41, which is a 2-inch iron pipe, located 50 feet southeasterly from the centerline of Bruja Road pavement and 50 feet southwesterly from the centerline of Thatcher Highway pavement;

Southeasterly, along a line parallel to and 50 feet from the centerline of Bruja Road pavement, to monument No. 42, which is a 2-inch iron pipe, located 50 feet southwesterly from the centerline of the road to Panama Canal West Bank Tank Farm Area No. 1, the geodetic position of which is in latitude 8°56' N. plus 5,594.6 feet and longitude 79°35' W. plus 3,646.9 feet;

Southeasterly and northeasterly, along a line parallel to and 50 feet from the centerline of the road to Panama Canal West Bank Tank Farm Area No. 1, to monument No. 43, which is a 2-inch iron pipe, the geodetic position of which is in latitude 8°56' N. plus 4,729 feet and longitude 79°35' W. plus 2,179.5 feet;

S. 87°22'40" E., 641.4 feet, to monument No. 44, which is a 10-inch-square concrete monument;

N. 89°59'00" E., 1,318.6 feet, to monument No. 45, which is a 10-inch-square concrete monument;

N. 78°23'00" E., 224 feet, to monument No. 46, which is a 10-inch-square concrete monument, located 56.8 feet, southwesterly from the centerline of Thatcher Highway pavement, and 20.7 feet northwesterly from the centerline of K-2D road pavement;

South, 822.9 feet, to monument No. 47, which is a 10-inch-square concrete monument;

S. 00°03'00" W., 721.3 feet, to monument N.B. which is an 8-inch-square concrete post, located on the northerly boundary of the Farfan Naval Radio Station;

West, 1,799.1 feet, along the above-mentioned Naval boundary, through monuments N-10A, N-10, N-9, and N-8, which are 2½-inch iron pipes, to an unmarked point called N-5, the distances being 634.3 feet, 213 feet, 324.9 feet, 231.7 feet, and 395.2 feet, successively, from beginning of the course;

South, 920.7 feet, along the above-mentioned Naval boundary to an unmarked point called N-4;

West, 1,837 feet, along the above-mentioned Naval boundary, to an unmarked point called N-3, which is 100 feet north of the centerline of Poinciana Drive;

South, 4,670.9 feet, along the westerly boundary of the above-mentioned Naval Station, through monuments N-2 and N-1, which are 2½-inch iron pipes, monument "J", which is an 8-inch-square concrete post, monuments Nos. 51, 52, 53, 54, and 55, which are 2½-inch iron pipes, to monument N-26N, which is an 8-inch-square concrete post, the distances being 624 feet, 767.7 feet, 687.7 feet, 500 feet, 580 feet, 530 feet, 303 feet, 600 feet, and 78.5 feet, successively, from beginning of the course;

S. 52°07'00" E., 2,452.1 feet, thence the southwesterly boundary of the above-mentioned Naval Station, through monuments N-25A and N-25N, which are 2½-inch iron pipes, to monument N-24N, which is an 8-inch-square concrete post, the distances being 500 feet, 463 feet, and 1,489.1 feet, successively, from beginning of the course;

East, 3,464 feet, along the southerly boundary of the above-mentioned Naval Station, to an unmarked point called N.D., located in the swamp on the southerly side of the Rio Farfan;

S. 71°29'20" E., 1,413.2 feet, to monument "A", which is a 12-inch by 10-inch concrete post, located at the northwest corner of Palo Seco Leper Colony;

S. 13°27'50" W., 408.3 feet, along the westerly boundary of the Palo Seco Leper Colony, to monument B-2, which is a 2-inch iron pipe;

S. 13°28'50" W., 1,342.3 feet, along the above-mentioned boundary, through monument B-1, which is a 2-inch iron pipe, to monument "B", which is a 12-inch-square concrete post, the distances being 510.2 feet and 832.1 feet, successively, from beginning of the course;

S. 44°59'50" E., 1,398.2 feet, along the above-mentioned boundary, through monument E-12, which is a 2-inch iron pipe, to monument E-11, which is a 2-inch iron pipe, the distances being 759.7 feet and 638.5 feet, successively, from beginning of the course;

S. 44°59'40" E., 164 feet, along the above-mentioned boundary, to monument E-10, which is a 2-inch iron pipe.

S. 44°59'30" E., 300 feet, along the above-mentioned boundary, to monument E-9, which is a 12-inch-square concrete monument, located on the westerly boundary of the Palo Seco Leper Colony, the geodetic position of which is in latitude 8°54' N. plus 4,728.9 feet and longitude 79°34' W. plus 2,002.3 feet;

West, 4,011.8 feet, to an unmarked point called "K", located on the meridian 79°35' W. plus 0 feet;

South, 400 feet, to an unmarked point called "L";

Westerly, 1,600 feet, more or less, to an unmarked point called "M", located on the meridian 79°35' W. plus 1,600 feet and 20 feet southerly from the centerline of Big Row Road;

Westerly, 705 feet, more or less, along a line parallel to and 20 feet southerly from the centerline of Big Row Road, to an unmarked point called M-1;

S. 11°40' W., 55 feet, to an unmarked point called M-2;

N. 78°20' W., 52 feet, to an unmarked point called M-3;

N. 11°40' E., 55 feet, to an unmarked point called M-4;

Westerly, 1,743 feet, more or less, along a line parallel to and 20 feet southerly from the centerlines of Big Row Road and Evans Jones Street, to an unmarked point called

"N", located 30 feet easterly from the centerline of Andrews Boulevard;

Southerly and southeasterly, 2,850 feet, more or less, along a line parallel to and 30 feet easterly and northeasterly from the centerline of Andrews Boulevard, to an unmarked point called "O", located opposite Foggin Road, at an intersection with the northerly projection of the 20-foot offset line, along the easterly side of Foggin Road;

Southerly and southwesterly, 1,000 feet, more or less, along the above-mentioned 20-foot offset line, from the centerline of Foggin Road, to an unmarked point called "P", located on the parallel of latitude 8°54' N. plus 1,300 feet;

West, 3,100 feet, more or less, to an unmarked point called "Q", located on the centerline of the Rio Venado;

Southerly, 1,600 feet, more or less, along the centerline of the Rio Venado, to an unmarked point called "R";

The above-described boundary line from monument E-9 through points K, L, M, M-1, M-2, M-3, M-4, N, O, P, Q, and R is common with the northern and western boundary of the Fort Kobbe Army Reservation;

N. 89°59'30" W., 1,304.9 feet, to monument No. 1, which is a 2-inch iron pipe;

S. 89°59'20" W., 700 feet, through monument No. 2, which is a 1½-inch iron pipe, to monument No. 3, which is a 1½-inch iron pipe, the distances being 570 feet and 130 feet, successively, from beginning of the course;

S. 89°59'50" W., 95 feet, to monument No. 4, which is a 1½-inch iron pipe;

N. 89°59'10" W., 435 feet, to monument No. 5, which is a 2-inch iron pipe;

N. 89°59'40" W., 3,270.2 feet, through monument No. 6, which is a 2-inch iron pipe, No. 7, which is a 1½-inch iron pipe, and No. 8, which is a 2½-inch iron pipe, to monument "H", which is an 8-inch-square concrete monument, the geodetic position of which is in latitude 8°54' N. plus 0 feet and 79°36' W. plus 6,014.3 feet, the distances being 1,020 feet, 1,000 feet, 750 feet, and 500.2 feet, successively, from beginning of the course;

N. 00°00'10" W., 650 feet, to monument No. 9, which is a 2½-inch iron pipe;

N. 00°00'20" E., 647 feet, to monument No. 10, which is a 2½-inch iron pipe;

N. 00°00'10" W., 1,205 feet, through monument No. 11, which is a 2½-inch iron pipe, to monument No. 12, which is a 2½-inch iron pipe, the distances being 750 feet and 455 feet, successively from beginning of the course;

N. 00°00'40" W., 189.1 feet, to monument No. 13, which is a 2½-inch iron pipe;

N. 00°00'10" W., 540 feet, through monument No. 14, which is a 2½-inch iron pipe, to monument No. 15, which is a 2½-inch iron pipe, the distances being 360 feet and 180 feet, successively, from beginning of the course;

N. 00°02'40" W., 406 feet, to monument No. 16, which is a 2½-inch iron pipe;

N. 00°00'40" E., 683 feet, through monument No. 17, which is a 2½-inch iron pipe, to monument No. 18, which is a 2½-inch iron pipe, the distances being 400 feet and 283 feet, successively, from beginning of the course;

N. 00°00'50" E., 185 feet, to monument No. 19, which is a 2½-inch iron pipe;

N. 00°00'20" W., 705 feet, to monument No. 20, which is a 2½-inch iron pipe;

N. 00°00'40" W., 1,052 feet, through monument No. 21, which is a 2½-inch iron pipe, to monument No. 22, which is a 2½-inch iron pipe, the distances being 520 feet and 532 feet, successively, from beginning of the course;

N. 00°01'00" W., 100 feet, to monument No. 23, which is a 2½-inch iron pipe;

## RULES AND REGULATIONS

N. 00°01'10" W., 157 feet, to monument No. 24, which is a 2½-inch iron pipe;

N. 00°00'20" W., 966.1 feet, through monument No. 25, which is a 2½-inch iron pipe, to monument No. 26, which is a 2½-inch iron pipe, the distances being 480.1 feet and 486 feet, successively, from beginning of the course;

N. 00°00'40" W., 600 feet, to monument No. 27, which is a 2½-inch iron pipe;

N. 00°00'30" W., 978 feet, to monument No. 28, which is a 2½-inch iron pipe;

N. 00°00'20" W., 2,126.1 feet, through monuments Nos. 29, 30, and 31, which are 2½-inch iron pipes, to monument No. 32, which is a 2½-inch iron pipe, the distances being 484 feet, 640 feet, 580 feet, and 422.1 feet, successively, from beginning of the course;

N. 00°00'50" W., 775.1 feet, to monument No. 33, which is a 2½-inch iron pipe;

N. 00°00'40" E., 270 feet, to monument No. 34, which is a 2½-inch iron pipe;

N. 00°04'10" E., 1,073.9 feet, through monument "I", which is an 8-inch-square concrete post, monument No. 60, which is a 2-inch iron pipe, and monument No. 61, which is a 1½-inch iron pipe, to monument No. 62, which is a 1½-inch iron pipe, the distances being 60.4 feet, 590.9 feet, 160.7 feet, and 261.9 feet, successively, from beginning of the course;

N. 00°04'20" E., 947.5 feet, through monuments Nos. 63, 64, and 65, which are 1½-inch iron pipes, to monument No. 66, which is a 1½-inch iron pipe, the distances being 119.8 feet, 207.5 feet, 273.7 feet, and 348.5 feet, successively, from beginning of the course;

N. 00°04'30" E., 1,111.1 feet, through monument No. 67, which is a 1½-inch iron pipe, monuments Nos. 68 and 69, which are 2-inch iron pipes, to monument No. 70, which is a 2-inch iron pipe, the distance being 456.1 feet, 305.4 feet, 272.3 feet, and 77.3 feet, successively, from beginning of the course;

N. 00°04'40" E., 1,125.9 feet, through monuments Nos. 71 and 72, which are 2-inch iron pipes, to monument No. A.T.F. 27-1, which is a 2-inch iron pipe, located on the southern boundary of the Arraijan Tank Farm Naval Reservation, the distances being 189.7 feet, 527.8 feet, and 408.4 feet, successively, from beginning of the course;

S. 89°59'30" E., 3,908.5 feet, along the southern boundary of the Arraijan Tank Farm Naval Reservation, through monuments Nos. A.T.F. 27 to A.T.F. 15 inclusive, which are 2½-inch iron pipes set in concrete, to monument A.T.F. 14, which is an 8-inch-square concrete post, the distances being 322.5 feet, 297.5 feet, 194.9 feet, 160.2 feet, 123.4 feet, 310.2 feet, 498.7 feet, 248.1 feet, 160 feet, 534.9 feet, 261 feet, 233.2 feet, 346 feet, and 217.9 feet, successively, from beginning of the course;

North, 4,259 feet, along the easterly boundary of the Arraijan Tank Farm Naval Reservation, through monuments Nos. A.T.F. 13 to A.T.F. 3 inclusive, which are 2½-inch iron pipes set in concrete, to monument No. A.T.F. 2, the point of beginning, the distances being 390.1 feet, 574 feet, 530.5 feet, 537.7 feet, 120.7 feet, 268.3 feet, 280.4 feet, 433.1 feet, 312.4 feet, 274 feet, 202.4 feet, and 335.4 feet, successively, from beginning of the course.

## PARCEL NO. 2

Beginning at an unmarked point "A", located northeasterly 75 feet from the centerline of the 18-foot-wide concrete pavement of Thatcher Highway and 30 feet, more or less, southeasterly from the centerline of Rio Velasquez, the geodetic position of which, referred to the Canal Zone triangulation system, is in latitude 8°57' N. plus 2,754 feet, more or less, and in longitude 79°36' W. plus 1,162 feet, more or less.

Thence from said initial point by metes and bounds:

Westerly, along a line parallel to and 75 feet northerly from the centerline of the generally 18-foot-wide concrete pavement of Thatcher Highway, to monument N.A.D.-1, which is a 1½-inch iron pipe, the geodetic position of which is in latitude 8°57' N. plus 2,645.5 feet and longitude 79°37' W. plus 2,894.2 feet;

S. 80°56'00" W., 691.1 feet, through monument No. 1-A, which is an iron rod in concrete, to monument N.A.D.-2, which is an iron rod in concrete, the distances being 301.9 feet and 339.2 feet, successively, from beginning of the course;

N. 82°02'10" W., 855.8 feet, through monument No. 2-A which is an iron rod in concrete, to monument N.A.D.-3, which is an iron rod in concrete, the distances being 365.7 feet and 490.1 feet, successively, from beginning of the course;

N. 49°36'20" W., 351.3 feet, through monument No. 3-A, which is an iron rod in concrete, to monument No. 3-B, which is an iron rod in concrete, the distances being 126.3 feet and 225 feet, successively, from beginning of the course;

S. 45°00'00" W., 1,307.5 feet, to monument "B", which is a 2-inch iron pipe set in concrete, located 200 feet northerly and at right angles from the centerline of the 21-foot-wide concrete pavement of Thatcher Highway, the geodetic position of which is in latitude 8°57' N. plus 1,958.1 feet and longitude 79°37' W. plus 5,616.2 feet;

Southwesterly, along a line parallel to and 200 feet northwesterly from the generally 18-foot-wide concrete pavement of Thatcher Highway, to monument "C", which is a 2-inch iron pipe set in concrete, located northeasterly from the intersection of Thatcher Highway and military K-6 Road and is 200 feet northerly and at right angles from the 21-foot-wide pavement of Thatcher Highway and 50 feet easterly and at right angles from the centerline of the 21-foot-wide macadam pavement of the above-mentioned K-6 Road, the geodetic position of which is in latitude 8°57' N. plus 921.3 feet and longitude 79°33' W. plus 920.3 feet;

Northerly and northeasterly, along a line parallel to and 50 feet easterly from the centerline of the macadam and gravel pavements of the military K-6 Road, and 50 feet southeasterly from the centerline of the gravel pavement of the military K-9 Road, to monument "D", which is a 2-inch iron pipe set in concrete, which is in latitude 8°59' N. plus 0.0 feet and longitude 79°37' W. plus 2,676 feet;

East, 285.8 feet, to monument "E", which is a 2-inch iron pipe set in concrete, located 50 feet southwesterly and at right angles from the centerline of the gravel pavement of the military K-9 Road;

Southwesterly, along a line parallel to and 50 feet southwesterly from the centerline of the gravel pavement of the military K-9 Road, to an unmarked point called "F", located in the centerline of the South Branch of the Rio Cocoli, which is in latitude 8°58' N. plus 4,975 feet, more or less, and longitude 79°36' W. plus 5,775 feet, more or less.

Southwesterly, along the centerline of the South Branch of the Rio Cocoli, to an unmarked point called "G", which is in latitude 8°58' N. plus 3,199.7 feet, and longitude 79°37' W. plus 258 feet, more or less;

East, 374 feet, more or less, to monument NB-13, which is an iron rod in concrete, which is in latitude 8°58' N. plus 3,199.7 feet, and longitude 79°36' W. plus 5,897.4 feet;

East, 2,097.2 feet, through monuments NB-12, NB-11, NB-10, and NB-9, which are iron rods in concrete, to monument NB-8, which is an 8-inch-square concrete post, the distances being 445 feet, 395.1 feet, 231.4

feet, 481.5 feet, and 544.2 feet, successively, from beginning of the course;

North, 730.1 feet, to monument NB-7, which is an 8-inch-square concrete post;

East, 1,410.1 feet, through monuments NB-6, NB-5, NB-4, and NB-3, which are iron rods in concrete, to monument NB-2, which is an 8-inch-square concrete post, the distances being 291.1 feet, 290.4 feet, 600.5 feet, 138.6 feet, and 89.5 feet, successively, from beginning of the course;

South, 1,035.6 feet, through monument NB-1, which is an iron rod in concrete, to monument A-9, which is an 8-inch-square concrete post, the distances being 535.5 feet and 450.1 feet, successively, from beginning of the course;

East, 4,295.4 feet, through monuments A-10, A-11, A-12, A-13, A-14, A-15, A-16, A-17, A-18, and A-19, which are iron rods in concrete, to A-19-1, which is a 2-inch iron pipe set in concrete located 35 feet westerly and at right angles from the centerline of the 30-foot-wide concrete pavement of Bruja Road, the distances being 208.5 feet, 245.2 feet, 716.7 feet, 587.1 feet, 1,055.3 feet, 590 feet, 421.1 feet, 204 feet, 166.3 feet, 61.2 feet, and 40 feet successively, from beginning of the course. The geodetic position of monument A-19-1 is in the latitude 8°58' N. plus 2,894.3 feet and longitude 79°35' W. plus 4,107.5 feet;

Southerly, 200 feet, more or less, along a line parallel to and 35 feet westerly from the centerline of the 30-foot-wide concrete pavement of Bruja Road to an unmarked point A-19-2;

West, 40 feet, to an unmarked point A-19-3;

Southerly, 4,294 feet, more or less, along a line parallel to and 75 feet westerly from the centerline of the 30-foot-wide concrete pavement of Bruja Road to an unmarked point "G", located 140 feet, more or less, southerly from the centerline of the Old Bruja Road, the geodetic position of which is in latitude 8°57' N. plus 4,500 feet, more or less, and in longitude 79°35' W. plus 3,464 feet, more or less;

North, 73°30' E., 864 feet, more or less, to point G-1, located 30 feet southeasterly and at right angles from the centerline of Rio Velasquez;

Southwesterly, along a line parallel to and 30 feet left of the centerline on an upstream direction of Rio Velasquez, to point "A", the point of beginning.

## PARCEL NO. 3

Beginning at an unmarked point called No. 14 on the drawing, located at the southwesterly corner of Parcel No. 3 of Fort Clayton Army Reservation and 75 feet easterly from the centerline of the 30-foot-wide concrete pavement of Bruja Road, the geodetic position of which, referred to the Canal Zone Triangulation System, is in latitude 8°58' N. plus 2,515 feet, more or less, and in longitude 79°35' W. plus 3,940 feet, more or less, from Greenwich;

Thence from said initial point by metes and bounds:

N. 68°00' E., 243 feet, to unmarked point "R";

In a generally southerly direction along the boundary of Parcel No. 1, U.S. Naval Reservation, Rodman, C.Z. to unmarked point No. 14-1 as follows:

S. 38°10' E., 1,452 feet to unmarked point "Q";

S. 28°20' E., 462 feet, to unmarked point "P";

S. 79°05' E., 756 feet, to unmarked point "O";

S. 14°35' W., 840 feet, to unmarked point "N";

S. 64°00' W., 1,012 feet, to unmarked point "M";

S. 18°00' W., 628 feet, to unmarked point "L".

S. 68°00' W., 257 feet, to unmarked point No. 14-1, which is located easterly 75 feet from the centerline of the 30-foot-wide concrete pavement of Bruja Road.

Northerly, 3,590 feet, more or less, along a line parallel to and 75 feet easterly from the centerline of the 30-foot-wide concrete pavement of Bruja Road to unmarked point No. 14, the point of beginning.

The directions of the lines refer to the true meridian and the geodetic positions of all points refer to the Panama-Colon datum of the Canal Zone Triangulation system.

The total area of Howard Air Force Base is 6,824.4 acres, more or less. Parcel No. 1 contains an area of 4,258 acres, more or less, and is as shown on Canal Zone Government Drawing No. X-6121-47, Sheet 1 of 2, entitled "Boundaries of Howard Air Force Base and Fort Kobbe Army Reservation." Parcel No. 2 contains an area of 2,488.8 acres, more or less, and is as shown on Canal Zone Government Drawing No. X-6121-47, Sheet 2 of 2, entitled "Boundary of Parcel No. 2, Howard Air Force Base." Parcel No. 3 contains an area of 77.6 acres, more or less, and is as shown on Canal Zone Government Drawing No. X-6121-47, Sheet 2 of 2, entitled "Boundary of Parcel No. 2, Howard Air Force Base." Drawing No. X-6121-47, Sheets 1 and 2, Scale 1:10,000, dated May 13, 1969, are on file in the Office of the Governor of the Canal Zone, Balboa Heights, C.Z.

(b) The Panama Canal Company may continue to use that portion of Parcel No. 1 which comprises the lowlands adjacent to the Rio Farfan and lies generally below the 20-foot contour, as a hydraulic dump, and personnel and equipment of the Panama Canal Company shall be permitted free access to such fill area for all purposes related to the use and maintenance of the area as a hydraulic dump.

(c) If the Venado Beach area is activated by the Canal agencies as a recreational area and bathing beach, persons eligible to utilize such area shall be permitted access thereto through Parcel No. 1, and suitable provision shall be made to enable the Canal agencies to construct an access road connecting Venado Beach with roads heretofore or hereafter constructed within said parcel.

(d) Access to Camp Harriet Morrow over that portion of Bruja Road which lies between monument 42 and monuments 40 and 41 shall be permitted to all persons authorized to enter such camp.

(e) A right-of-way 200 feet wide through the southwest portion of Parcel No. 2 is reserved for the U.S. Navy Trans-Isthmian Pipeline.

(2 C.Z.C. 31, 33, 76A Stat. 7, 35 CFR 3.3(c), 31 F.R. 12204)

Dated: May 12, 1970.

W. P. LEBER,

Governor of the Canal Zone.

Approved: December 24, 1970.

STANLEY R. RESOR,

Secretary of the Army.

[FR Doc. 71-345 Filed 1-13-71; 8:45 am]

## Title 49—TRANSPORTATION

### Chapter V—National Highway Safety Bureau, Department of Transportation

#### PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

##### Control Location, Identification, and Illumination

This notice amends § 571.21 of Title 49, Code of Federal Regulations, Motor Vehicle Safety Standard No. 101, Control Location, Identification, and Illumination, to establish new requirements and extend its application to multipurpose passenger vehicles, trucks, and buses. A proposal to amend Standard No. 101 (Docket No. 1-18; Notice No. 2) was published in the *FEDERAL REGISTER* on April 15, 1970 (35 F.R. 6151). Interested persons have been afforded an opportunity to participate in the rule making process, and their comments have been carefully considered.

As proposed, the applicability of the standard is being extended to multipurpose passenger vehicles, trucks, and buses, and these vehicles must now meet the requirements previously applicable only to passenger cars. Location, identification, and illumination requirements for spring brake valve, emergency spring brake release valve, and tractor protection valve have not been adopted because of new proposals covering these controls contained in the proposed standard on air brake systems (Docket No. 70-17; 35 F.R. 10368).

The location requirement is that controls be accessible to an operator seated at the controls and restrained by nonextending upper torso and pelvic restraints. The restraint specification should be viewed as a hypothetical rather than a literal guideline. In the absence of data which allow the use of specific tolerances, the Bureau believes that the most acceptable substitute insuring accessibility of controls is that they be available to an operator seated in the position he would be in were the vehicle equipped with nonextending restraints and were those restraints properly fastened. This limitation on driver movement is intended to implement the safety purpose of the standard which is "to reduce the hazards caused by the diversion of the driver's attention from the motoring environment". The location requirement applies to controls for steering, horn, transmission shift, ignition, headlamps, turn signals, illumination intensity control, windshield wiping, windshield washing, manual choke, and driver's sun visor. Eleven controls are now required to be identified: Engine start, engine stop, choke, throttle, headlamps and taillamps, clearance lamps, identification lamps, vehicular hazard warning signal, windshield wiping system, windshield washing system, and

windshield defrosting and defogging system. The proposal that foot-operated controls be identified has not been adopted. The Bureau concurs with the comments pointing out that identification of such controls would be difficult to read, and that relative position on the floorboard is a more important guide to identification.

Comments were received expressing the view that use of both words and symbols to identify controls was unnecessary and space consuming. In the absence of internationally accepted symbols, it has been decided that symbols should not be made mandatory, and the proposed requirement that symbols identify certain controls has not been adopted. However, the Bureau has surveyed symbols proposed by various national and international organizations, and has selected several for optional use by manufacturers as encouragement for their universal adoption. As originally proposed the use of symbols other than those shown and for other than the controls specified (head and taillamps, vehicular hazard warning signal, clearance lamps, windshield wiping system, and windshield washing system) is prohibited, to insure that there is no proliferation of confusing and unacceptable symbols. Identification and illumination of a key locking system used to control engine starting or stopping will not be required.

The proposal that certain vehicle controls be illuminated has been adopted with modifications. The nine controls for which illumination is required are: Engine stop, automatic vehicle speed control, vehicular hazard warning signal, clearance lamps, identification lamps, windshield wiping system, windshield washing system, windshild defrosting and defogging system, and the heating and air conditioning system. However, foot-operated controls and controls mounted on the steering column will not be required to be illuminated because lighting would cause glare, distraction to the driver and excess light in the driver's compartment. In addition only the identification of the control, and not the control itself, will have to be illuminated since enough light is normally present to mark the control.

In consideration of the foregoing, 49 CFR 571.21, Federal Motor Vehicle Safety Standard No. 101, Control Location and Identification, is amended as set forth below.

**Effective date.** Passenger cars: Control location and identification requirements, January 1, 1972; control illumination requirements, September 1, 1972. Multipurpose passenger vehicles, trucks, and buses: All requirements, September 1, 1972. Because of the need, demonstrated in the comments, for adequate leadtime for manufacturers to make the design changes required by this standard, it is found that effective dates later than 1 year from the date of issuance are in the public interest.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51 (35 F.R. 4955) from the Secretary of Transportation to the Director, National Highway Safety Bureau)

Issued on December 31, 1970.

DOUGLAS W. TOMS,  
Director,  
National Highway Safety Bureau.

**§ 571.21 Federal Motor Vehicle Safety Standards.**

**FEDERAL MOTOR VEHICLE SAFETY STANDARD  
No. 101**

**CONTROL LOCATION, IDENTIFICATION AND ILLUMINATION—PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, AND BUSES**

**S1. Scope.** This standard specifies requirements for the location, identification, and illumination of motor vehicle controls.

**S2. Purpose.** The purpose of this standard is to insure the accessibility of motor vehicle controls and to facilitate their selection under daylight and nighttime conditions, in order to reduce the hazards caused by the diversion of the driver's attention from the motoring environment.

**S3. Application.** This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses.

**S4. Requirements.** Each passenger car, multipurpose passenger vehicle, truck, and bus manufactured with any control listed in S4.1 or Column 1 of Table 1, shall meet the requirements of this standard for the location, identification, and illumination of such control.

**S4.1 Control location.** This section applies to each passenger car manufactured on or after January 1, 1972, and to each multipurpose passenger vehicle, truck, and bus manufactured on or after September 1, 1972. Each of the following controls shall be operable, under the conditions of S5, by a person seated at the controls:

- (a) Steering wheel.
- (b) Horn control.
- (c) Transmission shift lever, except transfer case.
- (d) Ignition switch.
- (e) Headlamp switch.
- (f) Turn signal control.
- (g) Illumination intensity control.
- (h) Windshield wiper control.
- (i) Windshield washer control.
- (j) Manual choke.
- (k) Driver's sun visor.

**S4.2 Control identification.** This section applies to each passenger car manufactured on or after January 1, 1972, and to each multipurpose passenger vehicle, truck, and bus manufactured on or after September 1, 1972. If any control listed in Column 1 of Table 1 is manually operated, the control shall be identified by the word or abbreviation specified in

Column 2. Each position of an automatic vehicle speed control and a heating and air conditioning system control shall be identified. A control may, in addition, be identified by a symbol, but only a symbol shown in Column 3 shall be used. However, if the word "None" appears in Column 3, no symbol shall be provided. Identification shall be placed on or adjacent to the control, visible to the vehicle operator, and shall appear to the operator in an upright position.

**S4.3 Control illumination.** This section applies to each passenger car, multipurpose passenger vehicle, truck, and bus manufactured on or after September 1, 1972. Except for foot-operated controls or manually operated controls mounted upon the steering column, the identification of any control listed in Column 1 of Table 1 and accompanied by the word "yes" in the corresponding space in Column 4 shall be illuminated whenever the headlamps are activated. However, control identifications need not be illu-

minated when the headlamps are being flashed. A control shall be provided to adjust the intensity of control illumination variable from an "off" position to a position providing illumination sufficient for the vehicle operator to readily identify the control under conditions of reduced visibility.

**S5 Conditions.**

**S5.1** Except as specified in S5.2, the person seated at the controls is restrained by nonextending upper torso and pelvic restraints fastened so that the upper torso restraint can be moved 4 inches away from the sternum and there is no slack between the lap belt and the pelvis.

**S5.2** The person seated at the controls of a convertible, open-body type vehicle, van-type truck, a truck with a gross vehicle weight rating of more than 10,000 pounds, or a bus, is restrained by a nonextending pelvic restraint fastened so that there is no slack between the lap belt and the pelvis.

TABLE 1 - Control Identification and Illumination

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
Motor Vehicle Equipment Control	Word or Abbreviation	Permissible Symbol	Illumination
Engine Start	ENGINE START <sup>1</sup>	None	
Engine Stop	ENGINE STOP <sup>1</sup>	None	Yes <sup>1</sup>
Manual Choke	CHOKE	None	
Hand Throttle	THROTTLE	None	
Automatic Vehicle Speed Control		None	Yes
Headlamps and Taillamps	LIGHTS <sup>2</sup>		
Vehicular Hazard Warning Signal	HAZARD		Yes
Clearance Lamps	CLEARANCE LAMPS <sup>3</sup> or CL LPS		Yes
Identification Lamps	IDENTIFICATION LAMPS or ID LPS	None	Yes
Windshield Wiping System	WIPER or WIPE		Yes
Windshield Washing System	WASHER or WASH		Yes
Windshield Defrosting and Defogging System	DEFROST or DEF	None	Yes
Heating and Air Conditioning System		None	Yes

<sup>1</sup> Use when engine control is separate from the key locking system.

<sup>2</sup> Use also when clearance, identification lamps and/or side marker lamps are controlled with the headlamp switch.

<sup>3</sup> Use also when clearance lamps, identification lamps and/or side market lamps are controlled with one switch other than the headlamp switch.

[FR Doc. 71-384 Filed 1-13-71; 8:45 am]

## Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

### Chapter 5A—Federal Supply Service, General Services Administration

#### PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

##### Subpart 5A-2.4—Opening of Bids and Award of Contract

###### PREPARATION OF DOCUMENTS FOR ACCEPTANCE

Section 5A-2.407-82 is amended as follows:

###### § 5A-2.407-82 Preparation of documents for acceptance.

The acceptance of an offer received on SF 33, *Solicitation, Offer, and Award*, shall be accomplished and documented as follows:

(a) *Definite-quantity contracts*—(1) *Single consignee*. Normally, where only one consignee is involved, the Award portion on both the original and duplicate of the accepted offer shall be completed, and the duplicate copy returned to the contractor as the Award document. Also, when shipping instructions are available, GSA Form 300, *Purchase Order*, or other approved purchase order form, shall be issued.

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

*Effective date.* This regulation is effective 30 days after the date shown below.

Dated: December 29, 1970.

L. E. SPANGLER,  
Acting Commissioner,  
Federal Supply Service.

[FR Doc. 71-511 Filed 1-13-71; 8:49 am]

## Title 47—TELECOMMUNICATION

### Chapter 1—Federal Communications Commission

[FCC 71-3]

#### PART 0—COMMISSION ORGANIZATION

##### Information Bulletins

*Order.* 1. The Commission has determined to substitute a reference to ED Bulletin No. 1, "FCC Publications and Where They May Be Obtained," for the list of information bulletins now set out in § 0.423 of the Rules. ED Bulletin No. 1 is kept current, and a reference to that Bulletin will obviate the need for frequent amendment of § 0.423.

2. Section 0.423, as amended, is set forth below. Authority for the amendment is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Because the rule is informational in character and the change is minor, compliance with the notice and effective

date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, is unnecessary and would not be useful.

3. *Accordingly, it is ordered*, Effective January 15, 1971, that § 0.423 of the rules and regulations is amended as set forth below.

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

Adopted: January 6, 1971.

Released: January 8, 1971.

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

Section 0.423 is revised to read as follows:

###### § 0.423 Information bulletins.

A number of bulletins containing information about communications and the Federal Communications Commission have been prepared by the Commission for distribution to the public. A listing of these bulletins is included in ED Bulletin No. 1, "FCC Publications and Where They May Be Obtained". Requests for bulletins should be directed to the Office of Information.

[FR Doc. 71-517 Filed 1-13-71; 8:50 am]

## Title 32—NATIONAL DEFENSE

### Chapter 1—Office of the Secretary of Defense

#### SUBCHAPTER M—MISCELLANEOUS

#### PART 259—SALARIES AND PERSONNEL PRACTICES APPLICABLE TO TEACHERS AND OTHER EMPLOYEES OF OVERSEAS DEPENDENTS' SCHOOL SYSTEM OF DEPARTMENT OF DEFENSE

Codification of Part 259 is discontinued.

MAURICE W. ROCHE,  
Director, Correspondence and Directives Division, OASD (Administration).

[FR Doc. 71-470 Filed 1-13-71; 8:46 am]

## Title 26—INTERNAL REVENUE

### Chapter 1—Internal Revenue Service, Department of the Treasury

[ITD. 7087]

#### OCCUPATIONAL TAX STAMPS

On September 5, 1970, notice of proposed rule making with respect to the amendment of the Miscellaneous Excise Tax Regulations (26 CFR Parts 44, 45) and the Regulations on Procedure and Administration (26 CFR Part 301) to conform the regulations to changes

<sup>1</sup> Commissioners Bartley and H. Rex Lee absent; Commissioner Houser not participating.

made by sections 203-205 of the Gun Control Act of 1968 (82 Stat. 1213), relating to occupational tax stamps, was published in the *FEDERAL REGISTER* (35 F.R. 14138). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted.

(Sec. 4905, 7805, Internal Revenue Code of 1954 (68A Stat. 594, 917; 26 U.S.C. 4905, 7805))

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

Approved: January 8, 1971.

EDWIN S. COHEN,  
Assistant Secretary  
of the Treasury.

In order to conform the Miscellaneous Excise Tax Regulations under 26 CFR Parts 44 and 45 and the Regulations on Procedure and Administration under 26 CFR Part 301 to sections 203-205 of the Gun Control Act of 1968 (82 Stat. 1213), such regulations are amended as follows:

#### SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

#### PART 44—TAXES ON WAGERING; EFFECTIVE JANUARY 1, 1955

PARAGRAPH 1. Section 44.4905-2 is amended by revising paragraphs (b) and (c) to read as follows:

§ 44.4905-2 Change of address.

(b) *Procedure by district director; removal within district.* When registration of a change of address within the same district is made by a taxpayer in the manner specified in paragraph (a) of this section, the district director, if necessary, will enter on his records the new address and the date of change. If the information disclosed on the supplemental return is such as to require a change on the face of the special tax stamp, the district director will make the proper change and return the stamp to the taxpayer.

(c) *Procedure by district director; removal to another district.* In case of removal of the taxpayer's office or principal place of business (or residence address, if he has no office or principal place of business) to another district, the district director, after noting the transfer on his records, shall transmit the special tax stamp to the district director for the district to which such office or business was removed. The latter will make an entry on his records, as in the case of an original registration in his district, correct the address on the stamp, if necessary, and note also thereon his name, title, date, and district, and then forward the stamp to the taxpayer.

§ 44.6806(c) [Deleted]

PAR. 2. Section 44.6806(c) is deleted.

§ 44.6806(c)-1 [Deleted]

PAR. 3. Section 44.6806(c)-1 is deleted.

§ 44.7273(b) [Deleted]

PAR. 4. Section 44.7273(b) is deleted.

## PART 45—MISCELLANEOUS STAMP TAXES

PAR. 5. Section 45.6806 and the historical note thereto are amended to read as follows:

### § 45.6806 Statutory provisions; occupational tax stamps.

SEC. 6806. *Occupational tax stamps.* Every person engaged in any business, avocation, or employment, who is thereby made liable to a special tax (other than a special tax under subchapter B of chapter 35, under subchapter B of chapter 36, or under subtitle E) shall place and keep conspicuously in his establishment or place of business all stamps denoting payment of such special tax.

[Sec. 6806 as amended by sec. 204, Gun Control Act 1968 (82 Stat. 1235)]

PAR. 6. Section 45.6806-1 is amended to read as follows:

### § 45.6806-1 Posting of special tax stamps.

(a) *In general.* The special tax stamp issued to a taxpayer as evidence of the payment of tax imposed under section 4821 (adulterated, process or renovated butter), and section 4841 (filled cheese), must be kept posted conspicuously on the premises where the business is operated. Failure to comply will subject the taxpayer to the penalties prescribed in § 45.7273.

(b) *Posting of certificate in lieu of stamp.* When a special tax stamp has been lost or destroyed, such fact should be reported at once to the internal revenue officer from whom the stamp was obtained for the purpose of obtaining from him a certificate of payment. Such certificate must be posted in place of the stamp, if the stamp is required by paragraph (a) of this section to be kept posted; otherwise the penalty referred to in paragraph (a) of this section for failure to post the stamp will be applicable.

### § 45.7273(a) [Deleted]

PAR. 7. Section 45.7273(a) is deleted and the following new section is inserted in lieu thereof:

### § 45.7273 Statutory provisions; penalties for offenses relating to special taxes.

SEC. 7273. *Penalties for offenses relating to special taxes.* Any person who shall fail to place and keep stamps denoting the payment of the special tax as provided in section 6806 shall be liable to a penalty (not less than \$10) equal to the special tax for which his business rendered him liable, unless such failure is shown to be due to reasonable cause. If such failure to comply with section 6806 is through willful neglect or refusal, then the penalty shall be double the amount above prescribed.

[Sec. 7273 as amended by sec. 205, Gun Control Act 1968 (82 Stat. 1235)]

## SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

## PART 301—PROCEDURE AND ADMINISTRATION

### § 301.6107 [Deleted]

PAR. 8. Section 301.6107 is deleted.

### § 301.6107-1 [Deleted]

PAR. 9. Section 301.6107-1 is deleted.

PAR. 10. Section 301.6806 is amended, and a historical note is added thereto, to read as follows:

### § 301.6806 Statutory provisions; occupational tax stamps.

SEC. 6806. *Occupational tax stamps.* Every person engaged in any business, avocation, or employment, who is thereby made liable to a special tax (other than a special tax under subchapter B of chapter 35, under subchapter B of chapter 36, or under subtitle E) shall place and keep conspicuously in his establishment or place of business all stamps denoting payment of such special tax.

[Sec. 6806 as amended by sec. 204, Gun Control Act 1968 (82 Stat. 1235)]

PAR. 11. Section 301.7273 is amended, and a historical note is added thereto, to read as follows:

### § 301.7273 Statutory provisions; penalties for offenses relating to special taxes.

SEC. 7273. *Penalties for offenses relating to special taxes.* Any person who shall fail to place and keep stamps denoting the payment of the special tax as provided in section 6806 shall be liable to a penalty (not less than \$10) equal to the special tax for which his business rendered him liable, unless such failure is shown to be due to reasonable cause. If such failure to comply with section 6806 is through willful neglect or refusal, then the penalty shall be double the amount above prescribed.

[Sec. 7273 as amended by sec. 205, Gun Control Act 1968 (82 Stat. 1235)]

[FR Doc. 71-443 Filed 1-13-71; 8:45 am]

## Title 36—PARKS, FORESTS, AND MEMORIALS

### Chapter I—National Park Service, Department of the Interior

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

### Mammoth Cave National Park, Ky.; Fishing, Cave Entry, Vehicles

A proposal was published at page 10346 of the FEDERAL REGISTER of July 19, 1968, to revise § 7.36 of Title 36 of the Code of Federal Regulations.

The effect of the revision is to delete material concerning commercial fishing, size and creel limits, and speed and vehicular load and weight limitations; further regulate the use of live bait; and revise regulations applicable to cave entry.

Interested persons were given 30 days to submit written comments, suggestions, or objections with respect to the proposed revision. No comments, suggestions, or objections have been received. Therefore the proposed revision is hereby adopted without change and is set forth below. The revision will take effect 30 days following the date of publication in the FEDERAL REGISTER.

(16 U.S.C. 3; 39 Stat. 535, as amended; 16 U.S.C. 404, 44 Stat. 635)

Section 7.36 is revised as follows:

### § 7.36 Mammoth Cave National Park.

(a) *Fishing.* (1) *General.* (i) Fishing is permitted only with pole and line, rod and reel, and trot and throw lines, unless provided otherwise in this section.

(ii) Trot and throw lines shall contain hooks which are spaced at least 30 inches apart.

(2) *Seines.* (i) The use of seines is permitted only in the following runs and creeks to catch minnows and crawfish for bait: Bylew, First, Second, Pine, Big Hollow, Buffalo, Ugly, Cub, Blowing Spring, Floating Mill Branch, Dry Branch, and Mill Branch.

(ii) Seines shall not exceed 4 x 6 feet and the mesh shall not be larger than one-quarter inch.

(3) *Live bait.* (i) Worms are the only form of live bait which may be used in the Sloans Crossing Pond (also known as Beaver Pond), Green Pond, Doyle Pond, and First Creek Lake. Live minnows and worms may be used in all other waters.

(b) *Cave entry.* Except for those portions of the caves open to the general public, no person shall enter any cave within the boundaries of the park without first obtaining a permit from the Superintendent. Permits will be issued to persons who are qualified and experienced in cave exploration, who possess the needed equipment for safe entry and travel, and who are engaged in scientific research projects which in the opinion of the Superintendent are compatible with the purpose for which the park was established.

ROBERT H. BENDT,  
Superintendent,

Mammoth Cave National Park.

[FR Doc. 71-490 Filed 1-13-71; 8:47 am]

## 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

### Crab Orchard National Wildlife Refuge, Ill.

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

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

### ILLINOIS

#### CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public use is permitted on the Crab Orchard National Wildlife Refuge subject to the following special conditions:

(1) Swimming is permitted only at beach areas as designated by signs.

(2) All types of flotation devices, other than U.S. Coast Guard approved life-saving devices, are prohibited on refuge waters.

(3) Foodstuffs, drink containers (cans, bottles, cartons), pets or fires are prohibited at designated beach areas and on the rock area immediately below Crab Orchard Lake Spillway.

(4) The Carterville Beach, Hogan, Lookout Point, Crab Orchard Beach, Crab Orchard Spillway, Bulliner Point, and Spillway Parking Lot and Picnic areas are closed from 9 p.m., local time, until 5 a.m., local time, daily.

(5) Horseback riding is prohibited except on designated horseback riding trails.

(6) Boats containing toilets that flush directly into the water must have the toilet sealed when the craft is on the refuge waters.

(7) Sailboats when underway between sunset and sunrise must display a bright white light visible all around the horizon for a distance of 2 miles.

(8) Alcoholic liquor may not be transported, carried, or possessed on any boat propelled by mechanical power, except in the original packages and with the seal unbroken, while the craft is in operation on refuge waters.

(9) The drinking or possession of alcoholic liquor by persons under 21 years of age is prohibited on the refuge area.

(10) No person shall transport, carry, possess, or have any alcoholic liquor in or upon or about any motor vehicle except in the original package and with the seal unbroken, while on the refuge area.

(11) Sailboating is prohibited on the Little Grassy and Devil's Kitchen Lakes.

L. A. MEHRHOFF, Jr.,  
Project Manager, Crab Orchard  
National Wildlife Refuge,  
Carterville, Ill.

JANUARY 5, 1971.

[FR Doc. 71-463 Filed 1-13-71; 8:46 am]

## Title 18—CONSERVATION OF POWER AND WATER RESOURCES

### Chapter I—Federal Power Commission

[Docket No. R-379; Order 420]

### ACCOUNTING TREATMENT FOR LAND HELD FOR FUTURE UTILITY USE AND FOR PROFITS OR LOSSES REALIZED THROUGH SALES OF THOSE LANDS

JANUARY 7, 1971.

On January 22, 1970, the Commission issued a notice of proposed rule making in this proceeding (35 F.R. 1169, Jan. 29, 1970) proposing to amend the requirements for recording land and land rights recorded in Account 105, Electric (Gas) Plant Held for Future Use, and propos-

ing accounting treatment to be afforded profits or losses realized through the sale of such land held for future utility use.

Comments were invited from interested parties to be submitted on or before March 16, 1970. Based on requests from respondents this date was extended to April 30, 1970 (35 F.R. 4416, Mar. 12, 1970). The Commission received comments from 56 respondents.<sup>1</sup>

At present, the text of account 105, Electric (Gas) Plant Held for Future Use, in the Commission's Uniform Systems of Accounts contains the criterion that land and land rights must be held under a "definite plan" for use in utility operation, for the costs to be recorded in that account. In general, the rate treatment of the costs has been consistent with this prescribed accounting. The provision of account 105, and rate-making policy relate to a period of time when land and land rights were more available to meet utilities' needs.

However, in recent years utilities have experienced numerous problems in acquiring adequate plant sites and related facilities due in a large degree to scarcity of land available for utility needs. The Commission recognizes that scarcity of land for such utility functions is due in part to such factors as the increase in population, the growing use of water front property for recreational, residential, and industrial use, and the growing objections raised to proposed location of utility facilities, on the basis of conservation, safety, aesthetics, and other grounds.

The rule making proposed accounting changes and comparable rate treatment for the land and land right costs de-

signed to encourage and assist utilities in meeting future long range needs at reasonable costs while at the same time serving the overall public interest in regard to the location and operation of utility functions commensurate with the growing scarcity of land available for utility operations.

The Commission proposed in Docket No. R-379, three alternative methods for the accounting treatment and ratemaking policy in regard to land and land rights held for future use.<sup>2</sup> After evaluating the responses to the proposed rule-making, it is the Commission's opinion that Proposal A will best accomplish the desired objectives and therefore accepts the proposal.

The responses to our rule making notice generally support Proposal A to be an equitable, just and reasonable method because it will assist in stimulating long range land acquisitions commensurate with the overall public interest in the planning and location of utility facilities, and that by having gains or losses on final disposition of the land and land rights accrue to the ratepayer, will assist in balancing the interest between the investor and the ratepayer.

The Commission rejects Proposal B primarily because of its overwhelming lack of acceptance by respondents, and believes the proposal would be self-defeating in regard to the Commission's overall objectives.

Proposal C, although not without merit, is rejected in that no return to the utility is possible until the property is placed in service. In addition, capitalization of carrying charges for long periods of time could yield distortions in the cost of land. And finally, certain tax matters create inequities in regard to the provision for interest capitalized and loss and gain upon disposal of the property. These factors act to some extent to undermine the desired objective of the Commission in regard to future use land acquisition by utilities.

The Commission, in selecting proposal A, is not unmindful of the fact that a few respondents questioned the propriety of accounting for gains or losses above the line, for the following reasons:

(1) The customer does not pay for the recoupment of the investment in land through depreciation or amortization and

(2) The customer does not acquire a proprietary interest in land or other property devoted to his use. Therefore, the customer has no entitlement to any profit nor should incur any detriment from loss resulting from the disposal of such land, after it is withdrawn from

<sup>1</sup> State of California, Public Utilities Commission, Commonwealth of Pennsylvania, Public Utility Commission, Allegheny Power Service Co., American Electric Power Service Corp., Arkansas Power and Light Co., Arizona Public Service Co., Boston Edison Co., Central Hudson Gas and Electric Corp., Cincinnati Gas and Electric Co., Cleveland Electric Illuminating Co., Commonwealth Edison Co., Consumers Power Co., Duke Power Co., Florida Power Corp., General Public Utilities Corp., Iowa-Illinois Gas and Electric Co., Illinois Power Co., Louisiana Power and Light, Montana Power Co., New England Electric System, New York State Electric and Gas Corp., Northern States Power Co., Northeast Utilities, Oklahoma Gas and Electric Co., Pacific Gas and Electric Co., Pacific Power and Light Co., Pennsylvania Power and Light Co., Philadelphia Electric Co., Public Service Co. of Colorado, Public Service Electric and Gas Co., Public Service of Indiana, Puget Sound Power and Light Co., Rochester Gas and Electric Corp., San Diego Gas and Electric Co., Salt River Project, Southern California Edison Co., Southern Services, Inc., Union Electric Co., Utah Power and Light Co., Wisconsin Electric Power Co., Wisconsin Michigan Power Co., Wisconsin Power and Light Co., Virginia Electric and Power Co., Baltimore Gas and Electric Co., Consolidated Gas Supply Corp., Laclede Gas Co., Northern Natural Gas Co., Lake Shore Pipe Line Co., Mid Carolina Electric Cooperative, Inc., Arthur Andersen and Co., Haskins and Sells, Troupe Kehoe Whitaker and Kent, American Gas Association, American Public Power Association, Independent Natural Gas Association of America, and Van Scyoc and Wiskup, Inc.

<sup>2</sup> *Proposal A.* Land allowed in the rate base. Gains or losses would pass to ratepayers, upon final disposition. Capitalization of carrying charges is not allowed.

*Proposal B.* Land allowed in the rate base. Gains would pass to ratepayers while losses would pass to stockholders, upon final disposition. Capitalization of carrying charges is not allowed.

*Proposal C.* Land excluded from the rate base. Gains or losses would pass to stockholders. Capitalization of carrying charges is allowed.

## RULES AND REGULATIONS

utility service or before it is devoted to utility service.

The Commission points out in connection with (1) that the prescribed accounting does not provide for the disposition of the stockholder's original investment above the line to the ratepayer but merely provides that the profit or loss shall be so disposed leaving the original investment undisturbed. As to (2) the proposed accounting would permit land held for future use to be placed in rate base from the time of its acquisition. During the time that the property is in rate base, the customers will be paying a return to the Company on that property. If this return is sufficient to permit the Company to maintain its financial integrity, to attract capital, and to compensate its investors for the risk assumed, the fact that the profit from the sale of the property would be disposed of above the line would not invalidate rates which were otherwise valid. In economic terms, this would mean that where the return on equity is equal to, or greater than, the cost of equity, that return alone would fully compensate the investor. Thus, to deprive him of an additional return on the sale of the subject properties would work no injustice, for, the investor has no right to a return over and above the cost of equity regardless of the source of that return.

When the property is sold, only that amount in excess of original cost will be accounted for above the line. Thus, it is clear that the proposed accounting will not deprive the stockholder of his investment in the land held for future use. Secondly, inasmuch as this is solely an accounting order it is not subject to the attack that it would deprive the stockholders of their property without due process of law. Any company will have the opportunity in a rate proceeding to propose whatever rate treatment it deems appropriate.

In general, it will be our policy to allow the ratemaking treatment of land held for future use to track the accounting treatment prescribed therefor, insofar as such treatment is reasonable and is consistent with the evidence developed in individual rate cases.

Certain other constructive suggestions received from respondents and the staff resulting from the proposed rulemaking have been included in the accounting instructions which, although not substantive in nature, were of considerable value in adding clarity to the accounting text. These suggestions have been included where appropriate, including the changes of proposed account numbers 411.5 and 411.6 to 411.6 and 411.7, respectively, commensurate amendments to the present account 421.1 and 421.2, and extending the same objectives to land rights as to land.

The Commission finds:

(1) The notice and opportunity to participate in this rulemaking proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views,

comments, and suggestions in the manner described above, are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) The amendments to Parts 101, 104 and 105 of the Commission's Uniform Systems of Account for Public Utilities and Licensees, and Annual Report Forms No. 1 and No. 1-F prescribed by §§ 141.1 and 141.2, respectively, in Chapter I, Title 18 of the Code of Federal Regulations, herein prescribed, are necessary and appropriate for the administration of the Federal Power Act.

(3) The amendments to Parts 201, 204, and 205 of the Commission's Uniform System of Accounts for Natural Gas Companies, and Annual Report Forms No. 2 and 2-A prescribed by §§ 260.1 and 260.2, respectively, in Chapter I, Title 18 of the Code of Federal Regulations, herein prescribed, are necessary and appropriate for the administration of the Natural Gas Act.

(4) Since the amendments prescribed herein, which were not included in the notice in this proceeding, are of a minor nature and consistent with the prime purpose of the proposed rule making, further compliance with the notice provision of 5 U.S.C. 553 is unnecessary.

(5) Since the amendments prescribed herein are to encourage utility management to stimulate and further long range land and land rights acquisition, as related to planning for future plant function needs, good cause exists for making this order effective January 1, 1971.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 301, 302, 303, 304, and 309 thereof (49 Stat. 854, 855, 858; 16 U.S.C. 825, 825a, 825b, 825c, 825h) and of the Natural Gas Act, as amended, particularly sections 8, 9, 10, and 16 thereof (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717h, 717i, 717o), orders:

**PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES**

A. The Commission's Uniform System of Accounts for Class A and Class B Public Utilities and Licensees prescribed by Part 101, Chapter I, Title 18 of the Code of Federal Regulations is revised and amended as follows:

1. The Electric Plant Instructions are revised as follows:

(a) In instruction 7, paragraph C and the first sentence of paragraph E, are revised.

(b) In instruction 10, the second sentence of paragraph E is revised.

These revised portions of the Electric Plant Instructions read as follows:

**Electric Plant Instructions**

\* \* \* \* \*  
7. *Land and Land Rights.*

\* \* \* \* \*  
C. The net profit from the sale of timber, cord wood, sand, gravel, other resources or other property acquired with the rights-of-way or other lands shall

be credited to the appropriate plant account to which related. Where land is held for a considerable period of time and timber and other natural resources on the land at the time of purchase increases in value, the net profit (after giving effect to the cost of the natural resources) from the sales of timber or its products or other natural resources shall be credited to the appropriate utility operating income account when such land has been recorded in account 105, Electric Plant Held for Future Use or classified as plant in service, otherwise to account 421, Miscellaneous Nonoperating Income.

\* \* \* \* \*  
E. Any difference between the amount received from the sale of land or land rights, less agents' commissions and other costs incident to the sale, and the book cost of such land or rights, shall be included in account 411.6, Gains from Disposition of Utility Plant, or 411.7, Losses from Disposition of Utility Plant when such property has been recorded in account 105, Electric Plant Held for Future Use, otherwise to account 421.1, Gain on Disposition of Property or 421.2, Loss on Disposition of Property, as appropriate, unless a reserve therefor has been authorized and provided.

\* \* \* \* \*  
10. *Additions and Retirements of Electric Plant.*

\* \* \* \* \*  
E. \* \* \* \* \* If the land is sold, the difference between the book cost (less any accumulated provision for depreciation or amortization therefore which has been authorized and provided) and the sale price of the land (less commissions and other expenses of making the sale) shall be recorded in account 411.6, Gains from Disposition of Utility Plant, or 411.7, Losses from Disposition of Utility Plant when the property has been recorded in account 105, Electric Plant Held for Future Use, otherwise to accounts 421.1, Gain on Disposition of Property or 421.2, Loss on Disposition of Property, as appropriate.

\* \* \* \* \*  
2. The Chart of the Balance Sheet Accounts is amended by adding a new account title "187, Deferred Losses from Disposition of Utility Plant," immediately following account title "186, Miscellaneous Deferred Debits," and a new account title "256, Deferred Gains from Disposition of Utility Plant," immediately following account title "255, Accumulated Deferred Investment Tax Credits," as follows:

**Balance Sheet Accounts  
(Chart of Accounts)**

**ASSETS AND OTHER DEBITS**

\* \* \* \* \*  
4. **DEFERRED DEBITS**

\* \* \* \* \*  
187. Deferred losses from disposition of utility plant.

## LIABILITIES AND OTHER CREDITS

## 8. DEFERRED CREDITS

256 Deferred gains from disposition of utility plant.

3. The text of the Balance Sheet Accounts is amended by revising account "105, Electric Plant Held for Future Use," and adding two new accounts "187, Deferred Losses from Disposition of Utility Plant," and "256, Deferred Gains from Disposition of Utility Plant," reading as follows:

## Balance Sheet Accounts

## ASSETS AND OTHER DEBITS

## 1. UTILITY PLANT

105 Electric plant held for future use.

A. This account shall include the original cost of electric plant (except land and land rights) owned and held for future use in electric service under a definite plan for such use, to include: (1) Property acquired (except land and land rights) but never used by the utility in electric service, but held for such service in the future under a definite plan, and (2) property (except land and land rights) previously used by the utility in service, but retired from such service and held pending its reuse in the future, under a definite plan, in electric service.

B. This account shall also include the original cost of land and land rights owned and held for future use in electric service under a plan for such use, to include land and land rights: (1) Acquired but never used by the utility in electric service, but held for such service in the future under a plan, and (2) previously held by the utility in service, but retired from such service and held pending its reuse in the future under a plan, in electric service. (See Electric Plant Instruction 7.)

C. In the event that property recorded in this account shall no longer be needed or appropriate for future utility operations, the company shall notify the Commission of such condition and request approval of journal entries to remove such property from this account.

D. Gains or losses from the sale of land and land rights or other disposition of such property previously recorded in this account and not placed in utility service shall be recorded directly in accounts 411.6 or 411.7, as appropriate, except when determined to be significant by the Commission. Upon such a determination, the amounts shall be transferred to account 256, Deferred Gains from Disposition of Utility Plant, or account 187, Deferred Losses from Disposition of Utility Plant, and amortized to accounts 411.6, Gains from Disposition of Utility Plant, or 411.7, Losses from Disposition of Utility Plant, as appropriate.

E. The property included in this account shall be classified according to the detail accounts (301 to 399) prescribed

for electric plant in service and the account shall be maintained in such detail as though the property were in service.

NOTE: Materials and supplies, meters and transformers held in reserve, and normal spare capacity of plant in service shall not be included in this account.

## 4. DEFERRED DEBITS

187 Deferred losses from disposition of utility plant.

This account shall include losses from the sale or other disposition of property previously recorded in account 105, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof, where such losses are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by debits to account 411.7, Losses from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 105, Electric Plant Held for Future Use.)

## LIABILITIES AND OTHER CREDITS

## 8. DEFERRED CREDITS

256 Deferred gains from disposition of utility plant.

This account shall include gains from the sale or other disposition of property previously recorded in account 105, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof, where such gains are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by credits to account 411.6, Gains from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 105, Electric Plant Held for Future Use.)

4. The Chart of Income Accounts is amended by adding two new account titles "411.6, Gains from Disposition of Utility Plant," and "411.7, Losses from Disposition of Utility Plant," immediately following account title "411.4, Investment Tax Credit Adjustments, Utility Operations," as follows:

## Income Accounts

## (Chart of Accounts)

## 1. UTILITY OPERATING INCOME

411.6 Gains from disposition of utility plant.

411.7 Losses from disposition of utility plant.

5. The text of the Income Accounts is amended as follows:

(a) Two new accounts, "411.6, Gains from Disposition of Utility Plant" and "411.7, Losses from Disposition of Utility Plant," are added immediately following account "411.5, Investment Tax

Credit Adjustments, Nonutility Operations."

(b) Accounts "421.1, Gain on Disposition of Property" and "421.2, Loss on Disposition of Property" are revised.

These amended and revised portions of the Income Accounts read as follows:

## Income Accounts

## 1. UTILITY OPERATING INCOME

411.6 Gains from disposition of utility plant.

This account shall include, as approved by the Commission, amounts relating to gains from the disposition of future use utility plant including amounts which were previously recorded in and transferred from account 105, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof.

411.7 Losses from disposition of utility plant.

This account shall include, as approved by the Commission, amounts relating to losses from the disposition of future use utility plant including amounts which were previously recorded in and transferred from account 105, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof.

## 2. OTHER INCOME AND DEDUCTIONS

421.1 Gain on disposition of property.

This account shall be credited with the gain on the sale, conveyance, exchange, or transfer of utility or other property to another. Amounts relating to gains on land and land rights held for future use recorded in account 105, Electric Plant Held for Future Use will be accounted for as prescribed in paragraphs B, C, and D thereof. (See electric plant instructions 5F, 7E, and 10E.) Income taxes on gains recorded in this account shall be recorded in account 409, Income Taxes.

421.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange or transfer of utility or other property to another. Amounts relating to losses on land and land rights held for future use recorded in account 105, Electric Plant Held for Future Use will be accounted for as prescribed in paragraphs B, C, and D thereof. (See electric plant instructions 5F, 7E, and 10E.) The reduction in income taxes attributable to losses recorded in this account shall be recorded in account 409, Income Taxes.

## PART 104—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C PUBLIC UTILITIES AND LICENSEES

B. The Commission's Uniform System of Accounts for Class C Public Utilities and Licensees prescribed by Part 104, Chapter I, Title 18 of the Code of Federal Regulations is revised and amended as follows:

## RULES AND REGULATIONS

1. The Electric Plant Instructions are revised as follows:

(a) In instruction 6, paragraph C and the first sentence of paragraph E are revised.

(b) In instruction 9, the second sentence of paragraph E is revised. These revised portions of the Electric Plant Instructions read as follows:

**Electric Plant Instructions**

6. *Land and Land Rights.*

C. The net profit from the sale of timber, cord wood, sand, gravel, other resources or other property acquired with the rights-of-way or other lands shall be credited to the appropriate plant account to which related. Where land is held for a considerable period of time and timber and other natural resources on the land at the time of purchase increases in value, the net profit (after giving effect to the cost of the natural resources) from the sales of timber or its products or other natural resources shall be credited to the appropriate utility operating income account when such land has been recorded in account 105, Electric Plant Held for Future Use, otherwise to account 421, Miscellaneous Nonoperating Income.

E. Any difference between the amount received from the sale of land or land rights, less agents' commissions and other costs incident to the sale, and the book cost of such land or rights shall be included in account 411.6, Gains from Disposition of Utility Plant, or 411.7, Losses from Disposition of Utility Plant when such property has been recorded in account 105, Electric Plant Held for Future Use, otherwise to account 421.1, Gain on Disposition of Property, or 421.2, Loss on Disposition of Property, as appropriate, unless a reserve therefor has been authorized and provided.

9. *Additions and Retirements of Electric Plant.*

E. \* \* \* If the land is sold, the difference between the book cost (less any accumulated provision for depreciation or amortization therefor which has been authorized and provided) and the sale price of the land (less commissions and other expenses of making the sale) shall be recorded in account 411.6, Gains from Disposition of Utility Plant, or 411.7, Losses from Disposition of Utility Plant, when the property has been recorded in account 105, Electric Plant Held for Future Use, otherwise to account 421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property, as appropriate.

2. The Chart of the Balance Sheet Accounts is amended by adding a new account title "187, Deferred Losses from Disposition of Utility Plant," immediately following account title "183, Other De-

ferred Debits," and a new account title "256, Deferred Gains from Disposition of Utility Plant," immediately following account title "255, Accumulated Deferred Investment Tax Credits," as follows:

Balance Sheet Accounts	
(Chart of Accounts)	
ASSETS AND OTHER DEBITS	
*	* * * * *
*	4. DEFERRED DEBITS
*	* * * * *
187	Deferred losses from disposition of utility plant.
*	* * * * *
LIABILITIES AND OTHER CREDITS	
*	* * * * *
*	8. DEFERRED CREDITS
*	* * * * *
256	Deferred gains from disposition of utility plant.
*	* * * * *

3. The text of the Balance Sheet Accounts, is amended by revising account "105, Electric Plant Held for Future Use" and adding two new accounts "187, Deferred Losses from Disposition of Utility Plant" and "256, Deferred Gains from Disposition of Utility Plant," reading as follows:

Balance Sheet Accounts	
ASSETS AND OTHER DEBITS	
1.	UTILITY PLANT
*	* * * * *

105. *Electric plant held for future use.*

A. This account shall include the original cost of electric plant (except land and land rights) owned and held for future use in electric service under a definite plan for such use, to include: (1) Property acquired (except land and land rights) but never used by the utility in electric service, but held for such service in the future under a definite plan, and (2) property (except land and land rights) previously used by the utility in service, but retired from such service and held pending its reuse in the future, under a definite plan, in electric service.

B. This account shall also include the original cost of land and land rights owned and held for future use in electric service under a plan for such use, to include land and land rights: (1) Acquired but never used by the utility in electric service, but held for such service previously held by the utility in service, but retired from such service and held pending its reuse in the future under a plan, in electric service. (See Electric Plant Instruction 7.)

C. In the event that property recorded in this account shall no longer be needed or appropriate for future utility operations, the company shall notify the Commission of such condition and request approval of journal entries to remove such property from this account.

D. Gains or losses from the sale of land and land rights or other disposition of such property previously recorded in this

account and not placed in utility service shall be recorded directly in accounts 411.6 or 411.7 as appropriate, except when determined to be significant by the Commission. Upon such a determination, the amounts shall be transferred to account 256, Deferred Gains from Disposition of Utility Plant or account 187, Deferred Losses from Disposition of Utility Plant, and amortized to accounts 411.6, Gains from Disposition of Utility Plant or 411.7, Losses from Disposition of Utility Plant, as appropriate.

E. The property included in this account shall be classified according to the detail accounts (301 to 399) prescribed for electric plant in service and the account shall be maintained in such detail as though the property were in service.

NOTE: Materials and supplies, meters and transformers held in reserve, and normal spare capacity of plant in service shall not be included in this account.

4.	DEFERRED DEBITS
*	* * * * *

187. *Deferred losses from disposition of utility plant.*

This account shall include losses from the sale or other disposition of property previously recorded in account 105, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof, where such losses are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by debits to account 411.7, Losses from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 105, Electric Plant Held for Future Use.)

LIABILITIES AND OTHER CREDITS

8.	DEFERRED CREDITS
*	* * * * *

256. *Deferred gains from disposition of utility plant.*

This account shall include gains from the sale or other disposition of property previously recorded in account 105, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof, where such gains are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by credits to account 411.6, Gains from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 105, Electric Plant Held for Future Use.)

4.	THE CHART OF THE INCOME ACCOUNTS
*	* * * * *

is amended by adding two new account titles "411.6, Gains from Disposition of Utility Plant" and "411.7, Losses from Disposition of Utility Plant," immediately following account title "411.4, Investment Tax Credit Adjustments, Utility Operations," as follows:

## Income Accounts

## (Chart of Accounts)

## 1. UTILITY OPERATING INCOME

411.6 Gains from disposition of utility plant.  
411.7 Losses from disposition of utility plant.

5. The text of the Income Accounts is amended as follows:

(a) Two new accounts "411.6, Gains from Disposition of Utility Plant," and "411.7, Losses from Disposition of Utility Plant," are added immediately following account "411.5, Investment Tax Credit Adjustments, Non-Utility Operations."

(b) Accounts "421.1, Gain on Disposition of Property" and "421.2, Loss on Disposition of Property" are revised.

These amended and revised portions of the Income Accounts read as follows:

## Income Accounts

## 1. UTILITY OPERATING INCOME

411.6 Gains from disposition of utility plant.

This account shall include, as approved by the Commission, amounts relating to gains from the disposition of future use utility plant including amounts which were previously recorded in and transferred from account 105, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof.

411.7 Losses from disposition of utility plant.

This account shall include, as approved by the Commission, amounts relating to losses from the disposition of future use utility plant including amounts which were previously recorded in and transferred from account 105, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof.

## 2. OTHER INCOME AND DEDUCTIONS

421.1 Gain on disposition of property.

This account shall be credited with the gain on the sale, conveyance, exchange, or transfer of utility or other property to another. Amounts relating to gains on land and land rights held for future use recorded in account 105, Electric Plant Held for Future Use will be accounted for as prescribed in paragraphs B, C, and D thereof. (See electric plant instructions 4F, 6E, and 9E.) Income taxes on gains recorded in this account shall be recorded in account 409, Income Taxes.

## 421.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange, or transfer of utility or other property to another. Amounts relating to losses on land and land rights held for future use recorded in accounts 105, Electric Plant Held for Future Use will be accounted for as prescribed in paragraphs B, C, and D thereof. (See electric plant instruc-

tions 4F, 6E, and 9E.) The reduction in income taxes attributable to losses recorded in this account shall be recorded in account 409, Income Taxes.

## PART 105—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS D PUBLIC UTILITIES AND LICENSEES

C. The Commission's Uniform System of Accounts for Class D Public Utilities and Licensees prescribed by Part 105, Chapter I, Title 18 of the Code of Federal Regulations is revised and amended as follows:

1. In the Electric Plant Instructions section amend the second sentence of instruction 6B. As so amended, Electric Plant Instruction 6B reads:

## Electric Plant Instructions

## 6. Electric Plant Retired.

B. \* \* \* If the land is sold, the difference between the book cost (less any accumulated provision for depreciation, or amortization therefore which has been authorized and provided) and the sale price of the land (less the commission and other expenses of making the sale) shall be included in account 411.6, Gains from Disposition of Utility Plant, or 411.7, Losses from Disposition of Utility Plant when such property has been recorded in account 394, Electric Plant Held for Future Use, otherwise to account 421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property, as appropriate. \* \* \*

2. The chart of the Balance Sheet Accounts is amended by adding a new account title, "187, Deferred Losses from Disposition of Utility Plant" immediately following account title "183, Other Deferred Debits" and a new account title, "256, Deferred Gains from Disposition of Utility Plant" immediately following account title "255, Accumulated Deferred Investment Tax Credits," as follows:

## Balance Sheet Accounts

## (Chart of Accounts)

## ASSETS AND OTHER DEBITS

## 4. DEFERRED DEBITS

187 Deferred losses from disposition of utility plant.

## LIABILITIES AND OTHER CREDITS

## 8. DEFERRED CREDITS

256 Deferred gains from disposition of utility plant.

3. The text of the Balance Sheet Accounts is amended by adding two new accounts, "187, Deferred Losses from Disposition of Utility Plant" and "256, Deferred Gains from Disposition of Utility Plant," reading as follows:

## Balance Sheet Accounts

## ASSETS AND OTHER DEBITS

## 4. DEFERRED DEBITS

187 Deferred losses from disposition of utility plant.

This account shall include losses from the sale or other disposition of property previously recorded in account 394, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof, where such losses are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by debits to account 411.7, Losses from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 394, Electric Plant Held for Future Use.)

## LIABILITIES AND OTHER CREDITS

## 8. DEFERRED CREDITS

256 Deferred gains from disposition of utility plant.

This account shall include gains from the sale or other disposition of property previously recorded in account 394, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof, where such gains are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by credits to account 411.6, Gains from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 394, Electric Plant Held for Future Use.)

4. The text of the Electric Plant Accounts is amended by revising account "394, Electric Plant Held for Future Use," as follows:

## 394 Electric plant held for future use.

A. This account shall include the original cost of electric plant (except land and land rights) owned and held for future use in electric service under a definite plan for such use, to include: (1) Property acquired (except land and land rights) but never used by the utility in electric service, but held for such service in the future under a definite plan, and (2) property (except land and land rights) previously used by the utility in service, but retired from such service and held pending its reuse in the future, under a definite plan, in electric service.

B. This account shall also include the original cost of land and land rights owned and held for future use in electric service under a plan for such use, to include land and land rights: (1) Acquired but never used by the utility in electric service, but held for such service in the future under a plan, and (2)

## RULES AND REGULATIONS

previously held by the utility in service, but retired from such service and held pending its reuse in the future under a plan, in electric service.

C. In the event that property recorded in this account shall no longer be needed or appropriate for future utility operations, the company shall notify the Commission of such condition and request approval of journal entries to remove such property from this account.

D. Gains or losses from the sale of land and land rights or other disposition of such property previously recorded in this account and not placed in utility service shall be recorded directly in accounts 411.6 or 411.7 as appropriate, except when determined to be significant by the Commission. Upon such a determination, the amounts shall be transferred to account 256, Deferred Gains from Disposition of Utility Plant, or account 187, Deferred Losses from Disposition of Utility Plant, and amortized to accounts 411.6, Gains from Disposition of Utility Plant, or 411.7, Losses from Disposition of Utility Plant, as appropriate.

E. The property included in this account shall be classified according to the detailed accounts (301-390) prescribed for electric plant in service and the account shall be maintained in such detail as though the property were in service.

NOTE: Materials and supplies, meters and transformers held in reserve, and normal spare capacity of plant in service shall not be included in this account.

5. The Chart of the Income Accounts is amended by adding two new account titles "411.6, Gains from Disposition of Utility Plant" and "411.7, Losses from Disposition of Utility Plant," immediately following account title, "411.5, Investment Tax Credit Adjustments, Nonutility Operations," as follows:

## Income Accounts

## (Chart of Accounts)

## 1. UTILITY OPERATING INCOME

411.6 Gains from disposition of utility plant.  
411.7 Losses from disposition of utility plant.

6. The text of the Income Accounts is amended as follows:

(a) Two new accounts "411.6, Gains from Disposition of Utility Plant" and "411.7, Losses from Disposition of Utility Plant," are added immediately following account "411.5, Investment Tax Credit Adjustments, Nonutility Operations."

(b) Accounts "421.1, Gain on Disposition of Property" and "421.2, Loss on Disposition of Property," are revised.

These amended and revised portions of the Income Accounts read as follows:

## Income Accounts

## 1. UTILITY OPERATING INCOME

## 411.6 Gains from disposition of utility plant.

This account shall include, as approved by the Commission, amounts relating to gains from the disposition of future use utility plant including amounts which were previously recorded in and transferred from account 394, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof.

## 411.7 Losses from disposition of utility plant.

This account shall include, as approved by the Commission, amounts relating to losses from the disposition of future use utility plant including amounts which were previously recorded in and transferred from account 394, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof.

## \* \* \* \* \*

## 2. OTHER INCOME AND DEDUCTIONS

## \* \* \* \* \*

## 421.1 Gain on disposition of property.

This account shall be credited with the gain on the sale, conveyance, exchange or transfer of utility or other property to another. Amounts relating to gains on land and land rights held for future use recorded in account 394, Electric Plant Held for Future Use will be accounted for as prescribed in paragraphs B, C, and D thereof. Income taxes on gains recorded in this account shall be recorded in account 409, Income Taxes.

## 421.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange or transfer of utility or other property to another. Amounts relating to losses on land and land rights held for future use recorded in account 394, Electric Plant Held for Future Use will be accounted for as prescribed in paragraphs B, C, and D thereof. The reduction in income taxes attributable to losses recorded in this account shall be recorded in account 409, Income Taxes.

## \* \* \* \* \*

## PART 141—STATEMENTS AND REPORTS (SCHEDULES)

D. Effective for the reporting year 1971, schedule pages 110, 111, 114, 214A and 224A of FPC Form No. 1, Annual Report for Public Utilities and Licensees (Class A and Class B) prescribed by § 141.1, in Part 141, Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations, are amended as follows, all as set out in Attachment A hereto:<sup>1</sup>

(1) On schedule page 110, "Statement A—Comparative Balance Sheet," is amended by adding item "40. Deferred Losses from Disposition of Utility Plant

(187)," immediately following item "39. Miscellaneous Deferred Debits (186)."

(2) On schedule page 111, "Statement A—Comparative Balance Sheet," is amended by adding new item "36. Deferred Gains from Disposition of Utility Plant (256)," immediately following item "35. Accumulated Deferred Investment Tax Credits (255)."

(3) On schedule page 114, "Statement C—Statement of Income for the Year," is amended by adding new items "17. Gains from Disposition of Utility Plant (411.6)" and "18. Losses from Disposition of Utility Plant (411.7)," immediately following item "16. Investment Tax Credit Adj.—Net (411.4)."

(4) New schedule page 214A, "Deferred Losses from Disposition of Utility Plant (account 187)" is added.

(5) New schedule page 224A, "Deferred Gains from Disposition of Utility Plant (account 256)" is added.

E. Effective for the reporting year 1971, schedule pages 3 and 6 of FPC Form No. 1-F, Annual Report for Public Utilities and Licensees (Class C and Class D), prescribed by § 141.2, in Part 141, Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations are amended as follows, all as set out in Attachment B hereto:<sup>1</sup>

(1) On schedule page 3—add a new item "Deferred losses from disposition of utility plant" immediately following item number 21, "Other deferred debits" in column (a) and a new item "Deferred gains from disposition of utility plant" in column (e).

(2) On schedule page 6—add two new items, in order, "Gains from disposition of utility plant (411.6)" and "Losses from disposition of utility plant (411.7)" immediately following line item 17, "Investment tax credit adj.—Net (411.4)."

F. Effective January 1, 1971, paragraph (d) of § 141.1 of the Commission's regulations under the Federal Power Act is revised by adding two new schedules as follows:

Add schedules:

Insert—Deferred Losses from Disposition of Utility Plant, to follow the line "Deferred Regulatory Commission Expenses."

Insert—Deferred Gains from Disposition of Utility Plant, to follow the line "Customer Advances for Construction."

## \* \* \* \* \*

## PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

G. The Commission's Uniform System of Accounts for Natural Gas Companies (Class A and Class B) prescribed by Part 201, Chapter I, Title 18 of the Code of Federal Regulations is revised and amended as follows:

1. The Gas Plant Instructions are revised as follows:

(a) In instruction 7, paragraph C and the first sentence of paragraph E are revised.

<sup>1</sup>Attachments A and B filed as part of original document.

(b) In instruction 10, the second sentence of paragraph E is revised.

These revised portions of the Gas Plant Instructions read as follows:

#### Gas Plant Instructions

##### 1. Land and Land Rights.

C. The net profit from the sale of timber, cord wood, sand, gravel, other resources, or other property acquired with the rights-of-way or other lands shall be credited to the appropriate plant account to which related. Where land is held for a considerable period of time and timber and other natural resources on the land at the time of purchase increases in value, the net profit (after giving effect to the cost of the natural resources) from the sales of timber or its products or other natural resources shall be credited to the appropriate utility operating income account when such land has been recorded in account 105, Gas Plant Held for Future Use, 105.1, Production Properties Held for Future Use, or classified as plant in service otherwise to account 421, Miscellaneous Nonoperating Income.

E. Any difference between the amount received from the sale of land or land rights, less agents' commissions and other costs incident to the sale, and the book cost of such land or rights shall be included in account 411.6, Gains from Disposition of Utility Plant or 411.7, Losses from Disposition of Utility Plant when such property has been recorded in account 105, Gas Plant Held for Future Use or 105.1, Production Properties Held for Future Use, Otherwise to account 421.1, Gain on Disposition of Property or 421.2, Loss on Disposition of Property, as appropriate, unless a reserve therefor has been authorized and provided.

##### 10. Additions and Retirements of Gas Plant.

E. \* \* \* If the land is sold, the difference between the book cost (less any accumulated provision for depreciation, depletion or amortization therefor which has been authorized and provided) and the sale price of the land (less commissions and other expenses of making the sale) shall be recorded in account 411.6, Gains from Disposition of Utility Plant or 411.7, Losses from Disposition of Utility Plant when the property has been recorded in account 105, Gas Plant Held for Future Use or 105.1, Production Properties Held for Future Use, otherwise to accounts 421.1, Gain on Disposition of Property or 421.2, Loss on Disposition of Property, as appropriate.

2. The Chart of the Balance Sheet Accounts is amended by adding new account title "187, Deferred Losses from Sale of Utility Plant," immediately following account title "186, Miscellaneous Deferred Debits," and new account title

"256, Deferred Gains from sale of Utility Plant," immediately following account title "255, Accumulated Deferred Investment Tax Credits," as follows:

#### Balance Sheet Accounts

##### (Chart of Accounts)

##### ASSETS AND OTHER DEBITS

##### 4. DEFERRED DEBITS

187 Deferred losses from disposition of utility plant.

##### LIABILITIES AND OTHER CREDITS

##### 8. DEFERRED CREDITS

256 Deferred gains from disposition of utility plant.

3. The text of the Balance Sheet Accounts is amended as follows:

(a) Account "105, Gas Plant Held for Future Use" is revised.

(b) Account "110, Accumulated Provision for Depreciation of Gas Plant Held for Future Use," and account "113.2, Accumulated Provision for Amortization of Other Gas Plant Held for Future Use" are amended by revising the first sentence in paragraph "A" of each account and by adding a final sentence at the end of paragraph "B" of each account.

(c) Three new accounts are added, "105.1, Production Properties Held for Future Use," "187, Deferred Losses from Disposition of Utility Plant" and "256, Deferred Gains from Disposition of Utility Plant."

These revised and amended portions of the Balance Sheet Accounts read as follows:

#### Balance Sheet Accounts

##### ASSETS AND OTHER DEBITS

##### 1. UTILITY PLANT

105 Gas plant held for future use.

A. This account shall include the original cost of gas plant (except land and land rights) owned and held for future use in gas service under a definite plan for such use, to include: (1) Property acquired (except land and land rights) but never used by the utility in gas service, but held for such service in the future under a definite plan, and (2) property (except land and land rights) previously used by the utility in gas service, but retired from such service and held pending its reuse in the future, under a definite plan, in gas service. This includes production properties relating to leases acquired on or before October 6, 1969.

B. This account shall also include the original cost of land and land rights owned and held for future use in gas service relating to leases acquired on or before October 6, 1969, under a plan for such use, to include land and land rights: (1) Acquired but never used by the utility in gas service, but held for such service in the future under a plan, and (2)

previously held by the utility in gas service, but retired from such service and held pending its reuse in the future under a plan, in gas service. (See Gas Plant Instruction 7.)

C. In the event that property recorded in this account shall no longer be needed or appropriate for future utility operations, the company shall notify the Commission of such condition and request approval of journal entries to remove such property from this account.

D. Gains or losses from the sale of land and land rights or other disposition of such property previously recorded in this account and not placed in utility service shall be recorded directly in accounts 411.6 or 411.7, as appropriate, except when determined to be significant by the Commission. Upon such a determination, the amounts shall be transferred to account 256, Deferred Gains from Disposition of Utility Plant, or account 187, Deferred Losses from Disposition of Utility Plant, and amortized to accounts 411.6, Gains from Disposition of Utility Plant, or 411.7, Losses from Disposition of Utility Plant, as appropriate.

E. The property included in this account shall be classified according to the detail accounts (301 to 399) prescribed for gas plant in service and the account shall be maintained in such detail as though the property were in service.

NOTE A: Materials and supplies, meters and house regulators held in reserve, and normal spare capacity of plant in service shall not be included in this account.

NOTE B: Include in this account natural gas wells shut in after construction which have not been connected with the line; also, natural gas wells which have been connected with the line but which are shut in for any reason except seasonal excess capacity or governmental proration requirements or for repairs, provided that the related production leases were acquired on or before October 6, 1969.

##### 105.1 Production properties held for future use.

A. This account shall include the cost of production properties (except land and land rights) relating to leases acquired on or after October 7, 1969, held under a definite plan for future use to ensure a future supply of natural gas for use in pipeline operations, to include: (1) Production property (except land and land rights) acquired but never used by the utility in gas service, but held for such service in the future under a definite plan, and (2) production property (except land and land rights) previously used by the utility in gas service, but retired from such service and held pending its reuse in the future, under a definite plan, in gas service.

B. This account shall also include the original cost of land and land rights held under a plan for future use to insure a future supply of natural gas for use in pipeline operations, relating to leases acquired on or after October 7, 1969, to include land and land rights: (1) Acquired but never used by the utility in gas service, but held for service in the future un-

## RULES AND REGULATIONS

der a plan, and (2) previously used by the utility in gas service, but retired from such service and held pending its reuse in the future under a plan, in gas service. (See Gas Plant Instruction 7.)

C. In the event that property recorded in this account shall no longer be needed or appropriate for future utility operations, the company shall notify the Commission of such condition and request approval of journal entries to remove such property from this account.

D. Gains or losses from the sale of land and land rights or other disposition of such property previously recorded in this account and not placed in utility service shall be recorded directly in accounts 411.6 or 411.7, as appropriate, except when determined to be significant by the Commission. Upon such determination, the amounts shall be transferred to account 256, Deferred Gains from Sale of Utility Plant, or account 187, Deferred Losses from Sale of Utility Plant, and amortized to accounts 411.6, Gains from Disposition of Utility Plant or 411.7, Losses from Disposition of Utility Plant, as appropriate.

E. The property included in this account shall be classified according to the detailed accounts prescribed for natural gas production and gathering plant in service and such classification shall be maintained in the same detail as though the property were in service.

110 Accumulated provision for depreciation of gas plant held for future use.

A. This account shall be credited with amounts charged to account 421, Miscellaneous Nonoperating Income, for depreciation expense on property included in accounts 105, Gas Plant Held for Future Use and 105.1, Production Properties Held for Future Use. \* \* \*

B. \* \* \* This account shall be subdivided so that amounts relating to account 105, Gas Plant Held for Future Use and 105.1, Production Properties Held for Future Use, can be readily identifiable.

113.2 Accumulated provision for amortization of other gas plant held for future use.

A. This account shall be credited with amounts charged to account 421, Miscellaneous Nonoperating Income, for amortization expense on property included in accounts 105, Gas Plant Held for Future Use, and 105.1, Production Properties Held for Future Use, not including, however, provisions for abandoned natural gas leases. \* \* \*

B. \* \* \* This account shall be subdivided so the amounts relating to accounts 105, Gas Plant Held for Future Use and 105.1, Production Properties Held for Future Use, can be readily identifiable.

4. DEFERRED DEBITS

187 Deferred losses from disposition of utility plant.

This account shall include losses from the sale or other disposition of property previously recorded in account 105, Gas Plant Held for Future Use and account 105.1, Production Properties Held for Future Use, under the provisions of paragraphs B, C, and D thereof, where such losses are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by debits to account 411.7, Losses from Disposition of Utility Plant. Subdivision of this account shall be maintained so that amounts relating to account 105, Gas Plant Held for Future Use and account 105.1, Production Properties Held for Future Use, can be readily identifiable. Amounts recorded in this account shall be net of related income taxes. (See accounts 105, Gas Plant Held for Future Use and 105.1, Production Properties Held for Future Use.)

LIABILITIES AND OTHER CREDITS

8. DEFERRED CREDITS

256 Deferred gains from disposition of utility plant.

This account shall include gains from the sale or other disposition of property previously recorded in account 105, Gas Plant Held for Future Use and account 105.1, Production Properties Held for Future Use, under the provisions of paragraphs B, C, and D thereof, where such gains are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by credits to account 411.6, Gains from Disposition of Utility Plant. Subdivision of this account shall be maintained so that amounts relating to account 105, Gas Plant Held for Future Use and account 105.1, Production Properties Held for Future Use, can be readily identifiable. Amounts recorded in this account shall be net of related income taxes. (See accounts 105, Gas Plant Held for Future Use and account 105.1, Production Properties Held for Future Use.)

4. The Chart of Income Accounts is amended by adding immediately following account title "411.4, Investment Tax Credit Adjustments, Utility Operations," two new account titles "411.6, Gains from Sale of Utility Plant" and "411.7, Losses from Sale of Utility Plant."

Income Accounts

(Chart of Accounts)

1. UTILITY OPERATING INCOME

411.6 Gains from disposition of utility plant.  
411.7 Losses from disposition of utility plant.

5. The text of Income Accounts is amended as follows:

(a) Two new accounts "411.6, Gains from Sale of Utility Plant" and "411.7, Losses from Sale of Utility Plant," are added immediately following account "411.5, Investment tax credit adjustments, nonutility operations."

(b) Accounts "421.1, Gain on Disposition of Property" and "421.2, Loss on Disposition of Property," are revised.

These amended and revised portions of the Income Accounts read as follows:

Income Accounts

1. UTILITY OPERATING INCOME

411.6 Gains from disposition of utility plant.

This account shall include, as approved by the Commission, amounts relating to gains from the disposition of future use utility plant including amounts which were previously recorded in and transferred from account 105, Gas Plant Held for Future Use and account 105.1, Production Properties Held for Future Use, under the provisions of paragraphs B, C, and D thereof.

411.7 Losses from disposition of utility plant.

This account shall include, as approved by the Commission, amounts relating to losses from the disposition of future use utility plant including amounts which were previously recorded in and transferred from account 105, Gas Plant Held for Future Use and account 105.1, Production Properties Held for Future Use, under the provisions of paragraphs B, C, and D thereof.

2. OTHER INCOME AND DEDUCTIONS

421.1 Gain on disposition of property.

This account shall be credited with the gain on the sale, conveyance, exchange or transfer of utility or other property to another. Amounts relating to gains on land and land rights held for future use recorded in accounts 105, Gas Plant Held for Future Use and 105.1, Production Properties Held for Future Use, will be accounted for as prescribed in paragraphs B, C, and D thereof. (See gas plant instructions 5F, 7E, and 10E.) Income taxes on gains recorded in this account shall be recorded in account 409, Income Taxes.

421.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange, or transfer of utility or other property to another. Amounts relating to losses on land and land rights held for future use recorded in accounts 105, Gas Plant Held for Future Use and 105.1, Production Properties Held for Future Use, will be accounted for as prescribed in paragraphs B, C, and D thereof. (See gas plant instructions 5F, 7E, and 10E.)

The reduction in income taxes attributable to losses recorded in this account shall be recorded in account 409, Income Taxes.

#### PART 204—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C NATURAL GAS COMPANIES

H. The Commission's Uniform System of Accounts for Natural Gas Companies (Class C) prescribed by Part 204, Chapter I, Title 18 of the Code of Federal Regulations is revised and amended as follows:

1. The Gas Plant Instructions are revised as follows:

(a) In instruction 6, paragraph C and the first sentence of paragraph E are revised.

(b) In instruction 9, the second sentence of paragraph E is revised.

These revised portions of the Gas Plant Instructions read as follows:

##### Gas Plant Instructions

##### 6. Land and Land Rights.

C. The net profit from the sale of timber, cord wood, sand, gravel, other resources or other property acquired with the rights-of-way or other lands shall be credited to the appropriate plant account to which related. Where land is held for a considerable period of time and timber and other natural resources on the land at the time of purchase increases in value, the net profit (after giving effect to the cost of the natural resources) from the sales of timber or its products or other natural resources shall be credited to the appropriate utility operating income account when such land has been recorded in account 105, Gas Plant Held for Future Use, otherwise to account 421, Miscellaneous Nonoperating Income.

E. Any difference between the amount received from the sale of land or land rights, less agent's commissions and other costs incident to the sale, and the book cost of such land or rights shall be included in account 411.6, Gains from Disposition of Utility Plant or 411.7, Losses from Disposition of Utility Plant when such property has been recorded in account 105, Gas Plant Held for Future Use, otherwise to account 421.1, Gain on Disposition of Property or 421.2, Loss on Disposition of Property, as appropriate, unless a reserve therefor has been authorized and provided.

##### 9. Additions and Retirements of Gas Plant.

E. If the land is sold, the difference between the book cost (less any accumulated provision for depreciation, depletion or amortization therefor which has been authorized and provided) and the sale price of the land (less commissions and other expenses of making the

sale) shall be recorded in account 411.6, Gains from Disposition of Utility Plant or 411.7, Losses from Disposition of Utility Plant when the property has been recorded in account 105, Gas Plant Held for Future Use, otherwise to account 421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property, as appropriate.

C. In the event that property recorded in this account shall no longer be needed or appropriate for future utility operations, the company shall notify the Commission of such condition and request approval of journal entries to remove such property from this account.

D. Gains or losses from the sale of land and land rights or other disposition of such property previously recorded in this account and not placed in utility service shall be recorded directly in accounts 411.6 or 411.7 as appropriate, except when determined to be significant by the Commission. Upon such a determination, the amounts shall be transferred to account 256, Deferred Gains from Disposition of Utility Plant or account 187, Deferred Losses from Disposition of Utility Plant, and amortized to accounts 411.6, Gains from Disposition of Utility Plant or 411.7, Losses from Disposition of Utility Plant, as appropriate.

E. The property included in this account shall be classified according to the detail accounts (301 to 399) prescribed for gas plant in service and the account shall be maintained in such detail as though the property were in service.

NOTE A: Materials and supplies, meters and transformers held in reserve, and normal spare capacity of plant in service shall not be included in this account.

NOTE B: Include in this account natural gas wells shut in after construction which have not been connected with the line; also, natural gas wells which have been connected with the line but which are shut in for any reason except seasonal excess capacity or governmental proration requirements or for repairs.

##### 4. DEFERRED DEBITS

##### 187 Deferred losses from disposition of utility plant.

This account shall include losses from the sale or other disposition of property previously recorded in account 105, Gas Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof, where such losses are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by debits to account 411.7, Losses from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 105, Gas Plant Held for Future Use.)

##### LIABILITIES AND OTHER CREDITS

##### 8. DEFERRED CREDITS

##### 256 Deferred gains from disposition of utility plant.

This account shall include gains from the sale or other disposition of property previously recorded in account 105, Gas Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof, where such gains are significant

## RULES AND REGULATIONS

and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by credits to account 411.6, Gains from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 105, Gas Plant Held for Future Use.)

4. The Chart of the Income Accounts is amended by adding two new account titles "411.6, Gains from Disposition of Utility Plant" and "411.7, Losses from Disposition of Utility Plant," immediately following account title "411.4, Investment Tax Credit Adjustments," as follows:

## Income Accounts

## (Chart of Accounts)

## 1. UTILITY OPERATING INCOME

- 411.6 Gains from disposition of utility plant.
- 411.7 Losses from disposition of utility plant.

5. The text of the Income Accounts is amended as follows:

(a) Two new accounts "411.6, Gains from Disposition of Utility Plant" and "411.7, Losses from Disposition of Utility Plant," are added immediately following account "411.5, Investment Tax Credit Adjustment, Nonutility Operations."

(b) Account "421.1, Gain on Disposition of Property" and "421.2, Loss on Disposition of Property" are revised.

These amended and revised portions of the Income Accounts read as follows:

## Income Accounts

## 1. UTILITY OPERATING INCOME

## 411.6 Gains from disposition of utility plant.

This account shall include, as approved by the Commission, amounts relating to gains from the disposition of future use utility plant including amounts which were previously recorded in and transferred from account 105, Gas Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof.

## 411.7 Losses from disposition of utility plant.

This account shall include, as approved by the Commission, amounts relating to losses from the disposition of future use utility plant including amounts which were previously recorded in and transferred from account 105, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof.

## 2. OTHER INCOME AND DEDUCTIONS

## 421.1 Gain on disposition of property.

This account shall be credited with the gain on the sale, conveyance, ex-

change, or transfer of utility or other property to another. Amounts relating to gains on land and land rights held for future use recorded in account 105, Gas Plant Held for Future Use will be accounted for as prescribed in paragraphs B, C, and D thereof. (See gas plant instructions 4F, 6E, and 9E.) Income taxes on gains recorded in this account shall be recorded in account 409, Income Taxes.

## 421.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange, or transfer of utility or other property to another. Amounts relating to losses on land and land rights held for future use recorded in account 105, Gas Plant Held for Future Use will be accounted for as prescribed in paragraphs B, C, and D thereof. (See gas plant instructions 4F, 6E, and 9E.) The reduction in income taxes attributable to losses recorded in this account shall be recorded in account 409, Income Taxes.

## PART 205—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS D NATURAL GAS COMPANIES

I. The Commission's Uniform System of Accounts for Natural Gas Companies (Class D) prescribed by Part 205, Chapter I, Title 18 of the Code of Federal Regulations is revised and amended as follows:

1. The Gas Plant Instructions section of Part 205, are amended as follows:

(a) In instruction 3, the last sentence of paragraph D is amended.

(b) In instruction 6, paragraph B is amended.

These amended portions of the Gas Plant Instructions read as follows:

## Gas Plant Instructions

## 3. Land and Land Rights.

D. \* \* \* The cost of all other land and land rights held for the production of natural gas shall be included in account 394, Gas Plant Held for Future Use.

## 6. Gas Plant Retired.

B. \* \* \* If the land is sold, the difference between the book cost (less any accumulated provision for depreciation, depletion or amortization therefor which has been authorized and provided) and the sale price of the land (less the commission and other expenses of making the sale) shall be included in account 411.6, Gains from Disposition of Utility Plant, or 411.7, Losses from Disposition of Utility Plant when such property has been recorded in account 394, Gas Plant Held for Future Use, otherwise to account 421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property, as appropriate. \* \* \*

2. The chart of the Balance Sheet Accounts is amended by adding new account title "187, Deferred Losses from Disposition of Utility Plant" immediately following account title "183, Other Deferred Debits" and new account title "256, Deferred Gains from Disposition of Utility Plant" immediately following account title "255, Accumulated Deferred Investment Tax Credits," as follows:

## Balance Sheet Accounts

## (Chart of Accounts)

## ASSETS AND OTHER DEBITS

## 4. DEFERRED DEBITS

## 187 Deferred losses from disposition of utility plant.

## LIABILITIES AND OTHER CREDITS

## 8. DEFERRED CREDITS

## 256 Deferred gains from disposition of utility plant.

3. The text of the Balance Sheet Accounts is amended by adding two new accounts "187, Deferred Losses from Disposition of Utility Plant" and "256, Deferred Gains from Disposition of Utility Plant," reading as follows:

## Balance Sheet Accounts

## ASSETS AND OTHER DEBITS

## 4. DEFERRED DEBITS

## 187 Deferred losses from disposition of utility plant.

This account shall include losses from the sale or other disposition of property previously recorded in account 394, Gas Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof, where such losses are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by debits to account 411.7, Losses from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See Account 394, Gas Plant Held for Future Use.)

## LIABILITIES AND OTHER CREDITS

## 8. DEFERRED CREDITS

## 256 Deferred gains from disposition of utility plant.

This account shall include gains from the sale or other disposition of property previously recorded in account 394, Gas Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof, where such gains are significant and are to be amortized over a period of 5 years, unless otherwise authorized

by the Commission. The amortization of the amounts in this account shall be made by credits to account 411.6, Gains from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See Account 394, Gas Plant Held for Future Use.)

4. The text of the Gas Plant Accounts is amended by revising account "394, Gas Plant Held for Future Use," as follows:

394 Gas plant held for future use.

A. This account shall include the original cost of gas plant (except land and land rights) owned and held for future use in gas service under a definite plan for such use, to include: (1) Property acquired (except land and land rights) but never used by the utility in gas service, but held for such service in the future under a definite plan, and (2) property (except land and land rights) previously used by the utility in service, but retired from such service and held pending its reuse in the future, under a definite plan, in gas service.

B. This account shall also include the original cost of land and land rights owned and held for future use in gas service under a plan for such use, to include land and land rights: (1) Acquired but never used by the utility in gas service, but held for such service in the future under a plan, and (2) previously held by the utility in service, but retired from such service and held pending its reuse in the future under a plan, in gas service.

C. In the event that property recorded in this account shall no longer be needed or appropriate for future utility operations, the company shall notify the Commission of such condition and request approval of journal entries to remove such property from this account.

D. Gains or losses from the sale of land and land rights or other disposition of such property previously recorded in this account and not placed in utility service shall be recorded directly in accounts 411.6 or 411.7 as appropriate, except when determined to be significant by the Commission. Upon such a determination, the amounts shall be transferred to account 256, Deferred Gains from Disposition of Utility Plant or account 187, Deferred Losses from Disposition of Utility Plant, and amortized to accounts 411.6, Gains from Disposition of Utility Plant or 411.7, Losses from Disposition of Utility Plant, as appropriate.

E. The property included in this account shall be classified according to the detailed accounts (301-390) prescribed for gas plant in service and the account shall be maintained in such detail as though the property were in service.

NOTE A: \*\*\*

NOTE B: \*\*\*

5. The Chart of the Income Accounts is amended by adding two new account titles "411.6, Gains from Disposition of Utility Plant" and "411.7, Losses from

Disposition of Utility Plant," immediately following account title "411.4, Investment Tax Credit Adjustments, Utility Operations," as follows:

Income Accounts

(Chart of Accounts)

1. UTILITY OPERATING INCOME

411.6 Gains from disposition of utility plant.  
411.7 Losses from disposition of utility plant.

6. The text of the Income Accounts is amended as follows:

(a) Two new accounts "411.6, Gains from Disposition of Utility Plant," and "411.7, Losses from Disposition of Utility Plant," are added immediately following account "411.5, Investment Tax Credit Adjustments, Nonutility Operations."

(b) Accounts "421.1, Gain on Disposition of Property" and "421.2, Loss on Disposition of Property," are revised.

These amended and revised portions of the Income Accounts read as follows:

Income Accounts

1. UTILITY OPERATING INCOME

411.6 Gains from disposition of utility plant.

This account shall include, as approved by the Commission, amounts relating to gains from the disposition of future use utility plant including amounts which were previously recorded in and transferred from account 394, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D, thereof.

411.7 Losses from disposition of utility plant.

This account shall include, as approved by the Commission, amounts relating to losses from the disposition of future use utility plant including amounts which were previously recorded in and transferred from account 394, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D, thereof.

2. OTHER INCOME AND DEDUCTIONS

421.1 Gain on disposition of property.

This account shall be credited with the gain on the sale, conveyance, exchange, or transfer of utility or other property to another. Amounts relating to gains on land and land rights held for future use recorded in account 394, Gas Plant Held for Future Use will be accounted for as prescribed in paragraphs B, C, and D, thereof. Income taxes on gains recorded in this account shall be recorded in account 409, Income Taxes.

421.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange, or transfer of utility or other property to another. Amounts relating to losses on land and land rights held for future use recorded in account 394, Gas Plant Held

for Future Use will be accounted for as prescribed in paragraphs B, C, and D thereof. The reduction in income taxes attributable to losses recorded in this account shall be recorded in account 409, Income Taxes.

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

J. Effective for the reporting year 1971, Schedule pages 110, 111, 114, 214A, 224A, 506A, 547, and 548 of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, in Part 260, Subchapter G—Approved Forms, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations, are amended as follows, all as set out in Attachment A hereto:<sup>1</sup>

(1) On schedule page 110, "Statement A—Comparative Balance Sheet," is amended by adding item "35. Deferred Losses from Disposition of Utility Plant (187)," immediately following item "34. Miscellaneous Deferred Debits (186)."

(2) On schedule page 111, "Statement A—Comparative Balance Sheet," is amended by adding item "36. Deferred Gains from Disposition of Utility Plant (256)," immediately following item "35. Accumulated Deferred Investment Tax Credits (255)."

(3) On schedule page 114, "Statement C—Statement of Income for the Year," is amended by adding items "17. Gains from Disposition of Utility Plant (411.6)," and "18. Losses from Disposition of Utility Plant (411.7)," immediately following item "16. Investment Tax Credit Adj.—Net (411.4)."

(4) New schedule page 214A, "Deferred Losses from Disposition of Utility Plant (Account 187)" is added.

(5) New schedule page 224A, "Deferred Gains from Disposition of Utility Plant (Account 256)" is added.

(6) New schedule page 506A, "Production Properties Held for Future Use (Account 105.1)" is added.

(7) On schedule pages 547 and 548, "Natural Gas Reserves and Land Acreage," instruction 4 is amended to include a reference to new account "105.1, Production Properties Held for Future Use."

K. Effective for the reporting year 1971, Schedule pages 3 and 6 of FPC Form No. 2-A, Annual Report for Natural Gas Companies (Classes C and D), prescribed by § 260.2, Chapter I, Title 18 of the Code of Federal Regulations are amended as follows, all as set out in Attachment B hereto:<sup>1</sup>

(1) On schedule page 3—add a new item "Deferred losses from disposition of utility plant" immediately following item number 23, "Other deferred debts" in column (a) and a new item "Deferred gains from disposition of utility plant" immediately following item number 26, "Other deferred credits" in column (e).

(2) Schedule page 6—add two new items, in order, "Gains from disposition

<sup>1</sup> Attachments A and B filed as part of original document.

of utility plant (411.6)" and "Losses from disposition of utility plant (411.7)" immediately following line item 17, "Investment tax credit adj.—Net (411.4)."

L. Effective January 1, 1971, paragraph (c) of § 260.1 of the Commission's Regulations under the Natural Gas Act is revised by adding two new schedules as follows:

Add schedules:

Insert—Deferred Losses from Disposition of Utility Plant to follow the line "Deferred Regulatory Commission Expenses."

Insert—Deferred Gains from Disposition of Utility Plant to follow the line "Customer Advances for Construction."

M. The amendments and revisions adopted herein shall be effective January 1, 1971.

N. The Secretary shall cause prompt publication of this order to be made in the **FEDERAL REGISTER**.

By the Commission.

[SEAL] GORDON M. GRANT,  
Secretary.

[FR Doc. 71-491 Filed 1-13-71; 8:48 am]

[Docket No. R-390; Order 419]

#### UNIFORM SYSTEMS OF ACCOUNTS AND FORMS 1-F AND 2-A

JANUARY 6, 1971.

On July 8, 1970, the Commission issued a notice of proposed rule making in this proceeding (35 F.R. 11246, July 14, 1970) proposing to amend and revise certain accounts in its Uniform Systems of Accounts for Class C and Class D Public Utilities and Licensees, and for Class C and Class D Natural Gas Companies and FPC Form 1-F, Annual Report for Public Utilities and Licensees (Class C and D) and FPC Form 2-A, Annual Report for Natural Gas Companies (Class C and D) consistent with the amendments and revisions to such Uniform Systems of Accounts.

Comments were invited from interested persons to be submitted by August 14, 1970.<sup>1</sup> In response to this notice the Commission has received comments from 32 respondents,<sup>2</sup> which include one

<sup>1</sup> Extension of time granted to Oct. 13, 1970 (35 F.R. 13669, Aug. 27, 1970).

<sup>2</sup> Niles & Niles, American Electric Power System Corp., Appalachian Power Co., Cincinnati Gas & Electric Co., The Columbus and Southern Ohio Electric Co., Commonwealth Edison Co., Consumers Power Co., Duke Power Co., Florida Power Corp., General Public Utilities Corp., Indiana & Michigan Electric Co., Long Island Lighting Co., Middle South Utilities, Inc., New York State Electric & Gas Corp., Northeast Utilities, Ohio Edison Co., Ohio Power Co., Philadelphia Electric Co., Public Service Electric and Gas Co., Public Service Indiana, Southern Services, Inc., Utah Power & Light Co., Virginia Electric and Power Co., Washington Water Power Co., The, Wisconsin Electric Power Co., Michigan Wisconsin Pipe Line Co., Natural Gas Pipeline Co. of America, Pacific Gas and Electric Co., Transcontinental Gas Pipe Line Corp., Texas Eastern Transmission Corp., Rochester Gas and Electric Corp., and David Dunlap.

accounting firm, 25 electric utilities, five gas utilities and one law firm.

There were no objections to the rule making as proposed. A few comments were submitted which related back to changes that had already been ordered by the Commission in Orders 389 and 389-A (34 F.R. 17434, Oct. 29, 1969, 35 F.R. 879, Jan. 22, 1970) for Class A and Class B utilities. These comments relate to Class A and B companies and were evaluated and acted upon by the Commission in the aforementioned orders. They were not reconsidered as a part of this rule making.

The primary thrust of the responses received dealt with the subject of Account 432, Interest Charged to Construction—Credit<sup>3</sup> its relocation in the Statement of Income (as ordered in Order No. 389 for Class A and B companies), change in the account number, change in the account title, and its corresponding relocation in the Uniform Systems of Accounts to coincide with its proposed relocation on the Statement of Income under the classification subheading of "Other Income." The Commission in its notice of proposed rulemaking invited comments from not only Class C and D companies on this matter, but from Class A and B companies as well, pointing out that any changes on this subject stemming from comments applied to Class C and D companies would be proposed in rulemaking for Class A and B companies.

The Commission received overwhelming support of its concept of relocating the Account 432, Interest Charged to Construction—Credit, in the Statement of Income, under the classification of "Other Income" of the "Other Income and Deductions" section rather than being classified as a part of "Interest Charges" where it is deducted therefrom.

Also, the Commission received a substantial number of requests to relocate the Account 432, Interest Charged to Construction—Credit in the Uniform Systems of Accounts to coincide with its classification in the Statement of Income, thus facilitating the mechanical aspects of recordkeeping. This relocation logically dictates a new account number 419.1 be assigned the account.

And finally, there was consensus of opinion that the account should be assigned a more appropriate title. Of the titles suggested, the Commission believes the title "Allowance for Funds Used Dur-

<sup>3</sup> Docket R-390, page 5—"The Commission has in this notice of proposed rulemaking proposed action for Class C and D Public Utilities and Licensees similar to that effected in Order No. 389, with the view that, by so doing, the Commission can afford interested persons an opportunity to comment on the desirability or lack of desirability of action of the type proposed. If, as a result of comments received, the Commission deems it desirable to take in this rulemaking procedure action different than that taken in Order No. 389 with respect to this item, the Commission would then, after appropriate notice, propose the making of a similar change in the Uniform System of Accounts for Class A and Class B Public Utilities and Licensees."

ing Construction" to be the most appropriate and is adequately descriptive of the nature of the account.

The Commission's basic purpose in the modifications of its Uniform Systems of Accounts as ordered herein is to require that all items of revenue and expense, with few exceptions, be included in the current statement of income. It is anticipated that the adoption of these changes, sometimes referred to as the "all inclusive income statement" concept, will strengthen the meaningfulness of the statement of income. They are generally consistent with the recommendations of the Accounting Principles Board of the American Institute of Certified Public Accountants in Opinion 9, Reporting the Results of Operations, issued in December 1966, after modification to satisfy regulatory needs, such as Commission approval being required to treat an item of less than 5 percent as extraordinary or for the use of Account 439, Adjustments to Retained Earnings and the changes to Account 432, Interest Charged to Construction—Credit.

The main changes prescribed by the Commission to the Uniform Systems of Accounts are:

A. The elimination of the "Miscellaneous Debits to Surplus" and "Miscellaneous Credits to Surplus" accounts and the addition of five new accounts entitled: "Gain on Disposition of Property," "Loss on Disposition of Property," "Extraordinary Income," "Extraordinary Deductions," and "Adjustments to Retained Earnings."

B. The modification of certain accounts so that all income taxes will be recorded in Account 409, Income Taxes, rather than being dispersed among several accounts as is presently the case. Also, the modification will require maintaining income tax accounts in such a manner to allow identification of the taxes as related to utility operating income, other income and deductions and extraordinary items. And finally, the application of "investment tax credit" accounting to Class C and Class D, Natural Gas Companies.

C. The retitling, renumbering and relocation of Account 432, Interest Charged to Construction—Credit, as aforementioned.

The Commission's basic purpose in revising FPC Form 1-F and FPC Form 2-A as ordered herein is to extend the same concepts to reporting as are being ordered for the Commission's Uniform Systems of Accounts.

The Commission finds:

(1) The notice and opportunity to participate in this proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments, and suggestions in the manner as described above are consistent and in accordance with all procedural requirements therefor as prescribed in section 553 of title 5 of the United States Code.

(2) The amendments of the Commission's Uniform Systems of Accounts and Annual Report Forms Nos. 1-F and 2-A schedules herein prescribed are neces-

sary and appropriate for the administration of the Federal Power Act and the Natural Gas Act.

(3) Since the revised schedules of FPC Forms Nos. 1-F and 2-A are being prescribed for the reporting year 1971, good cause exists for making the amendments to the Uniform Systems of Accounts adopted herein effective January 1, 1971.

(4) The changes prescribed herein which were not included in the notice in this proceeding are of a minor nature, and further notice thereof is therefore unnecessary.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended particularly by sections 4, 5, 7, 15, and 16 (52 Stat. 822, 823, 824, 825, 829, and 830 (1938); 56 Stat. 83, 84, (1942); 61 Stat. 459 (1947); 76 Stat. 72 (1962); 15 U.S.C. 717c, 717d, 717f, 717n, and 71o), orders:

#### PART 104—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C PUBLIC UTILITIES AND LICENSEES

A. The Commission's Uniform System of Accounts for Class C Public Utilities and Licensees, prescribed by Part 104, Chapter I, Title 18 of the Code of Federal Regulations is amended and revised as follows:

1. In the Definitions section of Part 104, immediately following definition "27. Replacing or replacement," a new definition "28. Retained earnings," is added. Beginning with definition "28. Retirement units," remaining definitions 28 through 33 are renumbered as 29 through 34. New definition 28 reads as follows:

##### Definitions

28. "Retained Earnings" (formerly earned surplus) means the accumulated net income of the utility less distribution to stockholders and transfers to others capital accounts.

2. The General Instructions section of Part 104 is amended as follows:

(a) In instruction "2. Records," the title of account 426 in paragraph E is revised to read account "426, Miscellaneous Income Deductions."

(b) In instruction "3. Numbering System," paragraph A is amended by deleting the numbers "400-439" assigned to Income accounts and substituting the numbers "400-432, 434-435" therefor. Immediately following Income accounts, the following new item "433, 436-439 Retained earnings accounts" is inserted.

(c) Immediately following instruction "7. Accounting to be on Accrual Basis," new general instructions "8. Extraordinary Items" and "9. Prior Period Items" are added. Beginning with instruction "8. Distribution of Pay and Expenses of Employees," remaining instructions 8 through 12 are renumbered as 10 through 14.

(d) Subparagraph (d) of renumbered instruction "14. Separate Accounts or Records for Each Licensed Project" is amended by deleting the word "surplus" and substituting the words "retained earnings" therefor.

As amended, these portions of the General Instructions section of Part 104 reads as follows:

##### General Instructions

###### 2. Records.

E. All amounts included in the accounts prescribed herein for electric plant and operating expenses shall be just and reasonable and any payments or accruals by the utility in excess of just and reasonable charges shall be included in account 426, Miscellaneous Income Deductions.

###### 3. Numbering System.

A. \* \* \*

400-432, 434-435 Income accounts  
433, 436-439 Retained earnings accounts.

###### 8. Extraordinary Items.

It is the intent that net income shall reflect all items of profit and loss during the period with the sole exception of prior period adjustments as described in paragraph 9 below. Those items related to the effects of events and transactions which have occurred during the current period and which are not typical or customary business activities of the company shall be considered extraordinary items. Accordingly, they will be events and transactions of significant effect which would not be expected to recur frequently and which would not be considered as recurring factors in any evaluation of the ordinary operating processes of business. (In determining significance, items of a similar nature should be considered in the aggregate. Dissimilar items should be considered individually; however, if they are few in number, they may be considered in aggregate.) To be considered as extraordinary under the above guidelines, an item should be more than approximately 5 percent of income, computed before extraordinary items. Commission approval must be obtained to treat an item of less than 5 percent, as extraordinary. (See accounts 434, Extraordinary income and 435, Extraordinary deductions.)

###### 9. Prior Period Items.

A. As a general rule, items relating to transactions which occurred prior to the current calendar year but were not recorded in the books of account shall be included in the same accounts in which they would have been recorded had the item been recorded in the proper period. Such items relate to events or transactions which occurred in a prior period or periods, the accounting effects of which could not be determined with reasonable assurance at the time, usually because of major uncertainty then existing. When the amount of a prior period item is relatively so large its inclusion for a single month would distort the accounts for that month, the amount may be distributed in equal amounts to the accounts for the current and remaining months of the calendar year. However, if the amount of any prior period item is so large that the company believes its

inclusion in the income statement would seriously distort the net income for the year, the company may request Commission approval to record the amount in account 439, Adjustments to Retained Earnings. Such a request must be accompanied by adequate justification.

B. Treatment as prior period adjustments should not be applied to the normal, recurring corrections and adjustments which are the natural result of the use of estimates inherent in the accounting process. For example, changes in the estimated remaining lives of fixed assets affect the computed amounts of depreciation, but these changes should be considered prospective in nature and not prior period adjustments. Similarly, relatively insignificant adjustments of provisions for liabilities (including income taxes) made in prior periods should be considered recurring items to be reflected in operations of the current period. Some uncertainties, for example those relating to the realization of assets (collectibility of accounts receivable, ultimate recovery of deferred costs or realizability of inventories or other assets), would not qualify for prior period adjustment treatment, since economic events subsequent to the date of the financial statements must of necessity enter into the elimination of any previously-existing uncertainty. Therefore, the effects of such matters are considered to be elements in the determination of net income for the period in which the uncertainty is eliminated. (See account 439, Adjustments to retained earnings.)

###### 14. Separate Accounts or Records for Each Licensed Project.

(d) The credits and debits to operating revenue, income, and retained earnings accounts that can be identified with and directly assigned to the project.

3. The Electric Plant Instructions of Part 104 are amended as follows:

(a) The paragraph in instruction "2. Components of Construction Cost" is amended by deleting the words "interest during construction" and substituting therefor the words "allowance for construction funds."

(b) In instruction "4. Electric Plant Purchased or Sold," the second sentence in paragraph F is amended by deleting "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus" and substituting therefor "421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property."

(c) In instruction "6. Land and Land Rights," the first sentence in paragraph E is amended by deleting "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus" and substituting therefor "421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property."

(d) In instruction "9. Additions and Retirements of Electric Plant," the second sentence of paragraph E is amended by deleting the words "435, Miscellaneous Debits to Surplus, or account 434, Mis-

cellaneous Credits to Surplus," and substituting therefor "421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property."

The amended portions of Electric Plant Instructions 2., 4., 6., and 9. in Part 104 read as follows:

**Electric Plant Instructions**

**2. Components of Construction Cost.**

The cost of construction of property chargeable to the electric plant accounts shall include, where applicable, the cost of labor, materials and supplies, transportation, work done by others for the utility, injuries and damages incurred in construction work, privileges and permits, special machine service, allowance for funds used during construction, and such portion of general engineering, administrative salaries and expenses, insurance, taxes, and other analogous items as may be properly includable in construction costs.

**4. Electric Plant Purchased or Sold.**

F. \* \* \* Unless otherwise ordered by the Commission, the difference, if any, between (a) the net amount of debits and credits and (b) the consideration received for the property (less commissions and other expenses of making the sale), shall be included in account 421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property.

**6. Land and Land Rights.**

E. Any difference between the amount received from the sale of land or land rights, less agents' commissions and other costs incident to the sale, and the book cost of such land or rights, shall be included in account 421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property, as appropriate, unless a reserve therefor has been authorized and provided.

**9. Additions and Retirements of Electric Plant.**

E. \* \* \* If the land is sold, the difference between the book cost (less any accumulated provision for depreciation or amortization therefor which has been authorized and provided) and the sale price of the land (less commissions and other expenses of making the sale) shall be included in account 421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property, as appropriate.

4. In the chart of Balance Sheet Accounts, account titles 215 and 216 are revised to read as follows:

**Balance Sheet Accounts**

**(Chart of Accounts)**

**LIABILITIES AND OTHER CREDITS**

**5. PROPRIETARY CAPITAL**

215 Appropriated retained earnings.  
216 Unappropriated retained earnings.

5. Account "110, Accumulated provision for depreciation and amortization of electric plant," is amended as follows: In paragraph A, subparagraph (2) is deleted and subparagraphs (3) through (5) are redesignated as (2) through (4). In the second sentence in paragraph E, the word "surplus" is deleted and the words "retained earnings" are substituted therefor. The amended portion of paragraph E reads:

110 Accumulated provision for depreciation and amortization of electric plant.

E. \* \* \* It shall not transfer any portion of this account to retained earnings or make any other use thereof without authorization by the Commission.

6. In account "124, Other investments," the final sentence in Note C is amended by deleting the words "435, Miscellaneous Debits to Surplus," and substituting therefor "426.5, Other Deductions." As amended, the final sentence in Note C reads as follows:

124 Other investments.

NOTE C: \* \* \* When securities are written off or written down, the amount of the adjustment shall be charged to account 426.5, Other Deductions, or to an appropriate account for provisions for loss in value established as a separate subdivision of this account.

7. In account "183, Other deferred debits," the final sentence in subparagraph A(1) is amended by deleting the words "435, Miscellaneous Debits to Surplus," and substituting therefor "426.5, Other Deductions." As amended, the final sentence in subparagraph A(1) reads as follows:

183 Other deferred debits.

A. \* \* \*

(1) \* \* \* If the work is abandoned, the charge shall be to account 426.5, Other Deductions, or to the appropriate operating expense accounts.

8. In account "213, Discount on capital stock," paragraphs B and C are amended by deleting the words "435, Miscellaneous Debits to Surplus," and substituting therefor "439, Adjustments to Retained Earnings." As amended, paragraphs B and C of account 213 read as follows:

213 Discount on capital stock.

B. When capital stock which has been actually issued is retired, the amount in this account applicable to the shares retired shall be written off to account 207, Other Paid-in Capital, provided, however, that the amount shall be charged to account 439, Adjustments to Retained Earnings, to the extent that it exceeds the balance in account 207.

C. The utility may amortize the balance in this account by systematic charges to account 425, Miscellaneous amortization, or it may write off capital stock discount in whole or in part by charges to account 439, Adjustments to Retained Earnings.

9. In account "214, Capital stock expense" paragraphs B and C are amended by deleting the words "435, Miscellaneous Debits to Surplus," and substituting therefor, "439, Adjustments to Retained Earnings." As amended, paragraphs B and C of account 214 read as follows:

214 Capital stock expense.

B. When capital stock which has been actually issued by the utility is retired, the amount of this account applicable to the shares retired shall be written off to account 207, Other Paid-in Capital, to the extent of gains on resale or cancellation of reacquired stock includable therein; provided, however, that the amount shall be charged to account 439, Adjustments to Retained Earnings, to the extent that it exceeds the balance in account 207, from such source.

C. The utility may amortize the balance carried in this account by systematic charges to account 425, Miscellaneous Amortization, or it may write off capital stock expense in whole or in part by charges to account 439, Adjustments to Retained Earnings.

10. Account "215, Appropriated earned surplus" is amended by deleting the words "earned surplus" from the account title and the first sentence of the text and substituting the words "retained earnings" therefor. As amended, these portions of account 215 read as follows:

215 Appropriated retained earnings.

This account shall include the amount of retained earnings which has been appropriated or set aside for specific purposes.

11. Account "216, Unappropriated earned surplus" is amended by deleting the words "earned surplus" from the account title and substituting the words "retained earnings" therefor, and by deleting the word "surplus" from the first sentence of the text and substituting the words "retained earnings" therefor. The amended portions of account 216 reads as follows:

216 Unappropriated retained earnings.

This account shall include the balance, either debit or credit, of unappro-

priated retained earnings arising from earnings. \* \* \*

12. In account "217, Reacquired capital stock," paragraph B is amended by deleting "435, Miscellaneous Debits to Surplus" and substituting therefor "439, Adjustments to Retained Earnings." As amended paragraph B reads as follows:

217 Reacquired capital stock.

B. When reacquired capital stock is retired or canceled, the difference between its cost, including commissions and expenses paid in connection with the reacquisition, and its par or stated value plus any premium and less any discount and expenses applicable to the shares retired, shall be debited or credited, as appropriate, to account 207, Other Paid-in Capital, provided, however, that debits shall be charged to account 439, Adjustments to Retained Earnings, to the extent that they exceed the balance of gains on resale or cancellation of reacquired stock included in account 207.

13. In account "221, Bonds" paragraph B is amended by deleting "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus," and substituting therefor "428, Amortization of Debt Discount and Expense or account 429, Amortization of Premium on Debt-Cr." As amended, paragraph B reads as follows:

221 Bonds.

B. When bonds are reacquired, the difference between face value, adjusted for unamortized discount, expense or premium and the amount paid upon reacquisition, shall be included in account 428, Amortization of Debt Discount and Expense, or account 429, Amortization of Premium on Debt—Cr., as appropriate.

14. In account "236, Taxes accrued," the last sentence in paragraph B is amended by deleting the remainder of the sentence after the word "expenses," and substituting therefor "see general instruction 9, for treatment." As amended, this portion of paragraph B reads as follows:

236 Taxes accrued.

B. \* \* \* However, if such corrections are so large as to seriously distort current expenses, see general instruction 9, for treatment.

15. In account "255, Accumulated deferred investment tax credits," paragraphs A and B are amended by deleting the number "411.1" wherever it appears and substituting therefor the number "411.3."

16. In account "265, Miscellaneous operating reserves," the note is amended by deleting the words "Earned Surplus" and substituting therefor "Retained Earnings." As amended, the note reads:

265 Miscellaneous operating reserves.

NOTE: This account includes only such reserves as may be created for operating purposes and does not include any reservations of income the credits for which should be carried in account 215, Appropriated Retained Earnings.

17. In account "271, Contributions in aid of construction," paragraph B is amended by deleting the words "to earned surplus or." As amended, paragraph B reads as follows:

271 Contributions in aid of construction.

B. The credits to this account shall not be transferred to any other account without the approval of the Commission.

18. In the text of Balance Sheet accounts, prefatory Note B under the heading "11. Accumulated Deferred Income Taxes" is amended by inserting the words "and nonutility property," between the words "etc., and" and by deleting the remainder of the sentence after the word "below" and substituting therefor "so as to allow ready identification of items relating to each utility department and to other Income and Deductions." As so amended, Note B reads:

11. ACCUMULATED DEFERRED INCOME TAXES

NOTE B: Public Utilities and Licensees which, in addition to an electric utility department, have another utility department, gas, water, etc., and nonutility property, and which have deferred taxes on income with respect thereto shall classify such deferrals in the accounts provided below so as to allow ready identification of items relating to each utility department and to Other Income and Deductions.

19. In account "281, Accumulated deferred income taxes—Accelerated amortization," the second sentence in paragraph E is amended by deleting the word "surplus" and substituting "retained earnings" therefor. As amended, this portion of paragraph E reads:

281 Accumulated deferred income taxes—Accelerated amortization.

E. \* \* \* It shall not transfer the balance in this account or any portion thereof to retained earnings or make any use thereof except as provided in the text of this account without prior approval of the Commission. \* \* \*

20. In account "282, Accumulated deferred income taxes—Liberalized depreciation," the second sentence in paragraph E is amended by deleting the word "surplus" and substituting "retained earnings," therefor. As amended, this portion of paragraph E reads as follows:

282 Accumulated deferred income taxes—Liberalized depreciation.

E. \* \* \* It shall not transfer the balance in the account or any portion thereof to retained earnings or make any use thereof except as provided in the text of this account without prior approval of the Commission. \* \* \*

21. In account "283, Accumulated deferred income taxes—Other," the second sentence in paragraph D is amended by

deleting the word "surplus" and substituting "retained earnings," therefor. As amended, this portion of paragraph D reads:

283 Accumulated deferred income taxes—Other.

D. \* \* \* It shall not transfer the balance in the account or any portion thereof to retained earnings or make any use thereof except as provided in the text of this account without prior approval of the Commission. \* \* \*

22. In account "302, Franchises and consents," the last sentence in paragraph B and the first sentence in paragraph C are amended by deleting the words "435, Miscellaneous Debits to Surplus" and substituting therefor "426.5, Other Deductions." As amended, those portions of paragraphs B and C read as follows:

302 Franchises and consents.

B. \* \* \* Any excess of the amount actually paid by the utility over the amount above specified shall be charged to account 426.5, Other Deductions.

C. When any franchise has expired, the book cost thereof shall be credited hereto and charged to account 426.5, Other Deductions, or to account 110, Accumulated Provision for Depreciation and Amortization of Electric Plant, as appropriate.

23. In account "303, Miscellaneous intangible plant," paragraph B is amended by deleting the words "435, Miscellaneous Debits to Surplus" and substituting therefor "426.5, Other Deductions." As amended, paragraph B reads:

303 Miscellaneous intangible plant.

B. When any item included in this account is retired or expires, the book cost thereof shall be credited hereto and charged to account 426.5, Other Deductions, or account 110, Accumulated Provision for Depreciation and Amortization of Electric Plant, as appropriate.

24. The chart of Income Accounts is revised to read as follows:

Income Accounts (Chart of Accounts)	
1. UTILITY OPERATING INCOME	
400	Operating revenues.
	Operating expenses:
401	Operation expense.
402	Maintenance expense.
403	Depreciation expense.
404	Amortization of limited-term electric plant.
405	Amortization of other electric plant.
406	Amortization of electric plant acquisition adjustments.
407	Amortization of property losses.
408	Taxes other than income taxes.
408.1	Taxes other than income taxes, utility operating income.
409	Income taxes.
409.1	Income taxes, utility operating income.
410	Provision for deferred income taxes.

## RULES AND REGULATIONS

410.1 Provision for deferred income taxes, utility operating income.  
 411 Income taxes deferred in prior years-Cr.  
 411.1 Income taxes deferred in prior years-Cr., utility operating income.  
 411.3 Investment tax credit adjustments.  
 411.4 Investment tax credit adjustments, utility operations.

Total electric utility operating income.  
 Net electric utility operating income.

## Other Operating Income:

412 Revenues from electric plant leased to others.  
 413 Expeness of electric plant leased to others.  
 414 Other utility operating income.  
 Net utility operating income.

## 2. OTHER INCOME AND DEDUCTIONS

## A. OTHER INCOME

415 Revenues from merchandising, jobbing, and contract work.  
 416 Costs and expenses of merchandising, Jobbing and contract work.  
 417 Revenues from nonutility operations.  
 417.1 Expenses of nonutility operations.  
 418 Nonoperating rental income.  
 419 Interest and dividend income.  
 419.1 Allowance for funds used during construction.  
 421 Miscellaneous nonoperating income.  
 421.1 Gain on disposition of property.  
 Total other income.

## B. OTHER INCOME DEDUCTIONS

421.2 Loss on disposition of property.  
 425 Miscellaneous amortization.  
 426 Miscellaneous income deductions.  
 426.1 Donations.  
 426.2 Life insurance.  
 426.3 Penalties.  
 426.4 Expenditures for certain civic, political and related activities.  
 426.5 Other deductions.  
 Total other income deductions.  
 Total other income and deductions.

## C. TAXES APPLICABLE TO OTHER INCOME AND DEDUCTIONS

408.2 Taxes other than income taxes, other income and deductions.  
 409.2 Income taxes, other income and deductions.  
 410.2 Provision for deferred income taxes, other income and deductions.  
 411.2 Income taxes deferred in prior years-Cr., other income and deductions.  
 411.5 Investment tax credit adjustments, nonutility operations.  
 420 Investment tax credits.  
 Total taxes on other income and deductions.  
 Net other income and deductions.

## 3. INTEREST CHARGES

427 Interest on long-term debt.  
 428 Amortization of debt discount and expense.  
 429 Amortization of premium on debt-Cr.  
 433 Interest on debt to associated companies.  
 431 Other interest expense.  
 Total interest charges.  
 Income before extraordinary items.

## 4. EXTRAORDINARY ITEMS

434 Extraordinary income.  
 435 Extraordinary deductions.  
 409.3 Income taxes, extraordinary items.  
 Net income.

25. Account "408, Taxes other than income taxes," is amended as follows: Paragraph A is amended by deleting the words "which are properly chargeable to

electric operations." New paragraph D is added. Notes A and D are deleted and Notes B, C, E, and F are redesignated as Notes A, B, C, and D. New note E is added. As amended, these portions of account 408 read as follows:

## 408 Taxes other than income taxes.

A. This account shall include the amount of ad valorem, gross revenue or gross receipts taxes, state unemployment insurance, franchise taxes, Federal excise taxes, social security taxes, and all other taxes assessed by Federal, State, county, municipal, or other local governmental authorities, except income taxes.

\* \* \* \* \*

D. This account shall be maintained according to the subaccounts 408.1 and 408.2 inclusive, shown below.

NOTE A: Special assessments for street and similar improvements shall be included in the appropriate utility plant or nonutility property account.

NOTE B: Taxes specifically applicable to construction shall be included in the cost of construction.

NOTE C: Gasoline and other sales taxes shall be charged as far as practicable to the same account as the materials on which the tax is levied.

NOTE D: Social Security and other forms of so-called payroll taxes shall be distributed to utility departments and to nonutility functions on a basis related to payroll. Amounts applicable to construction shall be charged to the appropriate plant account.

NOTE E: Interest on tax refunds or deficiencies shall not be included in this account but in account 419, Interest and Dividend Income, or 431, Other Interest Expense, as appropriate.

26. Immediately following account "408, Taxes other than income taxes," add new subaccounts 408.1 and 408.2, reading as follows:

## 408.1 Taxes other than income taxes, utility operating income.

This account shall include those taxes recorded in account 408, Taxes Other Than Income Taxes, which relate to utility operating income. This account shall be maintained so as to allow ready identification of taxes relating to Utility Operating Income (by department), Utility Plant Leased to Others and Other Utility Operating Income.

## 408.2 Taxes other than income taxes, other income and deductions.

This account shall include those taxes recorded in account 408, Taxes Other Than Income Taxes, which relate to Other Income and Deductions.

27. Account "409, Income Taxes" is amended as follows: In the first sentence in paragraph A the word "income" is inserted between the words "Federal" and "taxes." In the second sentence in paragraph A, the remainder of the sentence after the word "adjusted" is deleted and replaced by the following: "by a charge or credit to this account, unless such adjustment is properly includible in account 439, Adjustments to Retained Earnings, so that this account as nearly as can be ascertained shall include the actual taxes payable by the utility (See

general instruction 9 for prior period adjustments)." Paragraph B is revised. New paragraph C is added. Notes B, C, and D are deleted. Note E is redesignated as Note B. As amended, paragraphs A, B, and C of Account 409 read as follows:

## 409 Income taxes.

A. This account shall include the amount of State and Federal income taxes on income properly accruable during the period covered by the income statement to meet the actual liability for such taxes. Concurrent credits for the tax accruals shall be made to account 236, Taxes Accrued, and as the exact amount of taxes becomes known, the current tax accruals shall be adjusted by a charge or credit to this account, unless such adjustment is properly includible in account 439, Adjustments to Retained Earnings, so that this account as nearly as can be ascertained shall include the actual taxes payable by the utility (See general instruction 9 for prior period adjustments).

B. The accruals for income taxes shall be apportioned among utility departments and to Other Income and Deductions so that, as nearly as practicable, each tax shall be included in the expenses of the utility department or Other Income and Deductions, the income from which gave rise to the tax. The income tax effect of amounts recorded in account 439, Adjustments to Retained Earnings shall be recorded in that account. The tax effect relating to interest charges shall be allocated between utility and nonutility operations. The basis for this allocation shall be the ratio of net investment in utility plant to net investment in nonutility plant.

C. This account shall be maintained according to the subaccounts 409.1, 409.2, and 409.3 inclusive, shown below.

NOTE A: Taxes assumed by the utility on interest shall be charged to account 431, Other Interest Expense.

NOTE B: Interest on tax refunds or deficiencies shall not be included in this account but in account 419, Interest and Dividend Income, or account 431, Other Interest Expense, as appropriate.

28. Immediately following account "409, Income taxes," add new subaccounts 409.1, 409.2, and 409.3 reading as follows:

## 409.1 Income taxes, utility operating income.

This account shall include the amount of those State and Federal income taxes reflected in account 409, Income Taxes which relate to utility operating income. This account shall be maintained so as to allow ready identification of tax effects (both positive and negative) relating to Utility Operating Income (by departments), Utility Plant Leased to Others and Other Utility Operating Income.

## 409.2 Income taxes, other income and deductions.

This account shall include the amount of those State and Federal income taxes reflected in account 409, Income Taxes (both positive and negative) which relate to Other Income and Deductions.

**409.3 Income taxes, extraordinary items.**

This account shall include the amount of those State and Federal income taxes reflected in account 409, Income Taxes (both positive and negative) which relate to Extraordinary Items.

29. The present paragraph in account "410, Provision for deferred income taxes," is designated as "A," and a new paragraph B is added reading:

**410 Provision for deferred income taxes.**

A. \* \* \*

B. This account shall be maintained according to the subaccounts 410.1 and 410.2 inclusive, as shown below.

30. Immediately following account "410, Provision for deferred income taxes," new subaccounts 410.1 and 410.2 are added reading as follows:

**410.1 Provision for deferred income taxes, utility operating income.**

This account shall include the amount of those deferred income taxes reflected in account 410, Provision for Deferred Income Taxes which relate to Utility Operating Income (by department).

**410.2 Provision for deferred income taxes, other income and deductions.**

This account shall include the amount of those deferred income taxes reflected in account 410, Provision for Deferred Income Taxes which relate to Other Income and Deductions.

31. The present paragraph in account "411, Income taxes deferred in prior years—Credit," is designated as "A" and a new paragraph "B" is added reading as follows:

**411 Income taxes deferred in prior years—Credit.**

A. \* \* \*

B. This account shall be maintained according to the subaccounts 411.1 and 411.2 inclusive, as shown below.

32. Immediately following account "411, Income taxes deferred in prior years—Credit," new subaccounts 411.1 and 411.2 are added reading as follows:

**411.1 Income taxes deferred in prior years—Credit, utility operating income.**

This account shall include the amount of those taxes deferred in prior years—credit, reflected in account 411, Income Taxes Deferred in Prior Years—Credit which relate to Utility Operating Income (by department).

**411.2 Income taxes deferred in prior years—Credit, other income and deductions.**

This account shall include the amount of those taxes deferred in prior years—credit, reflected in account 411, Income Taxes Deferred in Prior Years—Credit which relate to Other Income and Deductions.

33. Account "411.1, Investment tax credit adjustments" is redesignated as account "411.3." New paragraph "C." is added to the text of the account. The amended portion of redesignated account 411.3 reads:

**411.3 Investment tax credit adjustments.**

C. This account shall be maintained according to the subaccounts 411.4 and 411.5 inclusive, as shown below.

34. Immediately following redesignated account "411.3, Investment tax credit adjustments," new subaccounts 411.4 and 411.5 are added reading as follows:

**411.4 Investment tax credit adjustments, utility operations.**

This account shall include the amount of those investment tax credit adjustments reflected in account 411.3, Investment Tax Credit Adjustments related to property used in Utility Operations (by department).

**411.5 Investment tax credit adjustments, nonutility operations.**

This account shall include the amount of those investment tax credit adjustments reflected in account 411.3, Investment Tax Credit Adjustments related to property used in Nonutility Operations.

35. Paragraph B of the explanatory text following accounts "412, Revenues from electric plant leased to others," and "413, Expenses of electric plant leased to others," is amended by deleting the items "Rents," "Taxes Other Than Income Taxes" and "Income Taxes," and by adding a Note. As amended, paragraph B and the Note read:

**412 Revenues from electric plant leased to others.****413 Expenses of electric plant leased to others.**

B. The detail of expenses shall be kept or supported so as to show separately the following:

Operation.  
Maintenance.  
Depreciation.  
Amortization.

NOTE: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes, identified separately.

36. In account "414, Other utility operating income" paragraph B is amended by deleting the word "taxes," and by adding a note. As amended, these portions of account 414 read:

**414 Other utility operating income.**

B. The expenses shall include every element of cost incurred in such operations, including depreciation, rents, and insurance.

NOTE: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes, identified separately.

37. In the text of Income Accounts, revise the heading "2. Other Income" to read as follows:

**2. OTHER INCOME AND DEDUCTIONS**

38. The note following the text of accounts "415, Revenues from merchandising, jobbing and contract work," and

"416, Costs and expenses of merchandising, jobbing and contract work," is redesignated as "Note A." Immediately following redesignated "Note A," add new Note B. From the list of items, delete item "24. Taxes directly assignable to merchandise and jobbing operations including income taxes on net income derived therefrom," and redesignate item "25. Losses from uncollectible merchandise and jobbing accounts" as item 24. New note B reads as follows:

**415 Revenues from merchandising, jobbing, and contract work.****416 Costs and expenses of merchandising, jobbing, and contract work.**

\* \* \* \* \*

NOTE A: \* \* \* \* \*  
NOTE B: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes, and income taxes shall be recorded in account 409, Income Taxes.

39. Account "417, Income from nonutility operations," is amended as follows: The word "Income" is deleted from the account title and the word "Revenues" is substituted therefor. Immediately following the amended title of account 417, add the following new account title "417.1, Expenses of nonutility operations." In the first sentence in paragraph A, the words "This account" are deleted and the words "These accounts" are substituted therefor. The items "Taxes Other Than Income Taxes" and "Income Taxes" are deleted from the list of items in paragraph B. Immediately following the list of items in paragraph B, add a new Note. The amended portions of accounts 417 and 417.1 read as follows:

**417 Revenues from nonutility operations.****417.1 Expenses of nonutility operations.**

A. These accounts \* \* \*

B. The expenses shall include all elements of costs incurred in such operations and the accounts shall be maintained so as to permit ready summarization as follows:

Operation.  
Maintenance.  
Rents.  
Depreciation.  
Amortization.

NOTE: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes.

40. In account "418, Nonoperating rental income," paragraph A is amended by deleting "account 417" and substituting "accounts 417 or 417.1." Paragraph B is amended by deleting from the list of items "Taxes Other Than Income Taxes" and "Income Taxes" and by adding a note. As amended account 418 reads:

**418 Nonoperating rental income.**

A. This account shall include all rent revenues and related expenses of land, buildings, or other property included in account 121, Nonutility Property, which

## RULES AND REGULATIONS

is not used in operations covered by accounts 417 or 417.1.

B. The expenses shall include all elements of costs incurred in the ownership and rental of the property and the accounts shall be maintained so as to permit ready summarization as follows:

Operation.  
Maintenance.  
Rents.  
Depreciation.  
Amortization.

NOTE: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes.

41. In account "419, Interest and dividend income," paragraph "B" is deleted and paragraphs "C" and "D" are redesignated as "B" and "C." Redesignated paragraph "C" by deleting the word "including" and substituting the word "excluding" therefor. Immediately following redesignated paragraph "C" new Note A is added and the present note is redesignated as Note B. The amended portions of account 419 read:

**419 Interest and dividend income.**

B. This account may include the pro rata amount necessary to extinguish (during the interval between the date of acquisition and the date of maturity) the difference between the cost to the utility and the face value of interest-bearing securities. Amounts thus credited or charged shall be concurrently included in the accounts in which the securities are carried.

C. Where significant in amount, expenses, excluding operating taxes and income taxes, applicable to security investments and to interest and dividend revenues thereon shall be charged hereto.

NOTE A: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes.

NOTE B: Interest accrued, the payment of which is not reasonably assured, dividends receivable which have not been declared or guaranteed, and interest or dividends upon reacquired securities issued or assumed by the utility, shall not be credited to this account.

42. Immediately following account "419, Interest and dividend income" new account "419.1, Allowance for Funds Used During Construction," is added reading as follows:

**419.1 Allowance for funds used during construction.**

This account shall include concurrent credits for interest charged to construction based upon the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate upon other funds when so used. No interest shall be capitalized on plant which is completed and ready for service.

43. The first paragraph in account "421, Miscellaneous nonoperating income," is amended by inserting the words "except taxes," immediately after the word "items" in the first sentence and

by adding the following sentence "Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes." A new item item 3 is added to the list of items. The amended portions of account 421 read:

**421 Miscellaneous nonoperating income.**

This account shall include all revenue and expense items, except taxes, properly includable in the income account and not provided for elsewhere. Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes.

ITEMS

\* \* \* \* \*

3. Gain on disposition of investments and reacquisition and resale or retirement of utility's debt securities and investments.

44. Immediately following account "421, Miscellaneous nonoperating income," new accounts 421.1 and 421.2 are added reading as follows:

**421.1 Gain on disposition of property.**

This account shall be credited with the gain on the sale, conveyance, exchange or transfer of utility or other property to another. (See electric plant instructions 4F, 6E, or 9E.) Record income taxes on gains recorded in this account in account 409, Income Taxes.

**421.2 Loss on disposition of property.**

This account shall be charged with the loss on the sale, conveyance, exchange or transfer of utility or other property to another. (See electric plant instruction 4F, 6E, or 9E.) Record the reductions in income taxes attributable to losses recorded in this account in Account 409, Income Taxes.

45. In the text of Income Accounts, delete the heading "3. Miscellaneous Income Deductions."

46. In account "425, Miscellaneous amortization," the last sentence in the first paragraph is deleted. As amended, this portion of account 425 will read:

**425 Miscellaneous amortization.**

This account shall include amortization charges not includable in other accounts which are properly deductible in determining the income of the utility before interest charges. Charges includable herein, if significant in amount, must be in accordance with an orderly and systematic amortization program.

\* \* \* \* \*

47. In account "426, Other income deductions," the account title is amended by deleting the word "Other" and substituting the word "Miscellaneous." Immediately following the first paragraph of the account, insert the text of the note now located under account "426.5, Other deductions." As amended, these portions of account 426 read as follows:

**426 Miscellaneous income deductions.**

NOTE: The classification of expenses as non-operating and their inclusion in this account is for accounting purposes. It does not preclude Commission consideration of proof to the contrary for ratemaking or other purposes.

48. In account "426.5, Other deductions," the note is deleted and a list of items is added. As revised, account 426.5 reads:

**426.5 Other deductions.**

This account shall include other miscellaneous expenses which are nonoperating in nature, but which are properly deductible before determining total income before interest charges.

ITEMS

1. Loss relating to investments in securities written-off or written down.  
2. Loss on sale of investments.  
3. Loss on reacquisition, resale or retirement of utility's debt securities.  
4. Preliminary survey and investigation expenses related to abandoned projects, when not written off to the appropriate operating expense account.

49. In the text of Income Accounts, the heading "4. Interest Charges," is redesignated as "3. Interest Charges."

50. Account "432, Interest Charged to Construction—Cr." is deleted from the text of the Income Accounts.

51. In the text of Income Accounts, the heading "5. Earned Surplus" and the following accounts classified under that heading are deleted:

433 Balance transferred from income.  
434 Miscellaneous credits to surplus.  
435 Miscellaneous debits to surplus.  
436 Appropriations of surplus.  
437 Dividends declared—Preferred stock.  
438 Dividends declared—Common stock.

52. In the text of Income Accounts, immediately following account "431, Other Interest Expense," a new heading "4. Extraordinary Items" and new accounts "434, Extraordinary income" and "435, Extraordinary deductions," are added reading as follows:

**4. EXTRAORDINARY ITEMS**

**434 Extraordinary income.**

This account shall be credited with nontypical, noncustomary, infrequently recurring gains, which would significantly distort the current year's income computed before Extraordinary Items, if reported other than as extraordinary items. The applicable income tax effects of this account shall be recorded in account 409, Income Taxes, identified separately. (See general instruction 8.)

**435 Extraordinary deductions.**

This account shall be debited with nontypical, noncustomary, infrequently recurring losses, which would significantly distort the current year's income computed before Extraordinary Items, if reported other than as extraordinary items. The applicable income tax effects of this account shall be recorded in account 409, Income Taxes, identified separately. (See general instruction 8.)

53. Following the text of Income Accounts and immediately preceding the chart of "Operating Revenue Accounts,"

a new section, entitled "Retained Earnings Accounts," is inserted reading as follows:

**Retained Earnings Accounts**

(Chart of Accounts)

- 216 Unappropriated retained earnings (at beginning of period).
- 433 Balance transferred from income.
- 436 Appropriations of retained earnings.
- 437 Dividends declared—Preferred stock.
- 438 Dividends declared—Common stock.
- 439 Adjustments to retained earnings.
- 216 Unappropriated retained earnings (at end of period).

**Retained Earnings Accounts**

**433 Balance transferred from income.**

This account shall include the net credit or debit transferred from income for the year.

**436 Appropriations of retained earnings.**

This account shall include appropriations of retained earnings.

**ITEMS**

1. Appropriations required under terms of mortgages, orders of courts, contracts, or other agreements.

2. Appropriations required by action of regulatory authorities.

3. Other appropriations made at option of utility for specific purposes.

**437 Dividends declared—Preferred stock.**

A. This account shall include amounts declared payable out of retained earnings as dividends on actually outstanding preferred or prior lien capital stock issued by the utility.

B. Dividends shall be segregated for each class and series of preferred stock as to those payable in cash, stock and other forms. If not payable in cash, the medium of payment shall be described with sufficient detail to identify it.

**438 Dividends declared—Common stock.**

A. This account shall include amounts declared payable out of retained earnings as dividends on actually outstanding common capital stock issued by the utility.

B. Dividends shall be segregated for each class of common stock as to those payable in cash, stock and other forms. If not payable in cash, the medium of payment shall be described with sufficient detail to identify it.

**439 Adjustments to retained earnings.**

A. This account shall include significant nonrecurring transactions relating to prior periods. Other than transactions of capital stock as specified in paragraph B below, all entries to this account must receive prior Commission approval. These transactions are limited to those adjustments which (a) can be specifically identified with and related to the business activities of particular prior periods, and (b) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (c) depend primarily on determinations by persons other than the

management, and (d) were not susceptible of reasonable estimation prior to such determination. This account shall also include the related income tax effects (State and Federal) on items included herein. All items included in this account shall be sufficiently described in the entries relating thereto as to permit ready analysis.

B. Adjustments, charges or credits due to losses on reacquisition, resale, or retirement of the company's own capital stock shall be included in this account. (See account 207, Other Paid-in Capital for the treatment of gains.)

**ITEMS**

1. Significant nonrecurring adjustments or settlements of income taxes.

2. Significant amounts resulting from litigation or similar claims.

3. Significant amounts relating to adjustments or settlements of utility revenue under rate processes.

4. Significant adjustments to plant in service depreciation and amortization as a result of Commission direction.

5. Write off of unamortized capital stock expenses.

**PART 105—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS D PUBLIC UTILITIES AND LICENSEES**

B. The Commission's Uniform System of Accounts for Class D Public Utilities and Licensees prescribed by Part 105, Chapter I, Title 18 of the Code of Federal Regulations, is amended and revised as follows:

1. In the Definitions section of Part 105, immediately following definition 18, a new definition "19. Retained Earnings," is added and beginning with definition "19. Retirement units" remaining definitions 19 through 24 are renumbered as 20 through 25. New definition 19 reads as follows:

**Definitions**

19. "Retained Earnings" (formerly earned surplus) means the accumulated net income of the utility less distribution to stockholders and transfers to other capital accounts.

2. The General Instructions section of Part 105 is amended as follows: Immediately following instruction "3. Item Lists" new general instructions "4. Extraordinary Items" and "5. Prior Period Items" are added and beginning with instruction "4. Distribution of Pay and Expenses of Employees," remaining instructions 4 through 6 are renumbered as 6 through 8. New instructions 4 and 5 read as follows:

**General Instructions**

4. **Extraordinary Items.**

It is the intent that net income shall reflect all items of profit and loss during the period with the sole exception of prior period adjustments as described in paragraph 5 below. Those items related to the effects of events and transactions which have occurred during the current period and which are not typical or customary business activities of the

company shall be considered extraordinary items. Accordingly, they will be events and transactions of significant effect which would not be expected to recur frequently and which would not be considered as recurring factors in any evaluation of the ordinary operating processes of business. (In determining significance, items of a similar nature should be considered in the aggregate. Dissimilar items should be considered individually; however, if they are few in number, they may be considered in aggregate.) To be considered as extraordinary under the above guidelines, an item should be more than approximately 5 percent of income, computed before extraordinary items. Commission approval must be obtained to treat an item of less than 5 percent, as extraordinary. (See accounts 434, Extraordinary income and 435, Extraordinary deductions.)

**5. Prior Period Items.**

A. As a general rule, items relating to transactions which occurred prior to the current calendar year but were not recorded in the books of account shall be included in the same accounts in which they would have been recorded had the item been recorded in the proper period. Such items relate to events or transactions which occurred in a prior period or periods, the accounting effects of which could not be determined with reasonable assurance at the time, usually because of major uncertainty then existing. When the amount of a prior period item is relatively so large its inclusion for a single month would distort the accounts for that month, the amount may be distributed in equal amounts to the accounts for the current and remaining months of the calendar year. However, if the amount of any prior period item is so large that the company believes its inclusion in the income statement would seriously distort the net income for the year, the company may request Commission approval to record the amount in account 439, Adjustments to Retained Earnings. Such a request must be accompanied by adequate justification.

B. Treatment as prior period adjustments should not be applied to the normal, recurring corrections and adjustments which are the natural result of the use of estimates inherent in the accounting process. For example, changes in the estimated remaining lives of fixed assets affect the computed amounts of depreciation, but these changes should be considered prospective in nature and not prior period adjustments. Similarly, relatively insignificant adjustments of provisions for liabilities (including income taxes) made in prior periods should be considered recurring items to be reflected in operations of the current period. Some uncertainties, for example those relating to the realization of assets (collectibility of accounts receivable, ultimate recovery of deferred costs of realizability of inventories or other assets), would not qualify for prior period adjustment treatment, since economic events subsequent to the date of the financial statements must of necessity enter into the

## RULES AND REGULATIONS

elimination of any previously existing uncertainty. Therefore, the effects of such matters are considered to be elements in the determination of net income for the period in which the uncertainty is eliminated. (See account 439.)

3. The Electric Plant Instructions of Part 105 are amended as follows: The paragraph in instruction "2. Components of Construction Cost" is amended by deleting the words "interest during construction" and substituting therefor the words "allowance for funds used during construction." The second sentence in paragraph B of Electric Plant Instruction "6. Electric Plant Retired" is amended by deleting the words "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus" and substituting therefor "421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property." The amended portions of the Electric Plant Instructions 2 and 6 read as follows:

**Electric Plant Instructions**

**2. Components of Construction Cost.**

The cost of construction of property chargeable to the electric plant accounts shall include, where applicable, the cost of labor, materials and supplies, transportation, work done by others for the utility, injuries and damages incurred in construction work, privileges and permits, special machine service, allowance for funds used during construction, and such portion of general engineering, administrative salaries and expenses, insurance, taxes, and other analogous item as may be properly includable in construction costs.

**6. Electric Plant Retired.**

B. \* \* \* If the land is sold, the difference between the book cost (less any accumulated provision for depreciation or amortization therefor which has been authorized and provided) and the sale price of the land (less commissions and other expenses of making the sale) shall be included in account 421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property, as appropriate. \* \* \*

4. In the chart of Balance Sheet Accounts, account titles 215 and 216 are revised to read as follows:

**Balance Sheet Accounts**

**(Chart of Accounts)**

**LIABILITIES AND OTHER CREDITS**

**5. PROPRIETARY CAPITAL**

215 Appropriated retained earnings.  
216 Unappropriated retained earnings.

5. Account "110, Accumulated provision for depreciation and amortization of electric plant" is amended as follows: Subparagraph A(2) is deleted and subparagraphs A(3) through A(5) are redesignated as A(2) through A(4). In the second sentence in paragraph D, the

word "surplus" is deleted and replaced by the words "retained earnings." The amended portion of paragraph D reads as follows:

**110 Accumulated provision for depreciation and amortization of electric plant.**

D. \* \* \* It shall not transfer any portion of this account to retained earnings or make any other use thereof without authorization by the Commission.

6. In account "183, Other deferred debits," the third sentence in subparagraph A(1) is amended by changing the words "435, Miscellaneous Debits to Surplus" to read "426.5, Other Deductions." As amended, this portion of subparagraph A(1) reads:

**183 Other deferred debits.**

A. \* \* \*  
(1) \* \* \* If the work is abandoned, the charge shall be to account 426.5, Other Deductions, or to the appropriate operating expense account.

7. Account "218, Discount on capital stock," is amended as follows: In paragraph B, the punctuation and words "Provided, however, That" are changed to read "provided, however, that." In paragraphs B and C, delete the words "435, Miscellaneous Debits to Surplus" are deleted and replaced by "439, Adjustments to Retained Earnings." As amended, paragraphs B and C read as follows:

**213 Discount on capital stock.**

B. When capital stock which has been actually issued is retired, the amount in this account applicable to the shares retired shall be written off to account 207, Other Paid-in Capital; provided, however, that the amount shall be charged to account 439, Adjustments to Retained Earnings, to the extent that it exceeds the balance in account 207.

C. The utility may amortize the balance in this account by systematic charges to account 425, Miscellaneous Amortization, or it may write off capital stock discount in whole or in part to account 439, Adjustments to Retained Earnings.

8. Account "214, Capital stock expense," is amended as follows: In paragraph B, the punctuation and words "Provided, however, That" are changed to read "provided, however, that." In paragraphs B and C the words "435, Miscellaneous Debits to Surplus" are deleted and replaced by "439, Adjustments to Retained Earnings." As amended, paragraphs B and C read as follows:

**214 Capital stock expense.**

B. When capital stock which has been actually issued by the utility is retired, the amount in this account applicable to the shares retired shall be written off to account 207, Other Paid-in Capital, to the extent of gains on resale or cancellation of reacquired stock includable therein; provided, however, that the amount shall be charged to account

439, Adjustments to Retained Earnings, to the extent that it exceeds the balance in account 207, from such source.

C. The utility may amortize the balance carried in this account by systematic charges to account 425, Miscellaneous Amortization, or it may write off capital stock expense in whole or in part by charges to account 439, Adjustments to Retained Earnings.

9. Account "215, Appropriated earned surplus," is amended by deleting the words "earned surplus" from the account title and the first sentence of the text and substituting the words "retained earnings" therefor. As so amended, these portions of account 215 read:

**215 Appropriated retained earnings.**

This account shall include the amount of retained earnings which has been appropriated or set aside for specific purposes. \* \* \*

10. Account "216, Unappropriated earned surplus," is amended by deleting the words "earned surplus" from the account title and substituting the words "retained earnings" therefor, and by deleting the word "surplus" from the first sentence of the text and substituting the words "retained earnings" therefor. The amended portions of account 216 read:

**216 Unappropriated retained earnings.**

This account shall include the balance, either debit or credit, of unappropriated retained earnings arising from earnings. \* \* \*

11. In account "217, Reacquired capital stock," paragraph B is amended by deleting "435, Miscellaneous Debits to Surplus" and substituting therefor "439, Adjustments to Retained Earnings." As amended, paragraph B reads:

**217 Reacquired capital stock.**

B. When reacquired capital stock is retired or canceled, the difference between its cost, including commissions and expenses paid in connection with the reacquisition, and its par or stated value plus any premium and less any discount and expenses applicable to the shares retired, shall be debited or credited, as appropriate, to account 207, Other Paid-in Capital; provided, however, that debits shall be charged to account 439, Adjustments to Retained Earnings, to the extent that they exceed the balance of gains on resale or cancellation of reacquired stock included in account 207.

12. In account "218, Noncorporate proprietorship," the second sentence in Note C is amended by deleting the words "earned surplus" and substituting therefor "retained earnings." The amended portion of Note C reads:

**218 Noncorporate proprietorship.**

Note C: \* \* \* When this option is taken, the retained earnings accounts shall be maintained and entries thereto shall be made in accordance with the texts thereof.

13. In account "221, Bonds," paragraph B is amended by deleting "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus," and substituting therefor "428, Amortization of Debt Discount and Expense or account 429, Amortization of Premium on Debt—Cr." As amended paragraph B reads:

221 Bonds.

B. When bonds are reacquired, the difference between face value, adjusted for unamortized discount, expense or premium, and the amount paid upon reacquisition, shall be included in account 428, Amortization of Debt Discount and Expense or account 429, Amortization of Premium on Debt—Cr. as appropriate.

14. In account "236, Taxes accrued," the last sentence in paragraph B is amended by deleting the remainder of the sentence after the word "expenses" and substituting therefor "see general instruction 5, for treatment." As amended, this portion of paragraph B reads:

236 Taxes accrued.

B. \* \* \* However, if such corrections are so large as to seriously distort current expenses, see general instruction 5, for treatment.

15. In account "255, Accumulated deferred investment tax credits," paragraphs A and B are amended by deleting the number "411.1" wherever it appears and substituting therefor the number "411.3."

16. In account "265, Miscellaneous operating reserves," the note is amended by deleting the words "Earned Surplus" and substituting therefor "Retained Earnings." As amended, the note reads:

265 Miscellaneous operating reserves.

NOTE: This account includes only such reserves as may be created for operating purposes and does not include any reservations of income the credits for which should be carried in account 215, Appropriated Retained Earnings.

17. In account "271, Contributions in aid of construction," paragraph B is amended by deleting the words "to earned surplus or." As amended, paragraph B reads:

271 Contributions in aid of construction.

B. The credits to this account shall not be transferred to any other account without the approval of the Commission.

18. In account "302, Franchises and consents," the last sentence in paragraph B and the first sentence in paragraph C are amended by deleting the words "435, Miscellaneous Debits to Surplus" and substituting therefor "426.5, Other Deductions." As amended, these portions of paragraphs B and C read as follows:

302 Franchises and consents.

B. \* \* \* Any excess of the amount actually paid by the utility over the amount above specified shall be charged to account 426.5, Other Deductions.

C. When any franchise has expired, the book cost thereof shall be credited hereto and charged to account 426.5, Other Deductions, or to account 110, Accumulated Provision for Depreciation and Amortization of Electric Plant, as appropriate.

19. In account "303, Miscellaneous intangible plant," paragraph B is amended by deleting the words "435, Miscellaneous Debits to Surplus" and substituting therefor "426.5, Other Deductions." As amended, paragraph B reads:

303 Miscellaneous intangible plant.

B. When any item included in this account is retired or expires, the book cost thereof shall be credited hereto and charged to account 426.5, Other Deductions, or account 110, Accumulated Provision for Depreciation and Amortization of Electric Plant, as appropriate.

20. The chart of Income Accounts is revised to read as follows:

Income Accounts (Chart of Accounts)	
1. UTILITY OPERATING INCOME	
400	Operating revenues.
	Operating expenses:
401	Operation and maintenance expense.
403	Depreciation expense.
404	Amortization expense.
408	Taxes other than income taxes.
408.1	Taxes other than income taxes, utility operating income.
409	Income taxes.
409.1	Income taxes, utility operating income.
411.3	Investment tax credit adjustments.
411.4	Investment tax credit adjustments, utility operations.
	Total electric utility operating expenses.
	Net electric utility operating income.
Other Operating Income:	
412	Revenues from electric plant leased to others.
413	Expenses of electric plant leased to others.
414	Other utility operating income.
	Net utility operating income.
2. OTHER INCOME AND DEDUCTIONS	
A. OTHER INCOME	
415	Revenues from merchandising, jobbing, and contract work.
416	Costs and expenses of merchandising, jobbing and contract work.
418	Nonoperating rental income.
419	Interest and dividend income.
419.1	Allowance for Funds Used During Construction.
421	Miscellaneous nonoperating income.
421.1	Gain on disposition of property.
	Total other income.
B. OTHER INCOME DEDUCTIONS	
421.2	Loss on disposition of property.
425	Miscellaneous amortization.
426	Miscellaneous income deductions.
426.1	Donations.
426.2 Life insurance.	
426.3 Penalties.	
426.4 Expenditures for certain civic, political and related activities.	
426.5 Other deductions.	
Total other income deductions.	
Total other income and deductions.	
C. TAXES APPLICABLE TO OTHER INCOME AND DEDUCTIONS	
408.2	Taxes other than income taxes, other income and deductions.
409.2	Income taxes, other income and deductions.
411.5	Investment tax credit adjustments, nonutility operations.
	Total taxes on other income and deductions.
	Net other income and deductions.
3. INTEREST CHARGES	
	Interest on long-term debt.
	Amortization of debt discount and expense.
429	Amortization of premium on debt—Cr.
430	Interest on debt to associated companies.
431	Other interest expense.
	Total interest charges.
	Income before extraordinary items.
4. EXTRAORDINARY ITEMS	
434	Extraordinary income.
435	Extraordinary deductions.
409.3	Income taxes, extraordinary items.
	Net income.
21. Account "408, Taxes other than income taxes," is amended as follows: Paragraph A is amended by deleting the words "which are properly chargeable to electric operations." New paragraph D is added. Notes A and D are deleted. Notes B, C, E, and F are redesignated as Notes A, B, C, and D. New note E is added. As amended, these portions of account 408 read as follows:	
408 Taxes other than income taxes.	
A. This account shall include the amount of ad valorem, gross revenue or gross receipts taxes, State unemployment insurance, franchise taxes, Federal excise taxes, social security taxes, and all other taxes assessed by Federal, State, county, municipal, or other local governmental authorities, except income taxes.	
D. This account shall be maintained according to the subaccounts 408.1 and 408.2 inclusive, shown below.	
NOTE A: Special assessments for street and similar improvements shall be included in the appropriate utility plant or nonutility property account.	
NOTE B: Taxes specifically applicable to construction shall be included in the cost of construction.	
NOTE C: Gasoline and other sales taxes shall be charged as far as practicable to the same account as the materials on which the tax is levied.	
NOTE D: Social Security and other forms of so-called payroll taxes shall be distributed to utility departments and to nonutility functions on a basis related to payroll. Amounts applicable to construction shall be charged to the appropriate plant account.	

## RULES AND REGULATIONS

NOTE E: Interest on tax refunds or deficiencies shall not be included in this account but in account 419, Interest and Dividend Income, or 431, Other Interest Expense, as appropriate.

22. Immediately following account "408, Taxes other than income taxes," add new subaccounts 408.1 and 408.2 are added reading as follows:

**408.1 Taxes other than income taxes, utility operating income.**

This account shall include those taxes recorded in account 408, Taxes Other Than Income Taxes, which relate to utility operating income. This account shall be maintained so as to allow ready identification of taxes relating to Utility Operating Income (by department), Utility Plant Leased to Others and Other Utility Operating Income.

**408.2 Taxes other than income taxes, other income and deductions.**

This account shall include those taxes recorded in account 408, Taxes Other Than Income Taxes, which relate to Other Income and Deductions.

23. Account "409, Income Taxes" is amended as follows: In the first sentence in paragraph A the word "income" is inserted between the words "Federal" and "taxes." In the second sentence in paragraph A, the remainder of the sentence after the word "adjusted" is deleted and replaced by the following: "by a charge or credit to this account, unless such adjustment is properly includable in account 439, Adjustments to Retained Earnings, so that this account as nearly as can be ascertained shall include the actual taxes payable by the utility (see general instruction 5 for prior period adjustments)." Paragraph B is revised. New paragraph C is added. Notes B, C, and D are deleted and Note E is redesignated as Note B. As so amended, account 409 reads as follows:

**409 Income taxes.**

A. This account shall include the amount of State and Federal income taxes on income properly accruable during the period covered by the income statement to meet the actual liability for such taxes. Concurrent credits for the tax accruals shall be made to account 236, Taxes Accrued, and as the exact amount of taxes becomes known, the current tax accruals shall be adjusted by a charge or credit to this account, unless such adjustment is properly includable in account 439, Adjustments to Retained Earnings, so that this account as nearly as can be ascertained shall include the actual taxes payable by the utility (See general instruction 5 for prior period adjustments).

B. The accruals for income taxes shall be apportioned among utility departments and to Other Income and Deductions so that, as nearly as practicable, each tax shall be included in the expenses of the utility department or Other Income and Deductions, the income from which gave rise to the tax. The income tax effect of amounts recorded in ac-

count 439, Adjustments to Retained Earnings shall be recorded in that account. The tax effect relating to interest charges shall be allocated between utility and nonutility operations. The basis for this allocation shall be the ratio of net investment in utility plant to net investment in nonutility plant.

C. This account shall be maintained according to the subaccounts 409.1, 409.2, and 409.3 inclusive, shown below.

NOTE A: Taxes assumed by the utility on interest shall be charged to account 431, Other Interest Expense.

NOTE B: Interest on tax refunds or deficiencies shall not be included in this account but in account 419, Interest and Dividend Income, or account 431, Other Interest Expense, as appropriate.

24. Immediately following account "409, Income taxes," new subaccounts 409.1, 409.2 and 409.3 are added, reading as follows:

**409.1 Income taxes, utility operating income.**

This account shall include the amount of those State and Federal income taxes reflected in account 409, Income Taxes which relate to utility operating income. This account shall be maintained so as to allow ready identification of tax effects (both positive and negative) relating to Utility Operating Income (by departments), Utility Plant Leased to Others and Other Utility Operating Income.

**409.2 Income taxes, other income and deductions.**

This account shall include the amount of those State and Federal income taxes reflected in account 409, Income Taxes (both positive and negative) which relate to Other Income and Deductions.

**409.3 Income taxes, extraordinary items.**

This account shall include the amount of those State and Federal income taxes reflected in account 409, Income Taxes (both positive and negative) which relate to Extraordinary Items.

25. Account "411.1, Investment tax credit adjustments" is redesignated as account "411.3," and a new paragraph "C." is added to the text of the account. The amended portion of redesignated account "411.3" reads:

**411.3 Investment tax credit adjustments.**

\* \* \* \* \* C. This account shall be maintained according to the subaccounts 411.4 and 411.5 inclusive, as shown below.

26. Immediately following redesignated account "411.3, Investment tax credit adjustments," new subaccounts 411.4 and 411.5 are added reading as follows:

**411.4 Investment tax credit adjustments, utility operations.**

This account shall include the amount of those investment tax credit adjustments reflected in account 411.3, Investment Tax Credit Adjustments related to property used in Utility Operations (by department).

**411.5 Investment tax credit adjustments, nonutility operations.**

This account shall include the amount of those investment tax credit adjustments reflected in account 411.3, Investment Tax Credit Adjustments related to property used in Nonutility Operations.

27. Paragraph B of the explanatory text following accounts "412, Revenues from electric plant leased to others," and "413, Expenses of electric plant leased to others," is amended by listing "Operation" Than Income Taxes" and "Income Taxes," and by adding a Note. As amended, paragraph B and the note read as follows:

**412 Revenues from electric plant leased to others.**

**413 Expenses of electric plant leased to others.**

\* \* \* \* \* B. The detail of expense shall be kept or supported so as to show separately the following:

Operation.  
Maintenance.  
Depreciation.  
Amortization.

NOTE: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes identified separately.

28. In account "414, Other utility operating income," paragraph B is amended by deleting the word "taxes." Immediately following paragraph B, a note is added. As amended, these portions of account 414 will read:

**414 Other utility operating income.**

\* \* \* \* \* B. The expenses shall include every element of cost incurred in such operations, including depreciation, rents, and insurance.

NOTE: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes, identified separately.

29. In the text of Income Accounts, the heading "2. Other Income" is revised to read:

**2. OTHER INCOME AND DEDUCTIONS**

30. In the explanatory text following accounts "415, Revenues from merchandising, jobbing, and contract work" and "416, Costs and expenses of merchandising, jobbing and contract work," the "Note" is redesignated as "Note A." Immediately following redesignated "Note A," new Note B is added. The amended portions of the explanatory text read:

**415 Revenues from merchandising, jobbing and contract work.**

**416 Costs and expenses of merchandising, jobbing and contract work.**

NOTE A: \* \* \*

NOTE B: Related operating taxes shall be recorded in account 408, Taxes Other Than

Income Taxes, and income taxes shall be recorded in account 409, Income Taxes.

\* \* \* \* \*

31. Account "418, Nonoperating rental income," is amended by adding immediately following the first paragraph a note reading as follows:

**418 Nonoperating rental income.**

\* \* \* \* \*

NOTE: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes.

32. In account "419, Interest and dividend income," the letter "A." is deleted at the beginning of the first paragraph. Immediately following the first paragraph a note is added. Paragraph B is deleted. As amended, account 419 reads:

**419 Interest and dividend income.**

This account shall include interest revenues on securities, loans, advances, special deposits, tax refunds and all other interest-bearing assets, and dividends on stocks of other companies, whether the securities on which the interest and dividends are received, are carried as investments or included in sinking- or other special-fund accounts.

NOTE: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes.

33. Immediately following account "419, Interest and Dividend Income," a new account "419.1, Allowance for funds used during construction," is added reading as follows:

**419.1 Allowance for funds used during construction.**

This account shall include concurrent credits for interest charged to construction based upon the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate upon other funds when so used. No interest shall be capitalized on plant which is completed and ready for service.

34. In account "421, Miscellaneous nonoperating income," the first paragraph is amended by inserting the words "except taxes," immediately after the word "items" in the first sentence and by adding the following sentence "Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes." As amended, account 421 reads as follows:

**421 Miscellaneous nonoperating income.**

This account shall include all revenue and expense items, except taxes, properly includable in the income account and not provided for elsewhere. Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes.

35. Immediately following account "421, Miscellaneous nonoperating income," new accounts 421.1 and 421.2 are added reading as follows:

**421.1 Gain on disposition of property.**

This account shall be credited with the gain on the sale, conveyance, exchange, or transfer of utility or other property to another. (See electric plant instruction 6B.) Record income taxes on gains recorded in this account in Account 409, Income Taxes.

**421.2 Loss on disposition of property.**

This account shall be charged with the loss on the sale, conveyance, exchange, or transfer of utility or other property to another. (See electric plant instruction 6B.) Record the reductions in income taxes attributable to losses recorded in this account in Account 409, Income Taxes.

36. In the text of income accounts, the heading "3. Miscellaneous Income Deductions" is deleted.

37. In account "425, Miscellaneous amortization," the last sentence in the first paragraph is deleted. The amended portion of account 425 reads:

**425 Miscellaneous amortization.**

This account shall include amortization charges not includable in other accounts which are properly deductible in determining the income of the utility before interest charges. Charges includable herein, if significant in amount, must be in accordance with an orderly and systematic amortization program.

\* \* \* \* \*

38. In account "426, Other income deductions," the account title is amended by deleting the word "Other" and substituting the word "Miscellaneous." Immediately following the first paragraph of the account, the text of the note now located under account "426.5, Other deductions," is inserted. As amended, account 426 reads as follows:

**426 Miscellaneous income deductions.**

This account shall include miscellaneous expense items which are nonoperating in nature but which are properly deductible before determining total income before interest charges. The account shall be maintained according to subaccounts shown below.

NOTE: The classification of expenses as nonoperating and their inclusion in this account is for accounting purposes. It does not preclude the Commission consideration of proof to the contrary for ratemaking and other purposes.

39. In account "426.5, Other deductions," the note is deleted and a list of items is added. As revised, account 426.5 reads as follows:

**426.5 Other deductions.**

This account shall include other miscellaneous expenses which are nonoperating in nature, but which are properly deductible before determining total income before interest charges.

**ITEMS**

1. Loss relating to investments in securities written off or written down.
2. Loss on sale of investments.
3. Loss on reacquisition, resale, or retirement of utility's debt securities.

4. Preliminary survey and investigation, expenses related to abandoned projects when not written off to the appropriate operating expense account.

5. In the text of Income Accounts, the heading "4. Interest Charges" is redesignated as "3. Interest Charges."

41. Account "432, Interest Charged to Construction—Cr.," is deleted from the text of the Income Accounts.

42. In the text of Income Accounts, the heading "5. Earned Surplus" and the following accounts classified under that heading are deleted:

- 433 Balance transferred from income.
- 434 Miscellaneous credits to surplus.
- 435 Miscellaneous debits to surplus.
- 436 Appropriations of surplus.
- 437 Dividends declared—preferred stock.
- 438 Dividends declared—common stock.

43. In the text of Income Accounts, immediately following account "431, Other Interest Expense," a new heading "4. Extraordinary Items" and new accounts "434, Extraordinary income" and "435, Extraordinary deductions," are added reading as follows:

**4. EXTRAORDINARY ITEMS**

**434 Extraordinary income.**

This account shall be credited with nontypical, noncustomary, infrequently recurring gains, which would significantly distort the current year's income computed before Extraordinary Items, if reported other than as extraordinary items. The applicable income tax effects of this account shall be recorded in account 409, Income Taxes, identified separately. (See general instruction 4.)

**435 Extraordinary deductions.**

This account shall be debited with nontypical, noncustomary, infrequently recurring losses, which would significantly distort the current year's income computed before Extraordinary Items, if reported other than as extraordinary items. The applicable income tax effects of this account shall be recorded in account 409, Income Taxes, identified separately. (See general instruction 4.)

44. Following the text of Income Accounts and immediately preceding the chart of "Operating Revenue Accounts," a new section, entitled "Retained Earnings Accounts," is inserted, reading as follows:

**Retained Earnings Accounts**

**(Chart of Accounts)**

- 216 Unappropriated retained earnings (at beginning of period).
- 433 Balance transferred from income.
- 436 Appropriations of retained earnings.
- 437 Dividends declared—Preferred stock.
- 438 Dividends declared—Common stock.
- 439 Adjustments to retained earnings.
- 216 Unappropriated retained earnings (at end of period).

**Retained Earnings Accounts**

**433 Balance transferred from income.**

This account shall include the net credit or debit transferred from income for the year.

## RULES AND REGULATIONS

**436 Appropriations of retained earnings.**

This account shall include appropriations of retained earnings.

## ITEMS

1. Appropriations required under terms of mortgages, orders of courts, contracts, or other agreements.

2. Appropriations required by action of regulatory authorities.

3. Other appropriations made at option of utility for specific purposes.

**437 Dividends declared—Preferred stock.**

A. This account shall include amounts declared payable out of retained earnings as dividends on actually outstanding preferred or prior lien capital stock issued by the utility.

B. Dividends shall be segregated for each class and series of preferred stock as to those payable in cash, stock and other forms. If not payable in cash, the medium of payment shall be described with sufficient detail to identify it.

**438 Dividends declared—Common stock.**

A. This account shall include amounts declared payable out of retained earnings as dividends on actually outstanding common capital stock issued by the utility.

B. Dividends shall be segregated for each class of common stock as to those payable in cash, stock and other forms. If not payable in cash, the medium of payment shall be described with sufficient detail to identify it.

**439 Adjustments to retained earnings.**

A. This account shall include significant nonrecurring transactions relating to prior periods. Other than transactions of capital stock as specified in paragraph B below, all entries to this account must receive prior Commission approval. These transactions are limited to those adjustments which (a) can be specifically identified with and related to the business activities of particular prior periods, and (b) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (c) depend primarily on determinations by persons other than the management, and (d) were not susceptible of reasonable estimation prior to such determination. This account shall also include the related income tax effects (State and Federal) on items included herein. All items included in this account shall be sufficiently described in the entries relating thereto as to permit ready analysis.

B. Adjustments, charges, or credits due to losses on reacquisition, resale or retirement of the company's own capital stock shall be included in this account. (See account 207, Other Paid-in Capital for the treatment of gains.)

## ITEMS

1. Significant nonrecurring adjustments or settlements of income taxes.

2. Significant amounts resulting from litigation or similar claims.

3. Significant amounts relating to adjustments or settlements of utility revenue under rate processes.

4. Significant adjustments to plant in service depreciation and amortization as a result of Commission direction.

5. Write off of unamortized capital stock expenses.

**PART 141—STATEMENTS AND REPORTS (SCHEDULES)**

C. Effective for the reporting year 1971, Schedule pages 1, 5, and 9 of FPC Form No. 1-F, Annual Report for Public Utilities and Licensees, (Class C and Class D), prescribed by § 141.2, Chapter I, Title 18 of the Code of Federal Regulations are amended as follows, all as set out in Attachment A hereto:

(1) Schedule page 1—the General Information section is amended to require reporting the "telephone number (including area code)" of the person to be contacted concerning the report.

(2) Schedule page 5, Condensed Income Statement for the Year—will become a two page statement of income schedule numbered 6 and 6A, and is completely revised. The Earned Surplus section at the bottom of page 5 will become a separate schedule sheet numbered 6B and retitled "Statement of Retained Earnings." Old page 5 will contain the data now reported on page 6.

(3) Schedule page 9, Investment Tax Credits Generated and Utilized—the last sentence of instruction 1 to the schedule is revised to read "By footnote state the method of accounting adopted, and whether the company has consented or is required by another Commission to pass the entire amount of tax credits on to customers."

D. Effective January 1, 1971, paragraph C, of § 141.2 of the Commission's Regulations under the Federal Power Act is revised by deleting two schedules and adding two schedules as follows:

## Delete:

Condensed Income Statement.  
Earned Surplus.

## Add schedules:

Insert Statement of Income for the Year to follow the line Electric Operation and Maintenance Expenses.

Insert Statement of Retained Earnings to follow the new line Statement of Income for the Year.

**PART 204—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C NATURAL GAS COMPANIES**

E. The Commission's Uniform System of Accounts for Class C Natural Gas Companies, prescribed by Part 204, Chapter I, Title 18 of the Code of Federal Regulations, is amended and revised as follows:

1. In the Definitions section of Part 204, immediately following definition "24. 'Replacing' or 'replacement'", a new definition "25. 'Retained earnings'", is

<sup>1</sup> Attachment A filed as part of original document.

added. Beginning with definition "25. 'Retirement units'", remaining definitions 25 through 29 are renumbered as 26 through 30. New definition 25 reads as follows:

**Definitions**

25. "Retained earnings" (formerly earned surplus) means the accumulated net income of the utility less distribution to stockholders and transfers to other capital accounts.

2. The General Instructions section of Part 204 is amended as follows:

(a) In instruction "2. Records" the title of account 426 in paragraph E is revised to read "Account 426, Miscellaneous Income Deductions."

(b) In instruction "3. Numbering System," paragraph A is amended by deleting the numbers "400-439" assigned to Income accounts and substituting the numbers "400-432, 434-435" therefor. Immediately following Income accounts the following new item "433, 436-439 Retained earnings accounts" is inserted.

(c) Immediately following instruction "7. Accounting To Be on Accrual Basis," new general instructions "8. Extraordinary Items" and "9. Prior Period Items" are added, and remaining instructions 8, through 12, are renumbered as 10, through 14.

As amended, these portions of the General Instructions section of Part 204 read as follows:

**General Instructions**

## 2. Records.

E. All amounts included in the accounts prescribed herein for gas plant and operating expenses shall be just and reasonable and any payments or accruals by the utility in excess of just and reasonable charges shall be included in account 426, Miscellaneous Income Deductions.

## 3. Numbering System.

## A. \*

400-432, 434-435 Income accounts.  
433, 436-439 Retained earnings accounts.

## 8. Extraordinary Items.

It is the intent that net income shall reflect all items of profit and loss during the period with the sole exception of prior period adjustments as described in paragraph 9 below. Those items related to the effects of events and transactions which have occurred during the current period and which are not typical or customary business activities of the company shall be considered extraordinary items. Accordingly, they will be events and transactions of significant effect which would not be expected to recur frequently and which would not be considered as recurring factors in any evaluation of the ordinary operating processes of business. (In determining significance,

Items of a similar nature should be considered in the aggregate. Dissimilar items should be considered individually; however, if they are few in number, they may be considered in aggregate.) To be considered as extraordinary under the above guidelines, an item should be more than approximately 5 percent of income, computed before extraordinary items. Commission approval must be obtained to treat an item of less than 5 percent, as extraordinary. (See accounts 434, Extraordinary income and 435, Extraordinary deductions.)

#### 9. Prior Period Items.

A. As a general rule, items relating to transactions which occurred prior to the current calendar year but were not recorded in the books of account shall be included in the same accounts in which they would have been recorded had the item been recorded in the proper period. Such items relate to events or transactions which occurred in a prior period or periods, the accounting effects of which could not be determined with reasonable assurance at the time, usually because of major uncertainty then existing. When the amount of a prior period item is relatively so large its inclusion for a single month would distort the accounts for that month, the amount may be distributed in equal amounts to the accounts for the current and remaining months of the calendar year. However, if the amount of any prior period item is so large that the company believes its inclusion in the income statement would seriously distort the net income for the year, the company may request Commission approval to record the amount in account 439, Adjustments to Retained Earnings. Such a request must be accompanied by adequate justification.

B. Treatment as prior period adjustments should not be applied to the normal, recurring corrections and adjustments which are the natural result of the use of estimates inherent in the accounting process. For example, changes in the estimated remaining lives of fixed assets affect the computed amounts of depreciation, but these changes should be considered prospective in nature and not prior period adjustments. Similarly, relatively insignificant adjustments of provisions for liabilities (including income taxes) made in prior periods should be considered recurring items to be reflected in operations of the current period. Some uncertainties, for example those relating to the realization of assets (collectibility of accounts receivable, ultimate recovery of deferred costs or realizability of inventories or other assets), would not qualify for prior period adjustment treatment, since economic events subsequent to the date of the financial statements must of necessity enter into the elimination of any previously existing uncertainty. Therefore, the effects of such matters are considered to be elements in the determination of net income for the period in which the uncertainty is eliminated. (See account 439.)

#### 3. The Gas Plant Instructions of Part 204 are amended as follows:

(a) The paragraph in instruction "2. Components of Construction Cost" is amended by deleting the words "interest during construction" and substituting therefor the words "allowance for funds used during construction."

(b) In instruction "4. Gas Plant Purchased or Sold," the second sentence in paragraph F is amended by deleting "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus" and substituting therefor "421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property."

(c) In instruction "6. Land and Land Rights," the first sentence in paragraph E is amended by deleting "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus" and substituting therefor "421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property."

(d) In instruction "9. Additions and Retirements of Gas Plant," the second sentence in paragraph E is amended by deleting "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus," and substituting therefor "421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property."

The amended portions of Gas Plant Instructions 2, 4, 6, and 9, in Part 204 read as follows:

#### Gas Plant Instructions

##### 2. Components of Construction Cost.

The cost of construction of property chargeable to the gas plant accounts shall include, where applicable, fees for construction certificate applications paid after grant of certificate, the cost of labor, materials and supplies, transportation, work done by others for the utility, injuries and damages incurred in construction work, privileges and permits, special machine service, allowance for funds used during construction, and such portion of general engineering, administrative salaries and expenses, insurance, taxes and other analogous items as may be properly includable in construction costs.

##### 4. Gas Plant Purchased or Sold.

F. \* \* \* Unless otherwise ordered by the Commission, the difference, if any, between (a) the net amount of debits and credits and (b) the consideration received for the property (less commissions and other expenses of making the sale) shall be included in account 421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property.

##### 6. Land and Land Rights.

E. Any difference between the amount received from the sale of land or land rights, less agents' commissions and other costs incident to the sale, and the book cost of such land or rights, shall be included in account 421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property, as appropriate, unless a reserve therefor has been authorized and provided. \* \* \*

#### 9. Additions and Retirements of Gas Plant.

E. \* \* \* If the land is sold, the difference between the book cost (less any accumulated provision for depreciation, depletion, or amortization therefor which has been authorized and provided) and the sale price of the land (less commissions and other expenses of making the sale) shall be included in account 421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property, as appropriate. \* \* \*

4. The chart of Balance Sheet Accounts is amended as follows: Account titles 215 and 216 are amended by deleting the words "earned surplus" and substituting the words "retained earnings" therefor. Immediately following account title "253, Other deferred credits," new account title "255, Accumulated deferred investment tax credits," is added. The amended portions of the chart of Balance Sheet Accounts read as follows:

#### Balance Sheet Accounts

##### (Chart of Accounts)

##### LIABILITIES AND OTHER CREDITS

##### 5. PROPRIETARY CAPITAL

215 Appropriated retained earnings.  
216 Unappropriated retained earnings.

##### 8. DEFERRED CREDITS

255 Accumulated deferred investment tax credits.

5. Account "110, Accumulated provision for depreciation, depletion and amortization of gas plant," is amended as follows: In paragraph A, subparagraph (2) is deleted and subparagraphs (3) through (5) are redesignated as (2) through (4). In the second sentence in paragraph E, the word "surplus" is deleted and the words "retained earnings" are substituted therefor. The amended portion of paragraph E reads:

110 Accumulated provision for depreciation, depletion and amortization of gas plant.

E. \* \* \* It shall not transfer any portion of this account to retained earnings or make any other use thereof without authorization by the Commission.

## RULES AND REGULATIONS

6. In account "124, Other investments," the final sentence in Note C is amended by deleting the words "435, Miscellaneous Debits to Surplus" and substituting therefor "426.5, Other Deductions." As so amended, the final sentence in Note C reads:

## 124 Other investments.

NOTE C: \* \* \* When securities are written off or written down, the amount of the adjustment shall be charged to account 426.5, Other Deductions, or to an appropriate account for provisions for loss in value established as a separate subdivision of this account.

7. In account "183, Other deferred debits," the final sentence in subparagraph A(1) is amended by deleting the words "435, Miscellaneous Debits to Surplus" and substituting therefor "426.5, Other Deductions." As so amended, the final sentence in subparagraph A(1) reads:

## 183 Other deferred debits.

A. \* \* \*

(1) \* \* \* If the work is abandoned, the charge shall be to account 426.5, Other Deductions, or to the appropriate operating expense accounts.

8. Account "213, Discount on capital stock," is amended as follows: In paragraph B the punctuation and words ": Provided, however, That" are changed to read "; provided, however, that." In paragraphs B and C the words "435, Miscellaneous Debits to Surplus" are deleted and replaced by "439, Adjustments to Retained Earnings." As amended, paragraphs B and C read as follows:

## 213 Discount on capital stock.

B. When capital stock which has been actually issued is retired, the amount in this account applicable to the shares retired shall be written off to account 207, Other Paid-in Capital; provided, however, that the amount shall be charged to account 439, Adjustments to Retained Earnings, to the extent that it exceeds the balance in account 207.

C. The utility may amortize the balance in this account by systematic charges to account 425, Miscellaneous Amortization, or it may write off capital stock discount in whole or in part to account 439, Adjustments to Retained Earnings.

9. Account "214, Capital stock expense" is amended as follows: In paragraph B the punctuation and words ": Provided, however, That" are changed to read "; provided, however, that." In paragraphs B and C the words "435, Miscellaneous Debits to Surplus" are deleted and replaced by "439, Adjustments to Retained Earnings." As amended, paragraphs B and C read as follows:

## 214 Capital stock expense.

B. When capital stock which has been actually issued by the utility is retired,

the amount in this account applicable to the shares retired shall be written off to account 207, Other Paid-in Capital, to the extent of gains on resale or cancellation of reacquired stock includable therein; provided, however, that the amount shall be charged to account 439, Adjustments to Retained Earnings, to the extent that it exceeds the balance in account 207, from such source.

C. The utility may amortize the balance in this account by systematic charges to account 425, Miscellaneous Amortization, or it may write off capital stock expense in whole or in part by charges to account 439, Adjustments to Retained Earnings.

10. Account "215, Appropriated earned surplus," is amended by deleting the words "earned surplus" from the account title and the first sentence of the text and substituting the words "retained earnings" therefor. As so amended, these portions of account 215 read:

## 215 Appropriated retained earnings.

This account shall include the amount of retained earnings which has been appropriated or set aside for specific purposes. \* \* \*

11. Account "216, Unappropriated earned surplus," is amended by deleting the words "earned surplus" from the account title and substituting the words "retained earnings" therefor and by deleting the word "surplus" from the first sentence of the text and substituting the words "retained earnings" therefor. The amended portions of account 216 read:

## 216 Unappropriated retained earnings.

This account shall include the balance, either debit or credit, of unappropriated retained earnings arising from earnings. \* \* \*

12. In account "217, Required capital stock," paragraph B is amended by deleting "435, Miscellaneous Debits to Surplus" and substituting therefor "439, Adjustments to Retained Earnings." As amended, paragraph B reads:

## 217 Reacquired capital stock.

B. When reacquired capital stock is retired or canceled, the difference between its cost, including commissions and expenses paid in connection with the reacquisition, and its par or stated value plus any premium and less any discount and expenses applicable to the shares retired, shall be debited or credited, as appropriate, to account 207, Other Paid-in Capital, provided, however, that debits shall be charged to account 439, Adjustments to Retained Earnings, to the extent that they exceed the balance of gains on resale or cancellation of reacquired stock included in account 207.

13. In account "221, Bonds," paragraph B is amended by deleting "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus" and substituting therefor "428, Amortization of Debt Discount and Ex-

pense or account 429, Amortization of Premium on Debt—Cr." As amended, paragraph B reads:

## 221 Bonds.

B. When bonds are reacquired, the difference between face value, adjusted for unamortized discount, expense or premium and the amount paid upon reacquisition, shall be included in account 428, Amortization of Debt Discount and Expense, or account 429, Amortization of Premium on Debt—Cr., as appropriate.

14. In account "236, Taxes accrued," the last sentence in paragraph B is amended by deleting the remainder of the sentence after the word "expenses," and substituting therefor "see general instruction 9, for treatment." As amended, this portion of paragraph B will read:

## 236 Taxes accrued.

B. \* \* \* However, if such corrections are so large as to seriously distort current expenses, see general instruction 9, for treatment.

15. Immediately following account "253, Other deferred credits," add new account 255 reading as follows:

## 255 Accumulated deferred investment tax credits.

A. This account shall be credited with all investment tax credits deferred by companies which have elected to follow deferral accounting, partial or full, rather than recognizing in the income statement the total benefits of the tax credit as realized. After such election, a company may not transfer amounts from this account, except as authorized herein and in accounts 411.3, Investment Tax Credit Adjustments, and 420, Investment Tax Credits, or with approval of the Commission.

B. Where the company's accounting provides that investment tax credits are to be passed on to customers, this account shall be debited and Account 411.3, credited with a proportionate amount determined in relation to the average useful life of gas utility property to which the tax credits relate or such lesser period of time as may be adopted and used by the company. If, however, the deferral procedure provides that investment tax credits are not to be passed on to customers, the proportionate restorations to income shall be credited to Account 420.

C. If any of the investment tax credits to be deferred are related to utility operations other than gas or to nonutility operations, appropriate subdivisions of this account shall be maintained and entries shall be appropriately recorded in this account and in account 413, Expenses of Gas Plant Leased to Others; account 414, Other Utility Operating Income; account 416, Costs and Expenses of Merchandising, Jobbing and Contract Work; account 417.1, Expenses of Non-utility Operations; or account 418, Non-operating Rental Income.

D. Records shall be maintained identifying the properties related to the investment tax credits for each year, the weighted average service life of such properties, and any unused balance of such credits. Such records are not necessary unless the credits are deferred.

16. In account "265, Miscellaneous operating reserves," the note is amended by deleting the words "Earned Surplus" and substituting therefor "Retained Earnings." As so amended, the note reads:

**265 Miscellaneous operating reserves.**

NOTE: This account includes only such reserves as may be created for operating purposes and does not include any reservations of income the credits for which should be carried in account 215, Appropriated Retained Earnings.

17. In account "271, Contributions in aid of construction," paragraph B is amended by deleting the words "to earned surplus or." As amended, paragraph B reads:

**271 Contributions in aid of construction.**

B. The credits to this account shall not be transferred to any other account without the approval of the Commission.

18. In the text of Balance Sheet Accounts, prefatory Note B under the heading "11. Accumulated Deferred Income Taxes" is revised to read as follows:

**11. ACCUMULATED DEFERRED INCOME TAXES**

Note B: Natural Gas Companies which, in addition to a gas utility department, have another utility department, electric, water, etc., and nonutility property, and which have deferred taxes on income with respect thereto shall classify such deferrals in the accounts provided below so as to allow ready identification of items relating to each utility department and to Other Income and Deductions.

19. In account "281, Accumulated deferred income taxes—Accelerated amortization," the second sentence in paragraph E is amended by deleting the word "surplus" and substituting "retained earnings," therefor. As amended, this portion of paragraph E reads:

**281 Accumulated deferred income taxes—Accelerated amortization.**

E. \* \* \* It shall not transfer the balance in this account or any portion thereof to retained earnings or make any use thereof except as provided in the text of this account without prior approval of the Commission. \* \* \*

20. In account "282, Accumulated deferred income taxes—Liberalized depreciation," the second sentence in paragraph E is amended by deleting the word "surplus" and substituting "retained earnings" therefor. As amended, this portion of paragraph E reads:

**282 Accumulated deferred income taxes—Liberalized depreciation.**

E. \* \* \* It shall not transfer the balance in the account or any portion thereof to retained earnings or make any use thereof except as provided in the text of this account without prior approval of the Commission.

21. In account "283, Accumulated deferred income taxes—Other," the second sentence in paragraph D is amended by deleting the word "surplus" and substituting "retained earnings" therefor. As amended, this portion of paragraph D reads:

**283 Accumulated deferred income taxes—Other.**

E. \* \* \* It shall not transfer the balance in the account of any portion thereof to retained earnings or make any use thereof except as provided in the text of this account, without prior approval of the Commission. \* \* \*

22. In account "302, Franchises and consents," the last sentence in paragraph B and the first sentence in paragraph C are amended by deleting the words "435, Miscellaneous Debits to Surplus" and substituting therefor "426.5, Other Deductions." As amended, these portions of paragraphs B and C read:

**302 Franchises and consents.**

E. \* \* \* Any excess of the amount actually paid by the utility over the amount above specified shall be charged to account 426.5, Other Deductions.

C. When any franchise has expired, the book cost thereof shall be credited hereto and charged to account 426.5, Other Deductions, or to account 110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Plant, as appropriate.

23. In account "303, Miscellaneous intangible plant," paragraph B is amended by deleting the words "435, Miscellaneous Debits to Surplus" and substituting therefor "426.5, Other Deductions." As amended, paragraph B reads:

**303 Miscellaneous intangible plant.**

B. When any item included in this account is retired or expires, the book cost thereof shall be credited hereto and charged to account 426.5, Other Deductions, or account 110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Plant, as appropriate.

24. The chart of Income Accounts is revised to read as follows:

Income Accounts (Chart of Accounts)	
1. UTILITY OPERATING INCOME	
400	Operating revenues.
	Operating expenses:
401	Operating expense.
402	Maintenance expense.
403	Depreciation and depletion expense.
404	Amortization of limited-term gas plant.
405	Amortization of other gas plant.
406	Amortization of gas plant acquisition adjustments.

407.1 Amortization of property losses.  
407.2 Amortization of conversion expenses.  
408 Taxes other than income taxes.  
408.1 Taxes other than income taxes, utility operating income.

409 Income taxes.  
409.1 Income taxes, utility operating income.

410 Provision for deferred income taxes.  
410.1 Provision for deferred income taxes, utility operating income.

411 Income taxes deferred in prior years—Cr.

411.1 Income taxes deferred in prior years—Cr., utility operating income.

411.3 Investment tax credit adjustments.  
411.4 Investment tax credit adjustments, utility operations.

Total gas utility operating expenses.

Net gas utility operating income.

Other Operating Income:  
412 Revenues from gas plant leased to others.

413 Expenses of gas plant leased to others.

414 Other utility operating income.

Net utility operating income.

**2. OTHER INCOME AND DEDUCTIONS**

**A. OTHER INCOME**  
415 Revenues from merchandising, jobbing and contract work.

416 Costs and expenses of merchandising, jobbing and contract work.

417 Revenues from nonutility operations.

417.1 Expenses of nonutility operations.

418 Nonoperating rental income.

419 Interest and dividend income.

419.1 Allowance for funds used during construction.

421 Miscellaneous nonoperating income.

421.1 Gain on disposition of property

Total other income.

**B. OTHER INCOME DEDUCTIONS**  
421.2 Loss on disposition of property.

425 Miscellaneous amortization.

426 Miscellaneous income deductions.

426.1 Donations.

426.2 Life insurance.

426.3 Penalties.

426.4 Expenditures for certain civic, political and related activities.

426.5 Other deductions.

Total other income deductions.

Total other income and deductions.

**C. TAXES APPLICABLE TO OTHER INCOME AND DEDUCTIONS**

408.2 Taxes other than income taxes, other income and deductions.

409.2 Income taxes, other income and deductions.

410.2 Provision for deferred income taxes, other income and deductions.

411.2 Income taxes deferred in prior years—Cr., other income and deductions.

411.5 Investment tax credit adjustments, nonutility operations.

Investment tax credits

Total taxes on other income and deductions.

Net other income and deductions.

**3. INTEREST CHARGES**

Interest on long-term debt.

Amortization of debt discount and expense.

Amortization of premium on debt—Cr. Interest on debt to associated companies.

Other interest expense.

Total interest charges.

Income before extraordinary items.

## RULES AND REGULATIONS

## 4. EXTRAORDINARY ITEMS.

434 Extraordinary income.  
 435 Extraordinary deductions.  
 409.3 Income taxes, extraordinary items.

Net income.

25. Account "408, Taxes other than income taxes," is amended as follows: Paragraph A is amended by deleting the words "which are properly chargeable to gas operations." New paragraph D is added. Notes A and D are deleted. Notes B, C, E, and F are redesignated as Notes A, B, C, and D. New note E is added. As amended, these portions of account 408 read as follows:

## 408 Taxes other than income taxes.

A. This account shall include the amount of ad valorem, gross revenue or gross receipts taxes, State unemployment insurance, franchise taxes, Federal excise taxes, social security taxes, and all other taxes assessed by Federal, State, county, municipal, or other local governmental authorities, except income taxes.

D. This account shall be maintained according to the subaccounts 408.1 and 408.2 inclusive, shown below.

NOTE A: Special assessments for street and similar improvements shall be included in the appropriate utility plant or nonutility property account.

NOTE B: Taxes specifically applicable to construction shall be included in the cost of construction.

NOTE C: Gasoline and other sales taxes shall be charged as far as practicable to the same account as the materials on which the tax is levied.

NOTE D: Social Security and other forms of so-called payroll taxes shall be distributed to utility departments and to nonutility functions on a basis related to payroll. Amounts applicable to construction shall be charged to the appropriate plant account.

NOTE E: Interest on tax refunds or deficiencies shall not be included in this account but in account 419, Interest and Dividend Income, or 431, Other Interest Expense, as appropriate.

26. Immediately following account "408, Taxes other than income taxes," new subaccounts 408.1 and 408.2 are added reading as follows:

## 408.1 Taxes other than income taxes, utility operating income.

This account shall include those taxes recorded in account 408, Taxes Other Than Income Taxes which relate to utility operating income. This account shall be maintained so as to allow ready identification of taxes relating to Utility Operating Income (by department), Utility Plant Leased to Others and Other Utility Operating Income.

## 408.2 Taxes other than income taxes, other income and deductions.

This account shall include those taxes recorded in account 408, Taxes Other Than Income Taxes, which relate to Other Income and Deductions.

27. Account "409, Income Taxes," is amended as follows: In the first sentence in paragraph A the word "income" is inserted between the words "Federal" and "taxes." In the second sentence in para-

graph A the remainder of the sentence after the word "adjusted" is deleted and replaced by the following: "by a charge or credit to this account, unless such adjustment is properly includable in account 439, Adjustments to Retained Earnings, so that this account as nearly as can be ascertained shall include the actual taxes payable by the utility (See general instruction 9, for prior period adjustments)." Paragraph B is revised. New paragraph C is added. Notes B, C, and D are deleted and Note E is redesignated as Note B. As so amended, account 409 reads as follows:

## 409 Income taxes.

A. This account shall include the amount of State and Federal income taxes on income properly accruable during the period covered by the income statement to meet the actual liability for such taxes. Concurrent credits for the tax accruals shall be made to account 236, Taxes Accrued, and as the exact amount of taxes becomes known, the current tax accruals shall be adjusted by a charge or credit to this account, unless such adjustment is properly includable in account 439, Adjustments to Retained Earnings, so that this account as nearly as can be ascertained shall include the actual taxes payable by the utility (See general instruction 9 for prior period adjustments).

B. The accruals for income taxes shall be apportioned among utility departments and to Other Income and Deductions, so that, as nearly as practicable, each tax shall be included in the expenses of the utility department or Other Income and Deductions, the income from which gave rise to the tax. The income tax effect of amounts recorded in account 439, Adjustments to Retained Earnings shall be recorded in that account. The tax effect relating to interest charges shall be allocated between utility and nonutility operations. The basis for this allocation shall be the ratio of net investment in utility plant to net investment in nonutility plant.

C. This account shall be maintained according to the subaccounts 409.1, 409.2, and 409.3 inclusive, shown below.

NOTE A: Taxes assumed by the utility on interest shall be charged to account 431, Other Interest Expense.

NOTE B: Interest on tax refunds or deficiencies shall not be included in this account but in account 419, Interest and Dividend Income, or account 431, Other Interest Expense, as appropriate.

28. Immediately following account "409, Income taxes," new subaccounts 409.1, 409.2, and 409.3 are added reading as follows:

## 409.1 Income taxes, utility operating income.

This account shall include the amount of those State and Federal income taxes reflected in account 409, Income Taxes which relate to utility operating income. This account shall be maintained so as to allow ready identification of tax effects (both positive and negative) relating to Utility Operating Income (by department).

ments), Utility Plant Leased to Others and Other Utility Operating Income.

## 409.2 Income taxes, other income and deductions.

This account shall include the amount of those State and Federal income taxes reflected in account 409, Income Taxes (both positive and negative) which relate to Other Income and Deductions.

## 409.3 Income taxes, extraordinary items.

This account shall include the amount of those State and Federal income taxes reflected in account 409, Income Taxes (both positive and negative) which relate to Extraordinary Items.

29. The present paragraph in account "410, Provision for deferred income taxes," is designated as "A" and a new paragraph B is added reading as follows:

## 410 Provision for deferred income taxes.

A. \* \* \*

B. This account shall be maintained according to the subaccounts 410.1 and 410.2 inclusive, as shown below.

30. Immediately following account "410, Provision for deferred income taxes," new subaccounts 410.1 and 410.2 are added reading as follows:

## 410.1 Provision for deferred income taxes, utility operating income.

This account shall include the amount of those deferred income taxes reflected in account 410, Provision for Deferred Income Taxes which relate to Utility Operating Income (by department).

## 410.2 Provision for deferred income taxes, other income and deductions.

This account shall include the amount of those deferred income taxes reflected in account 410, Provision for Deferred Income Taxes which relate to Other Income and Deductions.

31. The present paragraph in account "411, Income taxes deferred in prior years—Credit," is designated as "A" and a new paragraph "B" is added reading as follows:

## 411 Income taxes deferred in prior years—Credit.

A. \* \* \*

B. This account shall be maintained according to the subaccounts 411.1 and 411.2 inclusive, as shown below.

32. Immediately following account "411, Income taxes deferred in prior years—Credit" new subaccounts 411.1 and 411.2 are added reading as follows:

## 411.1 Income taxes deferred in prior years—Credit, utility operating income.

This account shall include the amount of those taxes deferred in prior years—credit, reflected in account 411, Income Taxes Deferred in Prior Years—Credit which relate to Utility Operating Income (by department).

## 411.2 Income taxes deferred in prior years—Credit, other income and deductions.

This account shall include the amount of those taxes deferred in prior years—

credit, reflected in account 411, Income Taxes Deferred in Prior Years—Credit which relate to Other Income and Deductions.

33. Immediately following new subaccount "411.2, Income taxes deferred in prior years—Credit, other income and deductions," new account 411.3 and new subaccounts 411.4 and 411.5 are added reading as follows:

**411.3 Investment tax credit adjustments.**

A. This account shall be debited with the total amount of Investment Tax Credits used in calculating the reported current year's income taxes which are charged to account 409, Income Taxes, except to the extent that all or part of such credits are to be passed on to customers currently, either as a result of the election of the company, or a directive of a state regulatory commission as defined in the Natural Gas Act, under these latter circumstances that part or all of such credits passed on to customers would be treated solely as a reduction in income taxes for the year and no entries would be necessary.

1. When a company is using deferral accounting for all or any part of the investment tax credit allowed for the current year, account 255, Accumulated Deferred Investment Tax Credits, shall be credited with an equal amount of the investment tax credits debited to this account.

2. When a company's accounting does not provide for deferral of all or any part of the tax credits and such credits are not to be passed on to customers, account 420, Investment Tax Credits, shall be credited with the same amount of the investment tax credit debited to this account.

B. When a company which has deferred all or part of its investment tax credits passes on to its customers all or part of such deferred credits, either as a result of its election to do so or at the direction of a State commission, it shall credit this account and debit account 255, with such amounts passed on in the current year, provided, however, that the amounts shall be allocated proportionately over the average useful life of the property to which the tax credits relate or such lesser period as may be adopted and consistently used by the company.

C. When deferral accounting for all or any part of investment tax credits is adopted, a company may change the apportionment of its annual amortization between this account and account 420 in accordance with the above instructions provided that the total annual amortization credit is calculated on a consistent basis such as over the average useful life of the property to which tax credits relate or over a lesser period of time as may be adopted and consistently used by the company.

D. This account shall be maintained according to the subaccounts 411.4 and 411.5 inclusive, as shown below.

**411.4 Investment tax credit adjustments, utility operations.**

This account shall include the amount of those investment tax credit adjust-

ments reflected in account 411.3, Investment Tax Credit Adjustments related to property used in Utility Operations (by department).

**411.5 Investment tax credit adjustments, nonutility operations.**

This account shall include the amount of those investment tax credit adjustments reflected in account 411.3, Investment Tax Credit Adjustments related to property used in Nonutility Operations.

34. Paragraph B of the explanatory text following accounts "412, Revenues from gas plant leased to others" and "413, Expenses of gas plant leased to others," is amended by deleting the items "Rents," "Taxes Other Than Income Taxes" and "Income Taxes," and by adding a Note. As amended, paragraph B and the note read as follows:

**412 Revenues from gas plant leased to others.**

**413 Expenses of gas plant leased to others.**

B. The detail of expenses shall be kept or supported so as to show separately the following:

Operation.  
Maintenance.  
Depreciation and Depletion.  
Amortization.

NOTE: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes, identified separately.

35. In account "414, Other utility operating income," paragraph B is amended by deleting the word "taxes" and adding a note. As amended, these portions of account 414 read as follows:

**414 Other utility operating income.**

B. The expenses shall include every element of cost incurred in such operations, including depreciation, rents, and insurance.

NOTE: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes, identified separately.

36. In the text of Income Accounts, the heading "2. Other Income" is revised to read as follows:

**2. OTHER INCOME AND DEDUCTIONS**

37. In the explanatory text following accounts "415, Revenues from merchandising, jobbing and contract work" and "416, Costs and expenses of merchandising, jobbing and contract work," the "Note" is redesignated as "Note A," and new Note B is added. In the list of Items, item "24, Taxes directly assignable to merchandise and jobbing operations including income taxes on net income derived therefrom," is deleted and item "25, Losses from uncollectible merchandise and jobbing accounts," is redesignated as item 24. The amended portions of the explanatory text read:

**415 Revenues from merchandising, jobbing and contract work.**

**416 Costs and expenses of merchandising, jobbing and contract work.**

NOTE A: \* \* \*

NOTE B: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes, and income taxes shall be recorded in account 409, Income Taxes.

ITEMS

24. Losses from uncollectible merchandise and jobbing accounts.

38. Account "417, Income from nonutility operations" is amended as follows: The word "Income" is deleted from the account title and replaced by the word "revenues." Immediately following the amended title of account 417, new account title "417.1, Expenses of nonutility operations" is added. In the first sentence in paragraph A, the words "This account" are deleted and replaced by the words "These accounts." The items "Taxes other than income taxes" and "Income taxes" are deleted from the list of items in paragraph B. Immediately following the list of items in paragraph B, a new Note is added. The amended portions of accounts 417 and 417.1 read:

**417 Revenues from nonutility operations.**

**417.1 Expenses of nonutility operations.**

A. These accounts \* \* \*

B. The expenses shall include all elements of costs incurred in such operations, and the accounts shall be maintained so as to permit ready summarization as follows:

Operation.  
Maintenance.  
Rents.  
Depreciation.  
Amortization.

NOTE: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes.

39. In account "418, Nonoperating rental income," paragraph A is amended by deleting "account 417" and substituting "accounts 417 or 417.1." Paragraph B is amended by deleting from the list of items "Taxes other than income taxes" and "Income taxes" and by adding a note. As amended, account 418 reads:

**418 Nonoperating rental income.**

A. This account shall include all rent revenues and related expenses of land, buildings, or other property included in account 121, Nonutility Property, which is not used in operations covered by accounts 417 or 417.1.

B. The expenses shall include all elements of costs incurred in the ownership and rental of the property and the accounts shall be maintained so as to permit ready summarization as follows:

Operation.  
Maintenance.  
Rents.  
Depreciation.  
Amortization.

## RULES AND REGULATIONS

NOTE: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes.

40. In account "419, Interest and dividend income," paragraph "B" is deleted and paragraphs "C" and "D" are redesignated as "B" and "C." Redesignated paragraph "C" is amended by deleting the word "including" and substituting the word "excluding" therefor. Immediately following redesignated paragraph "C," new Note A is added and the present note is redesignated as Note B. The amended portions of account 419 read:

**419 Interest and dividend income.**

\* \* \* \* \*

B. This account may include the pro rata amount necessary to extinguish (during the interval between the date of acquisition and the date of maturity) the difference between the cost to the utility and face value of interest-bearing securities. Amounts thus credited or charged shall be concurrently included in the accounts in which the securities are carried.

C. Where significant in amount, expenses, excluding operating taxes and income taxes, applicable to security investments and to interest and dividend revenues thereon, shall be charged hereto.

NOTE A: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes.

NOTE B: Interest accrued, the payment of which is not reasonably assured, dividends receivable which have not been declared or guaranteed, and interest or dividends upon reacquired securities issued or assumed by the utility shall not be credited to this account.

41. Immediately following account "419, Interest and Dividend Income," new account "419.1, Allowance for funds used during construction," is added reading as follows:

**419.1 Allowance for funds used during construction.**

This account shall include concurrent credits for interest charged to construction based upon the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate upon other funds when so used. No interest shall be capitalized on plant which is completed and ready for service.

42. Immediately following account "419.1, Allowance for Funds Used During Construction" new account 420 is added reading as follows:

**420 Investment tax credits.**

This account shall be credited as follows with investment tax credit amounts not passed on to customers: (a) By amount equal to debits to account 411.3, Investment Tax Credit Adjustments, for investment tax credits used in calculating income taxes for the year when the company's accounting provides for nondeferral of all or a portion of such credits; and, (b) By amounts equal to debits to account 255, Accumulated Deferred In-

vestment Tax Credits, for proportionate amounts of tax credit deferrals allocated over the average useful life of the property to which the tax credits relate, or such lesser period of time as may be adopted and consistently used by the company.

43. In account "421, Miscellaneous nonoperating income," the first paragraph is amended by inserting the words ", except taxes," immediately after the word "items" in the first sentence and by adding the following sentence "Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes." New item 3 is added to the list of items. The amended portions of account 421 read:

**421 Miscellaneous nonoperating income.**

This account shall include all revenue and expense items, except taxes, properly includable in the income account and not provided for elsewhere. Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes.

ITEMS

\* \* \* \* \*

3. Gain on disposition of investments and reacquisition and resale or retirement of utility's debt securities and investments.

44. Immediately following account "421, Miscellaneous nonoperating income," new accounts 421.1 and 421.2 are added reading as follows:

**421.1 Gain on disposition of property.**

This account shall be credited with the gain on the sale, conveyance, exchange or transfer of utility or other property to another. (See gas plant instructions 4F, 6E, or 9E.) Record income taxes on gains recorded in this account in account 409, Income Taxes.

**421.2 Loss on disposition of property.**

This account shall be charged with the loss on the sale, conveyance, exchange or transfer of utility or other property to another. (See gas plant instructions 4F, 6E, or 9E.) Record the reductions in income taxes attributable to losses recorded in this account in account 409, Income Taxes.

45. In the text of Income Accounts, the heading "3. Miscellaneous Income Deductions," is deleted.

46. In account "425, Miscellaneous amortization," the last sentence in the first paragraph is deleted. The amended portion of account 425 reads:

**425 Miscellaneous amortization.**

This account shall include amortization charges not includable in other accounts which are properly deductible in determining the income of the utility before interest charges. Charges includable herein, if significant in amount, must be in accordance with an orderly and systematic amortization program.

\* \* \* \* \*

47. In account "426, Other income deductions," the account title is amended

by deleting the word "Other" and substituting the word "Miscellaneous." Immediately following the first paragraph of the account, the text of the note now located under account "426.5, Other deductions," is inserted. The amended portions of account 426 read:

**426 Miscellaneous income deductions.**

\* \* \* \* \*

NOTE: The classification of expenses as nonoperating and their inclusion in this account is for accounting purposes. It does not preclude Commission consideration of proof to the contrary for ratemaking or other purposes.

48. In account "426.5, Other deductions," the note is deleted and a list of items is added. As amended, account 426.5 will read:

**426.5 Other deductions.**

This account shall include other miscellaneous expenses which are nonoperating in nature, but which are properly deductible before determining total income before interest charges.

ITEMS

1. Loss relating to investments in securities written-off or written down.
2. Loss on sale of investments.
3. Loss on reacquisition, resale, or retirement of utility's debt securities.
4. Preliminary survey and investigation expenses related to abandoned projects, when not written-off to the appropriate operating expense account.

49. In the text of Income Accounts, the heading "4. Interest Charges" is redesignated as "3. Interest Charges."

50. Account "432, Interest Charged to Construction—Cr." is deleted from the text of the Income Accounts.

51. In the text of Income Accounts, the heading "5. Earned Surplus" and the following accounts classified under that heading are deleted:

- 433 Balance transferred from income.
- 434 Miscellaneous credits to surplus.
- 435 Miscellaneous debits to surplus.
- 436 Appropriations of surplus.
- 437 Dividends declared—Preferred stock.
- 438 Dividends declared—Common stock.

52. In the text of Income Accounts, immediately following account "431, Other Interest Expense," a new heading "4. Extraordinary Items" and new accounts "434, Extraordinary income" and "435, Extraordinary deductions" are added reading as follows:

**4. EXTRAORDINARY ITEMS**

**434 Extraordinary income.**

This account shall be credited with nontypical, noncustomary, infrequently recurring gains, which would significantly distort the current year's income computed before Extraordinary Items, if reported other than as extraordinary items. The applicable income tax effects of this account shall be recorded in account 409, Income Taxes, identified separately. (See general instruction 8.)

**435 Extraordinary deductions.**

This account shall be debited with nontypical, noncustomary, infrequently recurring losses, which would significantly

distort the current year's income computed before Extraordinary Items, if reported other than as extraordinary items. The applicable income tax effects of this account shall be recorded in account 409, Income Taxes, identified separately. (See general instruction 8.)

53. Following the text of Income Accounts and immediately preceding the chart of "Operating Revenue Accounts," a new section entitled "Retained Earnings Accounts," is inserted reading as follows:

**Retained Earnings Accounts**

(Chart of Accounts)

216 Unappropriated retained earnings (at beginning of period).  
433 Balance transferred from income.  
438 Appropriations of retained earnings.  
437 Dividends declared—Preferred stock.  
438 Dividends declared—Common stock.  
439 Adjustments to retained earnings.  
215 Unappropriated retained earnings (at end of period).

**Retained Earnings Accounts**

433 Balance transferred from income.

This account shall include the net credit or debit transferred from income for the year.

436 Appropriations of retained earnings.

This account shall include appropriations of retained earnings.

ITEMS

1. Appropriations required under terms of mortgages, orders of courts, contracts, or other agreements.  
2. Appropriations required by action of regulatory authorities.  
3. Other appropriations made at option of utility for specific purposes.

437 Dividends declared—Preferred stock.

A. This account shall include amounts declared payable out of retained earnings as dividends on actually outstanding preferred or prior lien capital stock issued by the utility.

B. Dividends shall be segregated for each class and series of preferred stock as to those payable in cash, stock and other forms. If not payable in cash, the medium of payment shall be described with sufficient detail to identify it.

438 Dividends declared—Common stock.

A. This account shall include amounts declared payable out of retained earnings as dividends on actually outstanding common capital stock issued by the utility.

B. Dividends shall be segregated for each class of common stock as to those payable in cash, stock and other forms. If not payable in cash, the medium of payment shall be described with sufficient detail to identify it.

439 Adjustments to retained earnings.

A. This account shall include significant nonrecurring transactions relating to prior periods. Other than transactions of capital stock as specified in paragraph B below, all entries to this account must receive prior Commission approval. These

transactions are limited to those adjustments which (a) can be specifically identified with and related to the business activities of particular prior periods, and (b) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (c) depend primarily on determinations by persons other than the management, and (d) were not susceptible of reasonable estimation prior to such determination. This account shall also include the related income tax effects (State and Federal) on items included herein. All items included in this account shall be sufficiently described in the entries relating thereto as to permit ready analysis.

B. Adjustments, charges or credits due to losses on reacquisition, resale or retirement of the company's own capital stock shall be included in this account. (See account 207, Other Paid-in Capital for the treatment of gains.)

ITEMS

1. Significant nonrecurring adjustments or settlements of income taxes.
2. Significant amounts resulting from litigation or similar claims.
3. Significant amounts relating to adjustments or settlements of utility revenue under rate processes.
4. Significant adjustments to plant in service depreciation and amortization as a result of Commission direction.
5. Write off of unamortized capital stock expenses.

54. The Note in account "721, Nonproductive well drilling," is amended by changing the General Instruction number from "12" to "14." As amended, the note reads:

721 Nonproductive well drilling.

NOTE: Records in support of the charges to this account shall conform, as appropriate, to General Instruction 14, Gas Well Records.

55. In account "733, Gas withdrawn from underground storage—Debit," the Note is amended by deleting "435, Miscellaneous Debits to Surplus" and substituting "439, Adjustments to Retained Earnings." As amended, the note reads:

733 Gas withdrawn from underground storage—Debit.

NOTE: Adjustments for gas inventory losses due to cumulative inaccuracies in gas measurement, or from other causes, shall be entered in account 741, Gas Losses. If, however, any adjustment is substantial and related predominantly to prior years, it shall be charged to account 439, Adjustments to Retained Earnings.

56. In account "741, Gas losses," the final sentence in the first paragraph is amended by deleting "435, Miscellaneous Debits to Surplus" and substituting therefor "439, Adjustments to Retained Earnings." As amended, this portion of account 741 reads:

741 Gas losses.

\* \* \* If, however, any adjustment is substantial and relates predominantly to prior years, it shall be charged to account 439, Adjustments to Retained Earnings.

**PART 205—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS D NATURAL GAS COMPANIES**

F. The Commission's Uniform System of Accounts for Class D Natural Gas Companies, Part 205, Chapter I, Title 18 of the Code of Federal Regulations, is amended and revised as follows:

1. In the Definitions section of Part 205, immediately following definition "15, 'Replacing' or 'replacement,'" a new definition "16, 'Retained earnings,'" is added. Beginning with definition "16, 'Retirement units,'" remaining definitions 16 through 20 are renumbered as 17 through 21. New definition 16 reads:

**Definitions**

\* \* \* \* \*  
16. "Retained earnings" (formerly earned surplus) means the accumulated net income of the utility less distribution to stockholders and transfers to other capital accounts.

\* \* \* \* \*  
2. The General Instructions section of Part 205, is amended as follows: Immediately after instruction "3. Item Lists," new instructions "4. Extraordinary Items" and "5. Prior Period Items," are added. Beginning with instruction "4. Distribution of Pay and Expenses of Employees," remaining instructions 4, through 6, are renumbered as 6 through 8. New instructions 4 and 5, read:

**General Instructions**

\* \* \* \* \*  
4. **Extraordinary Items.**

It is the intent that net income shall reflect all items of profit and loss during the period with the sole exception of prior period adjustments as described in paragraph 5 below. Those items related to the effects of events and transactions which have occurred during the current period and which are not typical or customary business activities of the company shall be considered extraordinary items. Accordingly, they will be events and transactions of significant effect which would not be expected to recur frequently and which would not be considered as recurring factors in any evaluation of the ordinary operating processes of business. (In determining significance, items of a similar nature should be considered in the aggregate. Dissimilar items should be considered individually; however, if they are few in number, they may be considered in aggregate.) To be considered as extraordinary under the above guidelines, an item should be more than approximately 5 percent of income, computed before extraordinary items. Commission approval must be obtained to treat an item of less than 5 percent, as extraordinary. (See accounts 434, Extraordinary income and 435, Extraordinary deductions.)

5. **Prior Period Items.**

A. As a general rule, items relating to transactions which occurred prior to the current calendar year but were not recorded in the books of account shall be

## RULES AND REGULATIONS

included in the same accounts in which they would have been recorded had the item been recorded in the proper period. Such items relate to events or transactions which occurred in a prior period or periods, the accounting effects of which could not be determined with reasonable assurance at the time, usually because of major uncertainty then existing. When the amount of a prior period item is relatively so large its inclusion for a single month would distort the accounts for that month, the amount may be distributed in equal amounts to the accounts for the current and remaining months of the calendar year. However, if the amount of any prior period item is so large that the company believes its inclusion in the income statement would seriously distort the net income for the year, the company may request Commission approval to record the amount in account 439, Adjustments to Retained Earnings. Such a request must be accompanied by adequate justification.

B. Treatment as prior period adjustments should not be applied to the normal, recurring corrections and adjustments which are the natural result of the use of estimates inherent in the accounting process. For example, changes in the estimated remaining lives of fixed assets affect the computed amounts of depreciation, but these changes should be considered prospective in nature and not prior period adjustments. Similarly, relatively insignificant adjustments of provisions for liabilities (including income taxes) made in prior periods should be considered recurring items to be reflected in operations of the current period. Some uncertainties, for example those relating to the realization of assets (collectibility of accounts receivable, ultimate recovery of deferred costs or realizability of inventories or other assets), would not qualify for prior period adjustment treatment, since economic events subsequent to the date of the financial statements must of necessity enter into the elimination of any previously existing uncertainty. Therefore, the effects of such matters are considered to be elements in the determination of net income for the period in which the uncertainty is eliminated. (See account 439, Adjustments to retained earnings.)

3. The Gas Plant Instructions in Part 205 are amended as follows: The paragraph in instruction "2. Components of Construction Cost." is amended by deleting the words "interest during construction" and substituting therefor the words "allowance for funds used during construction." The second sentence in paragraph B of instruction "6. Gas Plant Retired." is amended by deleting "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus" and substituting therefor "421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property." The amended portions of the Gas Plant Instructions 2 and 6 read as follows:

## Gas Plant Instructions

## 2. Components of Construction Cost.

The cost of construction of property chargeable to the gas plant accounts shall include, where applicable, fees for construction certificate applications paid after grant of certificate, the cost of labor, materials and supplies, transportation, work done by others for the utility, injuries and damages incurred in construction work, privileges and permits, special machine service, allowance for funds used during construction, and such portion of general engineering, administrative salaries and expenses, insurance, taxes and other analogous items as may be properly includable in construction costs.

## 6. Gas Plant Retired.

B. \* \* \* If the land is sold, the difference between the book cost (less any accumulated provision for depreciation, depletion, or amortization therefor which has been authorized and provided) and the sale price of the land (less commissions and other expenses of making the sale) shall be included in account 421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property, as appropriate.

4. The chart of Balance Sheet Accounts is amended as follows: Account titles 215 and 216 are amended by deleting the words "earned surplus" and substituting the words "retained earnings" therefor. Immediately following account title "253, Other deferred credits," new account title "255, Accumulated deferred investment tax credits" is added. The amended portions of the chart of Balance Sheet Accounts read:

Balance Sheet Accounts  
(Chart of Accounts)

\* \* \* \* \*

LIABILITIES AND OTHER CREDITS

5. PROPRIETARY CAPITAL

\* \* \* \* \*

215 Appropriated retained earnings.  
216 Unappropriated retained earnings.

\* \* \* \* \*

## 8. DEFERRED CREDITS

\* \* \* \* \*

255 Accumulated deferred investment tax credits.

\* \* \* \* \*

5. Account "110, Accumulated provision for depreciation, depletion and amortization of gas plant," is amended as follows: In paragraph A, subparagraph (2) is deleted and subparagraphs (3) through (5) are redesignated as (2) through (4). In the second sentence in paragraph D, the word "surplus" is deleted and the words "retained earnings" are substituted therefor. The amended portion of paragraph D reads:

\* \* \* \* \*

110 Accumulated provision for depreciation, depletion and amortization of gas plant.

\* \* \* \* \*

D. \* \* \* It shall not transfer any portion of this account to retained earnings or make any other use thereof without authorization by the Commission.

6. In account "183, Other deferred debits," the final sentence in subparagraph A(1) is amended by deleting the words "435, Miscellaneous Debits to Surplus," and substituting therefor "426.5, Other Deductions." As so amended, the final sentence in subparagraph A(1) reads:

## 183 Other deferred debits.

A. \* \* \*

(1) \* \* \* If the work is abandoned, the charge shall be to account 426.5, Other Deductions, or to the appropriate operating expense account.

7. In account "213, Discount on capital stock," paragraphs B and C are amended by deleting the words "435, Miscellaneous Debits to Surplus," and substituting "439, Adjustments to Retained Earnings." As amended, paragraphs B and C read:

## 213 Discount on capital stock.

B. When capital stock which has been actually issued is retired, the amount in this account applicable to the shares retired shall be written off to account 207, Other Paid-In Capital; provided, however, that the amount shall be charged to account 439, Adjustments to Retained Earnings, to the extent that it exceeds the balance in account 207.

C. The utility may amortize the balance in this account by charges to account 425, Miscellaneous Amortization, or it may write off capital stock discount in whole or in part to account 439, Adjustments to Retained Earnings.

8. Account "214, Capital stock expense" is amended as follows: In paragraph B the punctuation and words "Provided, however, That" are changed to read "provided, however, that." In paragraphs B and C, the words "435, Miscellaneous Debits to Surplus" are deleted and replaced by "439, Adjustments to Retained Earnings." As amended, paragraphs B and C read:

## 214 Capital stock expense.

B. When capital stock which has been actually issued by the utility is retired, the amount in this account applicable to the shares retired shall be written off to account 207, Other Paid-In Capital, to the extent of gains on resale or cancellation of reacquired stock includable therein; provided, however, that the amount shall be charged to account 439, Adjustments to Retained Earnings, to the extent that it exceeds the balance in account 207, from such source.

C. The utility may amortize the balance in this account by systematic charges to account 425, Miscellaneous Amortization, or it may write off capital stock expense in whole or in part by

charges to account 439, Adjustments to Retained Earnings.

9. Account "215, Appropriated earned surplus," is amended by deleting the words "earned surplus" from the account title and the first sentence of the text and substituting the words "retained earnings" therefor. As so amended, these portions of account 215 read:

**215 Appropriated retained earnings.**

This account shall include the amount of retained earnings which has been appropriated or set aside for specific purposes. \* \* \*

10. Account "216, Unappropriated earned surplus," is amended by deleting the words "earned surplus" from the account title and substituting the words "retained earnings" therefor, and by deleting the words "surplus" from the first sentence of the text and substituting the words "retained earnings" therefor. The amended portions of account 216 read:

**216 Unappropriated retained earnings.**

This account shall include the balance, either debit or credit, of unappropriated retained earnings arising from earnings. \* \* \*

11. Account "217, Reacquired capital stock," is amended as follows: In paragraph B, the punctuation and words "Provided, however, That" are changed to read "provided, however, that." In paragraph B, the words "435, Miscellaneous Debits to Surplus" are deleted and replaced by "439, Adjustments to Retained Earnings." As amended, paragraph B reads:

**217 Reacquired capital stock.**

B. When reacquired capital stock is retired or canceled, the difference between its cost, including commissions and expenses paid in connection with the reacquisition, and its par or stated value plus any premium and less any discount and expenses applicable to the shares retired, shall be debited or credited, as appropriate, to account 207, Other Paid-In Capital; provided, however, that debits shall be charged to account 439, Adjustments to Retained Earnings, to the extent that they exceed the balance of gains on resale or cancellation of reacquired stock included in account 207.

12. In account "218, Noncorporate proprietorship," the final sentence in Note C is amended by deleting the word "surplus" and substituting "retained earnings." As amended, this portion of Note C reads:

**218 Noncorporate proprietorship.**

Note C: \* \* \* When this option is taken, the retained earnings accounts shall be maintained and entries thereto shall be made in accordance with the texts thereof.

13. In account "221, Bonds," paragraph B is amended by deleting "434, Miscellaneous Credits to Surplus, or ac-

count 435, Miscellaneous Debits to Surplus" and substituting therefor "428, Amortization of Debt Discount and Expense, or account 429, Amortization of Premium on Debt—Cr." As amended, paragraph B reads:

**221 Bonds.**

B. When bonds are reacquired, the difference between face value, adjusted for unamortized discount, expense or premium and the amount paid upon reacquisition, shall be included in account 428, Amortization of Debt Discount and Expense, or account 429, Amortization of Premium on Debt—Cr., as appropriate.

14. In account "236, Taxes accrued," the last sentence in paragraph B is amended by deleting the remainder of the sentence after the word "expenses," and substituting therefor "see general instruction 5." As amended, this portion of paragraph B reads:

**236 Taxes accrued.**

B. \* \* \* However, if such corrections are so large as to seriously distort current expenses, see general instruction 5.

15. Immediately following account "253, Other deferred credits," new account 255 is added reading as follows:

**255 Accumulated deferred investment tax credits.**

A. This account shall be credited with all investment tax credits deferred by companies which have elected to follow deferral accounting, partial or full, rather than recognizing in the income statement the total benefits of the tax credit as realized. After such election, a company may not transfer amounts from this account, except as authorized herein and in accounts 411.3, Investment Tax Credit Adjustments, and 420, Investment Tax Credits, or with approval of the Commission.

B. Where the company's accounting provides that investment tax credits are to be passed on to customers, this account shall be debited and account 411.3, credited with a proportionate amount determined in relation to the average useful life of gas utility property to which the tax credits relate or such lesser period of time as may be adopted and used by the company. If, however, the deferral procedure provides that investment tax credits are not to be passed on to customers, the proportionate restorations to income shall be credited to account 420.

C. If any of the investment tax credits to be deferred are related to utility operations other than gas or to nonutility operations, appropriate subdivisions of this account shall be maintained and entries shall be appropriately recorded in this account and in account 413, Expenses of Gas Plant Leased to Others; account 414, Other Utility Operating Income; account 416, Costs and Expenses of Merchandising, Jobbing and Contract Work; account 417, Income from Nonutility Operations; or account 418, Nonoperating Rental Income.

D. Records shall be maintained identifying the properties related to the investment tax credits for each year, the weighted average service life of such properties, and any unused balance of such credits. Such records are not necessary unless the credits are deferred.

16. In account "265, Miscellaneous operating reserves," the note is amended by deleting the words "Earned Surplus" and substituting therefor "Retained Earnings." As so amended, the note reads:

**265 Miscellaneous operating reserves.**

Note: This account includes only such reserves as may be created for operating purposes and does not include any reservations of income the credits for which should be carried in account 215, Appropriated Retained Earnings.

17. In account "271, Contributions in aid of construction," paragraph B is amended by deleting the words "to earned surplus or." As amended, paragraph B reads:

**271 Contributions in aid of construction.**

B. The credits to this account shall not be transferred to any other account without the approval of the Commission.

18. In account "302, Franchises and consents," the last sentence in paragraph B and the first sentence in paragraph C are amended by deleting the words "435, Miscellaneous Debits to Surplus," and substituting therefor "426.5, Other Deductions." As amended, these portions of paragraphs B and C read:

**302 Franchises and consents.**

B. \* \* \* Any excess of the amount actually paid by the utility over the amount above specified shall be charged to account 426.5, Other Deductions.

C. When any franchise has expired, the book cost thereof shall be credited hereto and charged to account 426.5, Other Deductions, or to account 110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Plant, as appropriate.

19. In account "303, Miscellaneous intangible plant," paragraph B is amended by deleting the words "435, Miscellaneous Debits to Surplus" and substituting therefor "426.5, Other Deductions." As amended, paragraph B reads:

**303 Miscellaneous intangible plant.**

B. When any item included in this account is retired or expires, the book cost thereof shall be credited hereto and charged to account 426.5, Other Deductions, or account 110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Plant, as appropriate.

20. The chart of Income Accounts is revised to read as follows:

Income Accounts (Chart of Accounts)	
1. UTILITY OPERATING INCOME	
400	Operating revenues.
Operating expenses:	
401	Operation and maintenance expense.
403	Depreciation and depletion expense.
404	Amortization expense.
408	Taxes other than income taxes.
408.1	Taxes other than income taxes, utility operating income.
409	Income taxes.
409.1	Income taxes, utility operating income.
411.3	Investment tax credit adjustments.
411.4	Investment tax credit adjustments, utility operations.
	Total gas utility operating expenses.
	Net gas utility operating income.
Other Operating Income:	
412	Revenues from gas plant leased to others.
413	Expenses of gas plant leased to others.
414	Other utility operating income.
	Net utility operating income.
2. OTHER INCOME AND DEDUCTIONS	
A. OTHER INCOME	
415	Revenues from merchandising, jobbing, and contract work.
416	Costs and expenses of merchandising, jobbing and contract work.
418	Nonoperating rental income.
419	Interest and dividend income.
419.1	Allowance for funds used during construction.
421	Miscellaneous nonoperating income.
421.1	Gain on disposition of property.
	Total other income.
B. OTHER INCOME DEDUCTIONS	
421.2	Loss on disposition of property.
425	Miscellaneous amortization.
426	Miscellaneous income deductions.
426.1	Donations.
426.2	Life insurance.
426.3	Penalties.
426.4	Expenditures for certain civic, political and related activities.
426.5	Other deductions.
	Total other income deductions.
	Total other income and deductions.
C. TAXES APPLICABLE TO OTHER INCOME AND DEDUCTIONS	
408.2	Taxes other than income taxes, other income and deductions.
409.2	Income taxes, other income and deductions.
411.5	Investment tax credit adjustments, nonutility operations.
420	Investment tax credits.
	Total taxes on other income and deductions.
	Net other income and deductions.
3. INTEREST CHARGES	
427	Interest on long-term debt.
428	Amortization of debt discount and expense.
429	Amortization of premium on debt—Cr.
430	Interest on debt to associated companies.
431	Other interest expense.
	Total interest charges.
	Income before extraordinary items.

#### 4. EXTRAORDINARY ITEMS

434 Extraordinary income.  
435 Extraordinary deductions.  
409.3 Income taxes, extraordinary items.  
Net income.

21. Account "408, Taxes other than income taxes," is amended as follows: Paragraph A is amended by deleting the words "which are properly chargeable to gas operations." New paragraph D is added. Notes A and D are deleted and Notes B, C, E, and F are redesignated as Notes A, B, C, and D. New Note E is added. As amended, these portions of account 408 read:

#### 408 Taxes other than income taxes.

A. This account shall include the amount of ad valorem, gross revenue or gross receipts taxes, State unemployment insurance, franchise taxes, Federal excise taxes, social security taxes, and all other taxes assessed by Federal, State, county, municipal, or other local governmental authorities, except income taxes.

D. This account shall be maintained according to the subaccounts 408.1 and 408.2 inclusive, shown below.

NOTE A: Special assessments for street and similar improvements shall be included in the appropriate utility plant or nonutility property account.

NOTE B: Taxes specifically applicable to construction shall be included in the cost of construction.

NOTE C: Gasoline and other sales taxes shall be charged as far as practicable to the same account as the materials on which the tax is levied.

NOTE D: Social Security and other forms of so-called payroll taxes shall be distributed to utility departments and to nonutility functions on a basis related to payroll. Amounts applicable to construction shall be charged to the appropriate plant account.

NOTE E: Interest on tax refunds or deficiencies shall not be included in this account but in account 419, Interest and Dividend Income, or 431, Other Interest Expense, as appropriate.

22. Immediately following account "408, Taxes other than income taxes," new subaccounts 408.1 and 408.2 are added reading as follows:

#### 408.1 Taxes other than income taxes, utility operating income.

This account shall include those taxes recorded in 408, Taxes Other Than Income Taxes, which relate to utility operating income. This account shall be maintained so as to allow ready identification of taxes relating to Utility Operating Income (by department), Utility Plant Leased to Others and Other Utility Operating Income.

#### 408.2 Taxes other than income taxes, other income and deductions.

This account shall include those taxes recorded in account 408, Taxes Other Than Income Taxes, which relate to Other Income and Deductions.

22. Account "409, Income Taxes," is amended as follows: In the first sentence in paragraph A, the word "income" is inserted between the words "Federal"

and "taxes." In the second sentence in paragraph A, the remainder of the sentence after the word "adjusted" is deleted and replaced by the following: "by a charge or credit to this account, unless such adjustment is properly includable in account 439, Adjustments to Retained Earnings, so that this account as nearly as can be ascertained shall include the actual taxes payable by the utility. (See general instruction 5 for prior period adjustments.)" Paragraph B is revised. New paragraph C is added. Notes B, C, and D are deleted and Note E is redesignated as Note B. As so amended, account 409 reads:

#### 409 Income taxes.

A. This account shall include the amount of State and Federal income taxes on income properly accruable during the period covered by the income statement to meet the actual liability for such taxes. Concurrent credits for the tax accruals shall be made to account 236, Taxes Accrued, and as the exact amount of taxes becomes known, the current tax accruals shall be adjusted by a charge or credit to this account, unless such adjustment is properly includable in account 439, Adjustments to Retained Earnings, so that this account as nearly as can be ascertained shall include the actual taxes payable by the utility (see general instruction 5 for prior period adjustments).

B. The accruals for income taxes shall be apportioned among utility departments and to Other Income and Deductions so that, as nearly as practicable, each tax shall be included in the expenses of the utility department or Other Income and Deductions, the income from which gave rise to the tax. The income tax effect of amounts recorded in account 439, Adjustments to Retained Earnings shall be recorded in that account. The tax effect relating to interest charges shall be allocated between utility and nonutility operations. The basis for this allocation shall be the ratio of net investment in utility plant to net investment in nonutility plant.

C. This account shall be maintained according to the subaccounts 409.1, 409.2, and 409.3 inclusive, shown below.

NOTE A: Taxes assumed by the utility on interest shall be charged to account 431, Other Interest Expense.

NOTE B: Interest on tax refunds or deficiencies shall not be included in this account but in account 419, Interest and Dividend Income, or account 431, Other Interest Expense, as appropriate.

24. Immediately following account "409, Income taxes," new subaccounts 409.1, 409.2, and 409.3 are added reading as follows:

#### 409.1 Income taxes, utility operating income.

This account shall include the amount of those State and Federal income taxes reflected in account 409, Income Taxes which relate to utility operating income. This account shall be maintained so as to allow ready identification of tax effects (both positive and negative) relating to Utility Operating Income (by de-

parts), Utility Plant Leased to Others and Other Utility Operating Income.

**409.2 Income taxes, other income and deductions.**

This account shall include the amount of those State and Federal income taxes reflected in account 409, Income Taxes (both positive and negative) which relate to Other Income and Deductions.

**409.3 Income taxes, extraordinary items.**

This account shall include the amount of those State and Federal income taxes reflected in account 409, Income Taxes (both positive and negative) which relate to Extraordinary Items.

25. Immediately following new subaccount "409.3, Income taxes extraordinary items," new account 411.3 and new subaccounts 411.4 and 411.5 are added reading as follows:

**411.3 Investment tax credit adjustments.**

A. This account shall be debited with the total amount of Investment Tax Credits used in calculating the reported current year's income taxes which are charged to account 409, Income Taxes, except to the extent that all or part of such credits are to be passed on to customers currently, either as a result of the election of the company, or a directive of a State regulatory commission as defined in the Natural Gas Act, under these latter circumstances that part or all of such credits passed on to customers would be treated solely as a reduction in income taxes for the year and no entries would be necessary.

1. When a company is using deferral accounting for all or any part of the investment tax credit allowed for the current year, account 255, Accumulated Deferred Investment Tax Credits, shall be credited with an equal amount of the investment tax credits debited to this account.

2. When a company's accounting does not provide for deferral of all or any part of the tax credits and such credits are not to be passed on to customers, account 420, Investment Tax Credits, shall be credited with the same amount of the investment tax credit debited to this account.

B. When a company which has deferred all or part of its investment tax credits passes on to its customers all or a part of such deferred credits, either as a result of its election to do so or at the direction of a State commission, it shall credit this account and debit account 255, with such amounts passed on in the current year, provided, however, that the amounts shall be allocated proportionately over the average useful life of the property to which the tax credits relate or such lesser period as may be adopted and consistently used by the company.

C. When deferral accounting for all or any part of investment tax credits is adopted, a company may change the apportionment of its annual amortization between this account and account 420 in

accordance with the above instructions provided that the total annual amortization credit is calculated on a consistent basis such as over the average useful life of the property to which tax credits relate or over a lesser period of time as may be adopted and consistently used by the company.

D. This account shall be maintained according to the subaccounts 411.4 and 411.5 inclusive, as shown below.

**411.4 Investment tax credit adjustments, utility operations.**

This account shall include the amount of those investment tax credit adjustments reflected in account 411.3, Investment Tax Credit Adjustments related to property used in Utility Operations (by department).

**411.5 Investment tax credit adjustments, nonutility operations.**

This account shall include the amount of those investment tax credit adjustments reflected in account 411.3, Investment Tax Credit Adjustments related to property used in Nonutility Operations.

26. Paragraph B of the explanatory text following accounts "412, Revenues from gas plant leased to others" and "413, Expenses of gas plant leased to others," is amended by listing "Operating" and "Maintenance" separately and by deleting the items "Rents," "Taxes other than income taxes" and "Income taxes" and by adding a Note. As amended, paragraph B and the note read:

**412 Revenues from gas plant leased to others.**

**413 Expenses of gas plant leased to others.**

\* \* \* \* \*  
B. The detail of expense shall be kept or supported so as to show separately the following:

Operation.  
Maintenance.  
Depreciation and depletion.  
Amortization.

NOTE: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes, and income taxes shall be recorded in account 409, Income Taxes, identified separately.

27. In account "414, Other utility operating income," paragraph B is amended by deleting the word "taxes" and by adding a Note. As amended, these portions of account 414 will read:

**414 Other utility operating income.**

\* \* \* \* \*  
B. The expenses shall include every element of cost incurred in such operations, including depreciation, rents, and insurance.

NOTE: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes, and income taxes shall be recorded in account 409, Income Taxes, identified separately.

28. In the text of Income Accounts, the heading "2. Other Income" is revised to read:

**2. OTHER INCOME AND DEDUCTIONS**

29. In the explanatory text following accounts "415, Revenues from merchandising, jobbing and contract work" and "416, Costs and expenses of merchandising, jobbing and contract work," the "Note" is redesignated as "Note A;" and new Note B is added. The amended portions of the explanatory text read:

**415 Revenues from merchandising, jobbing and contract work.**

**416 Costs and expenses of merchandising, jobbing and contract work.**

NOTE A: \* \* \*

NOTE B: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes, and income taxes shall be recorded in account 409, Income Taxes.

\* \* \* \* \*

30. Account "418, Nonoperating rental income," is amended by adding a note reading as follows:

**418 Nonoperating rental income.**

\* \* \* \* \*  
NOTE: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes, and income taxes shall be recorded in account 409, Income Taxes.

31. Account "419, Interest and dividend income," the letter "A" is deleted at the beginning of the first paragraph. Immediately following the first paragraph, a note is added. Paragraph B is deleted. As amended, account 419 reads:

**419 Interest and dividend income.**

This account shall include interest revenues on securities, loans, advances, special deposits, tax refunds and all other interest-bearing assets, and dividends on stocks of other companies, whether the securities on which the interest and dividends are received, are carried as investments or included in sinking—or other special—fund accounts.

NOTE: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes.

32. Immediately following account "419, Interest and Dividend Income," new account "419.1, Allowance for funds used during construction," is added reading as follows:

**419.1 Allowance for funds used during construction.**

This account shall include concurrent credits for interest charged to construction based upon the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate upon other funds when so used. No interest shall be capitalized on plant which is completed and ready for service.

33. Immediately following account "419.1, Allowance for Funds Used During Construction" new account 420 is added reading as follows:

**420 Investment tax credits.**

This account shall be credited as follows with investment tax credit amounts not passed on to customers:

## RULES AND REGULATIONS

(a) By amount equal to debits to account 411.3, Investment Tax Credit Adjustments, for investment tax credits used in calculating income taxes for the year when the company's accounting provides for nondeferral of all or a portion of such credits; and,

(b) By amounts equal to debits to account 255, Accumulated Deferred Investment Tax Credits, for proportionate amounts of tax credit deferrals allocated over the average useful life of the property to which the tax credits relate, or such lesser period of time as may be adopted and consistently used by the company.

34. In account "421, Miscellaneous nonoperating income," the first paragraph is amended by inserting the words ", except taxes," immediately after the word "items" in the first sentence and by adding the following sentence "Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes, and income taxes shall be recorded in account 409, Income Taxes." As amended, account 421 reads:

#### 421 Miscellaneous nonoperating income.

This account shall include all revenue and expense items, except taxes, properly includable in the income account and not provided for elsewhere. Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes, and income taxes shall be recorded in account 409, Income Taxes.

35. Immediately following account "421, Miscellaneous nonoperating income," new accounts 421.1 and 421.2 are added reading as follows:

#### 421.1 Gain on disposition of property.

This account shall be credited with the gain on the sale, conveyance, exchange, or transfer of utility or other property to another. (See gas plant instruction 6B.) Record income taxes on gains recorded in this account in account 409, Income Taxes.

#### 421.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange, or transfer of utility or other property to another. (See gas plant instruction 6B.) Record the reductions in income taxes attributable to losses recorded in this account in account 409, Income Taxes.

36. In the text of Income Accounts, the heading "3. Miscellaneous Income Deductions," is deleted.

37. In account "425, Miscellaneous amortization," the last sentence in the first paragraph is deleted. The amended portion of account 425 reads:

#### 425 Miscellaneous amortization.

This account shall include amortization charges not includable in other accounts which are properly deductible in determining the income of the utility before interest charges. Charges includable herein, if significant in amount, must be in accordance with an orderly and systematic amortization program.

38. In account "426, Other income deductions," the account title is amended by deleting the word "Other" and substituting the word "Miscellaneous." Immediately following the first paragraph of the account, the text of the note now located under account "426.5, Other deductions," is inserted. The amended portions of account 426 read:

#### 426 Miscellaneous income deductions.

\* \* \* \* \*

NOTE: The classification of expenses as nonoperating and their inclusion in this account is for accounting purposes. It does not preclude Commission consideration of proof to the contrary for ratemaking or other purposes.

39. In account "426.5, Other deductions," the note is deleted and a list of items is added. As amended, account 426.5 reads:

#### 426.5 Other deductions.

This account shall include other miscellaneous expenses which are nonoperating in nature, but which are properly deductible before determining total income before interest charges.

#### ITEMS

1. Loss relating to investments in securities written off or written down.
2. Loss on sale of investments.
3. Loss on reacquisition, resale or retirement of utility's debt securities.

4. Preliminary survey and investigation expenses related to abandoned projects, when not written-off to the appropriate operating expense account.

40. In the text of Income Accounts, the heading "4. Interest Charges" is redesignated as "3. Interest Charges."

41. Account "432, Interest Charged to Construction-Cir," is deleted from the text of the Income Accounts.

42. In the text of Income Accounts, the heading "5. Earned Surplus" and the following accounts classified under that heading are deleted:

- 433 Balance transferred from income.
- 434 Miscellaneous credits to surplus.
- 435 Miscellaneous debits to surplus.
- 436 Appropriations of surplus.
- 437 Dividends declared—Preferred stock.
- 438 Dividends declared—Common stock.

43. In the text of Income Accounts, immediately following account "431, Other Interest Expense," a new heading "4. Extraordinary Items" and new accounts "434, Extraordinary income" and "435, Extraordinary deductions," are added reading as follows:

#### 4. EXTRAORDINARY ITEMS

#### 434 Extraordinary income.

This account shall be credited with nontypical, noncustomary, infrequently recurring gains, which would significantly distort the current year's income computed before Extraordinary Items, if reported other than as extraordinary items. The applicable income tax effects of this account shall be recorded in account 409, Income Taxes, identified separately. (See general instruction 4.)

#### 435 Extraordinary deductions.

This account shall be debited with nontypical, noncustomary, infrequently recurring losses, which would significantly distort the current year's income computed before Extraordinary Items, if reported other than as extraordinary items. The applicable income tax effects of this account shall be recorded in account 409, Income Taxes, identified separately. (See general instruction 4.)

44. Following the text of Income Accounts, and immediately preceding the chart of "Operating Revenue Accounts," a new section, entitled "Retained Earnings Accounts," is added reading as follows:

#### Retained Earnings Accounts

##### (Chart of Accounts)

- 216 Unappropriated retained earnings (at beginning of period).
- 433 Balance transferred from income.
- 436 Appropriations of retained earnings.
- 437 Dividends declared—Preferred stock.
- 438 Dividends declared—Common stock.
- 439 Adjustments to retained earnings
- 216 Unappropriated retained earnings (at end of period).

#### Retained Earnings Accounts

##### 433 Balance transferred from income.

This account shall include the net credit or debit transferred from income for the year.

##### 436 Appropriations of retained earnings.

This account shall include appropriations of retained earnings.

#### ITEMS

1. Appropriations required under terms of mortgages, orders of courts, contracts, or other agreements.
2. Appropriations required by action of regulatory authorities.
3. Other appropriations made at option of utility for specific purposes.

##### 437 Dividends declared—Preferred stock.

A. This account shall include amounts declared payable out of retained earnings as dividends on actually outstanding preferred or prior lien capital stock issued by the utility.

B. Dividends shall be segregated for each class and series of preferred stock as to those payable in cash, stock, and other forms. If not payable in cash, the medium of payment shall be described with sufficient detail to identify it.

##### 438 Dividends declared—Common stock.

A. This account shall include amounts declared payable out of retained earnings as dividends on actually outstanding common capital stock issued by the utility.

B. Dividends shall be segregated for each class of common stock as to those payable in cash, stock, and other forms. If not payable in cash, the medium of payment shall be described with sufficient detail to identify it.

## 439 Adjustments to retained earnings.

A. This account shall include significant nonrecurring transactions relating to prior periods. Other than transactions of capital stock as specified in paragraph B below, all entries to this account must receive prior Commission approval. These transactions are limited to those adjustments which (a) can be specifically identified with and related to the business activities of particular prior periods, and (b) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (c) depend primarily on determinations by persons other than the management, and (d) were not susceptible of reasonable estimation prior to such determination. This account shall also include the related income tax effects (State and Federal) on items included herein. All items included in this account shall be sufficiently described in the entries relating thereto as to permit ready analysis.

B. Adjustments, charges or credits due to losses on reacquisition, resale or retirement of the company's own capital stock shall be included in this account. (See account 207, Other Paid-in Capital for the treatment of gains.)

## ITEMS

1. Significant nonrecurring adjustments or settlements of income taxes.
2. Significant amounts resulting from litigation or similar claims.
3. Significant amounts relating to adjustments or settlements of utility revenue under rate processes.
4. Significant adjustments to plant in service depreciation and amortization as a result of Commission direction.
5. Write off of unamortized capital stock expenses.

45. The Note in account "721, Nonproductive well drilling," is amended by changing the General Instruction number from "5." to "7." As amended, the note reads:

## 721 Nonproductive well drilling.

NOTE: Records in support of the charges to this account shall conform, as appropriate, to note of general instruction 7, Gas Well Records.

## PART 260—STATEMENTS AND REPORTS (SCHEDULES)

G. Effective for the reporting year 1971, Schedule pages 1 and 5 of FPC Form No. 2-A, Annual Report for Natural Gas Companies, Class C and Class D, prescribed by § 260.2, Chapter I, Title 18 of the Code of Federal Regulations are amended as follows, all as set out in Attachment A hereto:<sup>1</sup>

(1) Schedule page 1—the General Information section is amended to require reporting the "telephone number (including area code)" of the persons to be contacted concerning the report.

(2) Schedule page 5, Condensed Income Statement for the Year—will be

<sup>1</sup> Attachment A filed as part of the original document.

come a two page statement of income schedule numbered 6 and 6A, and is completely revised. The Earned Surplus section at the bottom of page 5 will become a separate schedule sheet numbered 6B and retitled "Statement of Retained Earnings." Old page 5 will contain the data now reported on page 6.

H. Effective January 1, 1971, paragraph C of § 260.2 of the Commission's regulations under the Natural Gas Act is revised by deleting two schedules and adding two schedules as follows:

Delete:

Condensed Income Statement for the Year. Earned Surplus.

Add schedules:

Insert Statement of Income for the Year to follow line Gas Operations and Maintenance Expenses.

Insert Statement of Retained Earnings to follow the new line Statement of Income for the year.

I. This order is effective January 1, 1971.

J. The Secretary of the Commission shall cause prompt publication of this order.

By the Commission.

[SEAL]

GORDON M. GRANT,  
Secretary.

[FR Doc. 71-493 Filed 1-13-71; 8:48 am]

## Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

## PART 36—LOAN GUARANTY

## Maximum Interest Rate

1. In § 36.4311, paragraph (a) is amended to read as follows:

## § 36.4311 Interest rates.

(a) Excepting non-real-estate loans insured under 38 U.S.C. 1815 and loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 7½ per centum per annum, effective January 13, 1971, the interest rate on any loan guaranteed or insured wholly or in part on or after such date may not exceed 7½ per centum per annum on the unpaid principal balance.

2. In § 36.4503, paragraph (a) is amended to read as follows:

## § 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after May 7, 1968, shall not exceed an amount which bears the same ratio to \$21,000 (or to such increased maximum as the Administrator may from time to time specify for the area in which the loan is made pursuant to section 1811(d) of title 38, United States Code) as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan

is made bears to \$12,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Effective January 13, 1971, loans made by the Veterans Administration shall bear interest at the rate of 7½ percent per annum.

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

These VA regulations are effective January 13, 1971.

Approved: January 12, 1971.

By direction of the Administrator.

[SEAL]

FRED B. RHODES,  
Deputy Administrator.

[FR Doc. 71-566 Filed 1-13-71; 8:50 am]

## Title 7—AGRICULTURE

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

[Navel Orange Reg. 221]

## PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

## Limitation of Handling

## § 907.521 Navel Orange Regulation 221.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the *FEDERAL REGISTER* (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market

## RULES AND REGULATIONS

conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 12, 1971.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 15, 1971, through January 21, 1971, are hereby fixed as follows:

- (i) District 1: 576,000 cartons.
- (ii) District 2: 200,000 cartons.
- (iii) District 3: 24,000 cartons.

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

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

Dated: January 13, 1971.

ARTHUR E. BROWNE,

*Deputy Director, Fruit and  
Vegetable Division, Consumer  
and Marketing Service.*

[FR Doc. 71-637 Filed 1-13-71; 12:13 pm]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

17 CFR Part 68 I

### INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

#### Plant Sanitation

Pursuant to the administrative procedure provisions of 5 U.S.C. 553, notice is hereby given that the U.S. Department of Agriculture is proposing an amendment to the Part 68 regulations (7 CFR Part 68) under authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946 (60 Stat. 1087 and 1090, as amended, 7 U.S.C. 1622 and 1624).

*Statement of consideration.* Under the Agricultural Marketing Act of 1946 and the Part 68 regulations thereunder, the Grain Division is responsible for the inspection for class, quality, quantity, and condition of agricultural commodities administratively assigned to the Division for program purposes. These commodities include, but are not limited to, rice, beans, peas, split peas, processed grain products such as flour, cornmeal, salad oil, and other products intended for human food.

In conducting inspection activities, the Division has required that food products inspected pursuant to Government contracts must be processed and handled in accordance with good commercial practices. The purpose of the requirement is to:

1. Give assurance that food products inspected pursuant to Government purchase contracts have been processed and handled in clean and sanitary plants and in a sanitary manner;
2. Help insure that all food products inspected pursuant to Government purchase contracts are wholesome and uncontaminated; and
3. Aid processors in delivering more consistently uniform, high quality, inspected food products.

The Division has not had written regulations for use by the inspectors or by the trade in establishing what is good commercial practice. Regulations are needed so that applicants for inspection may know what is required and so inspectors can operate in a uniform and consistent manner.

The proposed sanitation regulations are based on recognized good house-keeping practices normally found in approved food handling and processing plants. The proposed regulations are consistent with, and are patterned in large part after, the Food and Drug regulations for good manufacturing practices in

human food processing plants (21 CFR 128.1 et seq.).

The regulations would be used:

(a) In the inspection of food products when such products are (1) inspected for compliance with contracts with Federal, State, local, and foreign governments, or (2) compliance with other contracts which specify that the products shall be subject to the plant sanitation regulations.

(b) In performing plant survey inspections upon request of an applicant.

The proposed amendments are as follows:

1. In § 68.2 paragraphs (w) and (x) would be added to include these additional definitions:

#### § 68.2 Terms defined.

(w) **Plant:** The building or buildings, or parts thereof, used for or in connection with the manufacturing, processing, packaging, labeling, or holding of human food.

(x) **Adequate:** That which is needed to accomplish the intended purpose in keeping with good public health practice.

2. New §§ 68.34a through 68.34i would be added to read:

#### § 68.34a Exclusions.

Establishment engaged solely in the harvesting, storage, or distribution of raw products which are ordinarily cleaned, prepared, treated, or otherwise processed before being marketed for human consumption are excluded from the coverage of §§ 68.34b through 68.34i.

#### § 68.34b Current good manufacturing practices (sanitation).

The criteria in §§ 68.34c through 68.34i shall apply to contract compliance inspection services performed for applicants for inspection pursuant to contracts with Federal, State, local, and foreign governments and upon request by other applicants for services in determining whether the facilities, methods, practices, and controls used in the manufacturing, processing, packing, or holding of food are in conformance with or are operated or administered in conformity with good manufacturing practices to assure that food for human consumption is safe and has been prepared, packed, and held under sanitary conditions.

#### § 68.34c Plant survey.

Prior to the initiation of inspection service under § 68.34b, a designated representative of the Administrator will make a survey and inspection of the plant where such service is to be performed to determine whether the plant and methods of operation are suitable and adequate for the performance of such services in accordance with the regulations in this part.

#### § 68.34d Plants and grounds.

(a) **Grounds.** The grounds about a food plant under the control of the operator shall be free from conditions which may result in the contamination of food including, but not limited to, the following:

(1) Improperly stored equipment, litter, waste, refuse, and uncut weeds or grass within the immediate vicinity of the plant buildings or structures that may constitute an attractant, breeding place, or harborage for rodents, insects, and other pests.

(2) Excessively dusty roads, yards, or parking lots that may constitute a source of insanitation in areas where food is exposed.

(3) Inadequately drained areas that may contribute contamination to food products through seepage or foot-borne filth and by providing a breeding place for insects or micro-organisms.

If the plant grounds are bordered by grounds not under the operator's control of the kind described in subparagraphs (1) through (3) of this paragraph, care must be exercised in the plant by inspection, extermination, or other means to effect exclusion of pests, dirt, and other filth that may be a source of food contamination.

(b) **Plant construction and design.** Plant buildings and structures shall be suitable in size, construction, and design to facilitate maintenance and sanitary operations for food-processing purposes. The plant and facilities shall:

(1) Provide sufficient space for orderly placement and operation of equipment and storing and processing of materials used in any of the operations. Floors, walls, and ceilings in the plant shall be of such construction as to be readily cleanable and shall be kept clean and in good repair. Fixtures, ducts, and pipes shall not be suspended over working areas so that drip or condensate may contaminate foods, raw materials, or food-contact surfaces. Aisles or working spaces between equipment and between equipment and walls shall be unobstructed and of sufficient width to permit employees to perform their duties without contamination of food or food-contact surfaces with clothing or personal contact.

(2) Provide separation by partition, location, or other effective means for those operations which may cause cross-contamination of food products with micro-organisms, chemicals, filth, or other extraneous material.

(3) Provide adequate lighting to hand-washing areas, dressing and locker rooms, and toilet rooms and to all areas where food or food ingredients are examined, processed, or stored and where equipment and utensils are cleaned. Light bulbs, fixtures, skylights, or other glass suspended over exposed food in any step of preparation shall be of the safety

## PROPOSED RULE MAKING

type or otherwise protected to prevent food contamination in case of breakage.

(4) Provide adequate ventilation or control equipment to minimize odors and noxious fumes or vapors (including steam) in areas where they may contaminate food. Such ventilation or control equipment shall not create conditions that may contribute to food contamination by airborne contaminants.

(5) Provide, where necessary, effective screening or other protection against birds, animals, and vermin (including, but not limited to insects and rodents).

## § 68.34e Equipment and utensils.

All plant equipment and utensils should be (a) suitable for their intended use, (b) so designed and of such material and workmanship as to be adequately cleanable, and (c) properly maintained. The design, construction, and use of such equipment and utensils shall preclude the adulteration of food with lubricants, fuel, metal fragments, contaminated water, or any other contaminants. All equipment should be so installed and maintained as to facilitate the cleaning of the equipment and of all adjacent spaces.

## § 68.34f Sanitary facilities and controls.

Each plant shall be equipped with adequate sanitary facilities and accommodations including, but not limited to, the following:

(a) *Water supply.* The water supply shall be sufficient for the operations intended and shall be derived from an adequate source. Any water that contacts food or food-contact surfaces shall be safe and of adequate sanitary quality. Running water at a suitable temperature and under pressure as needed shall be provided in all areas where the processing of food, the cleaning of equipment, utensils, or containers, or employee sanitary facilities require.

(b) *Sewage disposal.* Sewage disposal shall be made into an adequate sewerage system or disposed of through other adequate means.

(c) *Plumbing.* Plumbing shall:

(1) Properly convey sewage and liquid disposable waste from the plant.

(2) Not constitute a source of contamination to foods, food products or ingredients, water supplies, equipment, or utensils, or create an insanitary condition.

(3) Provide adequate floor drainage in all areas where floors are subject to flooding-type cleaning or where normal operations release or discharge water or other liquid waste on the floor.

(d) *Toilet facilities.* Each plant shall provide its employees with adequate toilet and associated hand-washing facilities within the plant. Toilet rooms shall be furnished with toilet tissue. The facilities shall be maintained in a sanitary condition and kept in good repair at all times. Doors to toilet rooms shall be self-closing and shall not open directly into areas where food is exposed to airborne contamination, except where alternate means have been taken to prevent such contamination (such as double doors, positive air-flow systems, etc.).

Signs shall be posted directing employees to wash their hands with cleaning soap or detergents after using toilet.

(e) *Hand-washing facilities.* Adequate and convenient facilities for hand washing shall be provided at each location in the plant where good sanitary practices require employees to wash and dry their hands. Such facilities shall be furnished with running water at a suitable temperature for hand washing, effective hand-cleaning preparations, sanitary towel service or suitable drying devices and, where appropriate, easily cleanable waste receptacles.

(f) *Rubbish disposal.* Rubbish shall be so conveyed, stored, and disposed of as to minimize the development of odor, prevent waste from becoming an attractant and harborage or breeding place for vermin, and prevent contamination of food, food-contact surfaces, ground surfaces, and water supplies.

## § 68.34g Sanitary operations.

(a) *General maintenance.* Buildings, fixtures, and other physical facilities of the plant shall be kept in good repair and shall be maintained in a sanitary condition. Cleaning operations shall be conducted in such a manner as to minimize the danger of contamination of food and food-contact surfaces. Detergents, sanitizers, and other supplies employed in cleaning and sanitizing procedures shall be free of significant microbiological contamination and shall be safe and effective for their intended uses. Only such toxic materials as are required to maintain sanitary conditions, for use in laboratory testing procedures, for plant and equipment maintenance and operation, or in manufacturing or processing operations shall be used or stored in the plant. These materials shall be identified and used only in such manner and under conditions as will be safe for their intended uses.

(b) *Animal and vermin control.* No animals or birds shall be allowed in any area of a food plant. Effective measures shall be taken to exclude pests from the processing areas and to protect against the contamination of foods in or on the premises by animals, birds, and vermin (including, but not limited to, rodents and insects). The use of insecticides or rodenticides is permitted only under such precautions and restrictions as will prevent the contamination of food or packaging materials with illegal residues.

(c) *Sanitation of equipment and utensils.* All utensils and product-contact surfaces of equipment shall be cleaned as frequently as necessary to prevent contamination of food and food products. Nonproduct-contact surfaces of equipment used in the operation of food plants should be cleaned as frequently as necessary to minimize accumulation of dust, dirt, food particles, and other debris.

## § 68.34h Processes and controls.

(a) Raw material and ingredients shall be inspected and segregated as necessary to assure that they are clean, wholesome, fit for processing into human food, and shall be stored under conditions that will protect against contamination and minimize deterioration. Raw materials shall be washed or cleaned as required to remove soil or other contamination. Water used for washing, rinsing, or conveying of food products shall be of adequate quality, and water shall not be reused for washing, rinsing, or conveying products in a manner that may result in contamination of food products.

(b) Containers and carriers of raw ingredients should be inspected on receipt to assure that their condition has not contributed to the contamination or deterioration of the products.

(c) All food processing, including packaging and storing, should be conducted under such conditions and controls as are necessary to minimize the potential for undesirable bacterial or other microbiological growth, toxin formation, or deterioration or contamination of the processed product or ingredients.

(d) Chemical, microbiological, or extraneous-material testing procedures shall be utilized where necessary to identify sanitation failures or food contamination, and all foods and ingredients that have become contaminated shall be rejected or treated or processed to eliminate the contamination where this may be properly accomplished.

(e) Packaging processes and materials shall not transmit contaminants or objectionable substances to the products, shall conform to any applicable food additive regulation (21 CFR Part 121), and should provide adequate protection from contamination.

(f) Storage and transportation of finished products should be under such conditions as will prevent contamination, including development of pathogenic or toxicogenic micro-organisms, and will protect against undesirable deterioration of the product and the container.

## § 68.34i Personnel.

The plant management shall take all reasonable measures and precautions to assure the following:

(a) *Disease control.* No person affected by disease in a communicable form, or while a carrier of such disease, or while affected with boils, sores, infected wounds, or other abnormal sources of microbiological contamination, shall work in a food plant in any capacity in which there is a reasonable possibility of food or food ingredients becoming contaminated by such person, or of disease being transmitted by such person to other individuals.

(b) *Cleanliness.* All persons, while working in direct contact with food preparation, food ingredients, or surfaces coming into contact therewith shall:

(1) Wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty, to the extent necessary to prevent contamination of food products.

(2) Wash their hands thoroughly in an adequate hand-washing facility be-

fore starting work, after each absence from the work station, and at any other time when the hands may have become soiled or contaminated.

(3) Remove all insecure jewelry.

(4) If gloves are used in food handling, maintain them in an intact, clean, and sanitary condition. Such gloves should be of an impermeable material except where their usage would be inappropriate or incompatible with the work involved.

(5) Wear hair nets, headbands, caps, or other effective hair restraints.

(6) Not store clothing or other personal belongings, eat food or drink beverages, or use tobacco in any form in areas where food or food ingredients are exposed or in areas used for washing equipment or utensils.

(7) Take any other necessary precautions to prevent contamination of foods with micro-organisms or foreign substances including, but not limited to, perspiration, hair, cosmetics, tobacco, chemicals, and medicants.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administrative Building, Washington, D.C. 20250, not later than the 45th day after publication of this notice in the *FEDERAL REGISTER*. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., this 11th day of January 1971.

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

[FR Doc. 71-514 Filed 1-13-71; 8:50 am]

istrative proceedings provided for in Parts 1030 and 1035.

Upon representations of the Director of the Compliance Division concerning alleged violation of the restrictions on foreign direct investment embodied in Executive Order 11387, any rule or order thereunder, term or condition of any authorization or exemption or other action of the Office relating to the Foreign Direct Investments Program, a formal administrative proceeding may be instituted by the Office.

Under the present Rules of Practice, the presiding officer at the hearing stage of such proceedings may be an individual designated by the Director of the Office who is "not employed by the Office in any investigative or prosecuting function, and shall not be subject to the supervision of the Director of the Compliance Division in any way" (§ 1030.431(a)). The proposed Rules of Practice explicitly provide (proposed § 1030.431(a)) that the presiding officer in formal administrative hearings shall be a hearing examiner appointed or designated pursuant to section 3105 or section 3344 of title 5, United States Code.

Also under the present Rules of Practice, the presiding officer's determination and order constitutes "final agency action" absent appeal to the Foreign Direct Investments Appeals Board, in which case the latter's determination becomes "final agency action" (§ 1030.515(a)), with provision for further appeal to the Appeals Board for the Department of Commerce "from the order of the presiding officer" (§ 1035.104). In the interest of orderly procedure and clarification of certain inconsistencies inherent in the foregoing provisions, the proposed Rules of Practice provide that the hearing examiner shall issue a recommended decision and proposed order (proposed § 1030.471(a)) and the Director of the Office shall be the decision officer (proposed § 1030.510), without provision for interlocutory appeal of his decision to the Foreign Direct Investments Appeals Board; rather, the Director's decision would be appealable, on limited grounds, directly to the Department of Commerce Appeals Board (proposed § 1035.102(a)).

2. *Other significant proposals.* In addition to the foregoing, certain other significant changes in the Rules of Practice are proposed, as follows:

(a) *Consent agreements.* The proposed Rules of Practice would require a statement of the charges with respect to which the consent agreement relates (proposed § 1025.311).

(b) *Basis for formal administrative proceedings.* The present Rules of Practice provide that formal administrative proceedings may be instituted "to make any determination in respect to the administration or enforcement [of the Program]" (§ 1030.111). The proposed Rules of Practice would limit such proceedings to instances when the Office "has reason to believe that any person \*\*\* has violated [the Program]" (proposed § 1030.111).

(c) *Proposed order in formal administrative proceedings.* The proposed Rules of Practice provide for a proposed form

of order to accompany the notice of institution of a formal administrative proceeding (proposed § 1030.211(g)), to put a respondent on notice of the consequences of default.

(d) *Discovery in formal administrative proceedings.* The proposed Rules of Practice would broaden discovery procedures available to parties (proposed § 1030.331).

(e) *Form of proposed order in formal administrative proceedings.* The present Rules of Practice specify the remedy to be invoked in specified types of violation (§ 1030.514). The proposed Rules of Practice (proposed § 1030.472) merely suggest possible alternatives, depending on the factual circumstances found to exist in a given case.

3. *Miscellaneous amendments.* In addition to the foregoing, proposals embodying, conforming, clarifying, and generally liberalizing provisions have been made, in connection with which a number of present sections in Parts 1020-1050 of Title 15, Code of Federal Regulations would either be deleted or renumbered.

4. *Effective date.* The proposed Rules of Practice shall be effective as of the date of publication in final form in the *FEDERAL REGISTER*, and shall govern all proceedings commenced after the effective date and all pending proceedings except to the extent that the Director of the Office determines, in his discretion, that application of the amendments or any portion thereof in a pending proceeding would not be feasible or would work injustice, in which case the appropriate former rule or rules shall apply.

Interested persons are invited to submit written comments, suggestions, or objections concerning the proposed amendments to the Chief Counsel, Office of Foreign Direct Investments, Department of Commerce, Washington, D.C. 20230. Communications concerning the proposed amendments will be considered only if received within 30 days after publication of this notice in the *FEDERAL REGISTER*. Subsequent to such time, the amendments will be published in the *FEDERAL REGISTER* in final form as proposed or as modified upon consideration of comments received.

The text of the Foreign Direct Investment Rules of Practice and General Procedures (15 CFR, Ch. X, Parts 1020, 1025, 1030, 1035, 1040, and 1050), as proposed to be amended, is as follows:

## PART 1020—INVESTIGATIVE PROCEDURES

Sec.	
1020.111	Investigations.
1020.112	Investigative policy.
1020.113	By whom conducted.
1020.114	Notification of purpose.
1020.121	Orders to furnish information.
1020.122	Authority to initiate investigations and to issue or modify agency process.
1020.123	Motions relating to agency process.
1020.124	Review; finality.
1020.131	Investigative hearings.
1020.132	Rights of witnesses in investigations.
1020.141	Noncompliance with orders or directions.
1020.151	Termination of investigations.

## PROPOSED RULE MAKING

**AUTHORITY:** The provisions of this Part 1020 issued pursuant to sec. 5 of the Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47; Department Organization Order 25-3A (formerly Department Order 184-A), Jan. 1, 1968, 33 F.R. 54.

#### § 1020.111 Investigations.

The Office<sup>1</sup> may, in its discretion, initiate investigations relating to compliance by any person<sup>2</sup> with the Foreign Direct Investments Program<sup>3</sup> as embodied in E.O. 11387 and Part 1000 of this chapter, any rule, regulation, or order thereunder, term or condition of any authorization or exemption issued thereunder, any decree of court relating thereto, or other agency action.

#### § 1020.112 Investigative policy.

The Office encourages voluntary cooperation with its investigations. Where the circumstances appear so to require, however, the Office may invoke compulsory process as authorized by law.

#### § 1020.113 By whom conducted.

Investigations will be conducted by representatives of the Office duly designated and authorized for the purpose. Such representatives are authorized, among other things, to administer oaths and receive affirmations in any matter under investigation by the Office.

#### § 1020.114 Notification of purpose.

Any person under investigation who is compelled or requested to furnish information or documentary evidence shall be advised with respect to the general purpose for which such information or evidence is sought.

#### § 1020.121 Orders to furnish information.

(a) The Office may issue orders requiring any person or persons named therein:

(1) To appear before a designated representative at a designated time and place to testify, produce documentary evidence, and/or produce other information relating to any transaction involving foreign direct investment; and/or

(2) To file (whether on a continuing basis, at stated intervals, upon the occurrence of specified acts or omissions, or otherwise) reports or answers in writing to specified questions, relating to any matter that is or has been under investigation or inquiry, or is likely to lead to the production of information relating to any such matter.

(b) Any person required to submit any report, whether under this section or under § 1000.602(b) of this chapter, shall preserve, or cause to be preserved, for at least 3 years after the date of

<sup>1</sup> As used in Parts 1020-1050 of this chapter, the "Office" means the Office of Foreign Direct Investments, U.S. Department of Commerce.

<sup>2</sup> As used in Parts 1020-1050 of the chapter, "person" means any individual, corporation, partnership, business venture, trust, or estate.

<sup>3</sup> Hereinafter referred to in Parts 1020-1050 of this chapter as the "Program."

filings of such report all working papers, irrespective of by whom prepared, used in the preparation of such report; all exhibits, all schedules, and all attachments to such papers; and all books and all records related to such report or to such other papers, that were prepared in the ordinary course of business.

#### § 1020.122 Authority to initiate investigations and to issue or modify agency process.

The Director of the Compliance Division is hereby delegated, without power of redelegation, the authority to initiate investigations under § 1020.111 and to issue orders under § 1020.121 and, for good cause shown, to limit, quash, modify, or withdraw such orders or to extend the time prescribed therein for compliance.

#### § 1020.123 Motions relating to agency process.

Any motion to limit, quash, modify, or withdraw any order issued under § 1020.121 or to extend the time prescribed for compliance must be filed with the Office (to the attention of the person issuing said order) within seven (7) days after service of such order, or, if the return date is less than seven (7) days after service of the order, within such other time prior to the return date as may be designated in such order. Any allegation of undue burden must be accompanied by an affidavit setting forth with particularity the supporting facts.

#### § 1020.124 Review; finality.

(a) Upon denial of a motion made under § 1020.123, the moving party may appeal to the decision officer pursuant to the procedure set out in § 1030.514 of this chapter. The determination of the decision officer shall constitute final agency action.

(b) The Director of the Compliance Division may extend the return date specified in an order issued pursuant to § 1020.121 by up to twenty (20) days later than the date of denial of relief under paragraph (a) of this section where:

(1) Such relief is requested by motion under § 1020.123 for the purpose of seeking judicial review of the order without first committing a willful violation thereof, and

(2) The public interest in effective enforcement and administration of the Program will not be compromised thereby.

#### § 1020.131 Investigative hearings.

(a) The Office may conduct investigative hearings in the course of any investigation or inquiry relating to the administration or enforcement of the Program, as described in § 1020.111, including inquiries initiated for the purpose of determining whether to institute a proceeding under Part 1030 of this chapter.

(b) Investigative hearings shall be nonadjudicative proceedings, presided over by a representative of the Office (hereinafter referred to as the "presiding official") designated in the order issued pursuant to § 1020.121.

(c) Investigative hearings shall be stenographically recorded unless the presiding official, in his discretion upon the request of a witness, otherwise orders.

(d) Unless otherwise ordered by the Director of the Office, investigative hearings shall not be public.

#### § 1020.132 Rights of witnesses in investigations.

Any person compelled or requested to submit information to the Office, or to testify in an investigative hearing, shall be entitled to be accompanied, represented, and advised by counsel or another person who has entered an appearance under § 1050.101 of this chapter (referred to hereinafter in this section as "counsel") as follows:

(a) Counsel for a witness may advise his client, in confidence, and upon the initiative of either himself or the witness with respect to any question asked of his client. If it appears that counsel is prompting the witness under color of this paragraph, the presiding official will so note and take appropriate action in respect thereto under paragraph (f) of this section. If, upon advice of counsel, the witness refuses to answer a question, counsel may briefly state that he has advised his client not to answer the question and the legal grounds for such refusal.

(b) Where it is claimed that the testimony or other evidence sought is outside the scope of the investigation, or that the witness is privileged to refuse to answer a question or to produce other evidence, counsel for the witness may object and briefly and precisely state the grounds therefor.

(c) Cumulative objections are unnecessary. Repetition of the grounds for any objection will not be allowed. At the request of counsel and/or when directed by the presiding official, any objections will be treated as continuing objections and preserved throughout the further course of the hearings as to any related line of inquiry.

(d) Any motion challenging the Office's authority to conduct the investigation or the sufficiency or legality of the order to testify or produce documents or other information must have been addressed to the Office prior to the hearing (see § 1020.123). Additional copies of such motions may be filed with the presiding official as part of the record of the investigation and may be incorporated by reference into counsel's statements or objections, but no arguments in support thereof will be allowed at the hearing.

(e) After the presiding official and/or counsel for the Compliance Division have completed the examination of a witness, counsel for the witness may request the presiding official to permit the witness to clarify any of his answers in order that they may not remain equivocal or incomplete. The granting or denial of such request shall be within the sole discretion of the presiding official, and any grant may be withdrawn if counsel attempts to lead the witness or suggest answers.

(f) The presiding official shall take all necessary and appropriate actions to avoid delay, to prevent or restrain disorderly, dilatory, obstructive, or contumacious conduct and/or otherwise to regulate the course of the hearing.

**§ 1020.141 Noncompliance with orders or directions.**

(a) In cases of failure to comply fully with any compulsory process, including an order issued under § 1020.121, or refusal to obey a direction by a presiding official to answer a specific question, the Office may initiate or recommend appropriate action. The fact that an order is partially defective, or that a person may so believe, will not excuse compliance with the remainder of the order.

(b) Honest mistakes or isolated oversights, made in a good faith attempt to comply with an order of the Office or the direction of a presiding official, will normally not lead to an enforcement action.

**§ 1020.151 Termination of investigations.**

When the facts disclosed by an investigation indicate that further action is not necessary or warranted in the public interest, the investigative file will be closed, without prejudice to further investigation by the Office at any time if circumstances so warrant.

**PART 1025—SETTLEMENT PROCEDURES**

**Subpart A—General Statement of Policy on Administrative Enforcement**

Sec.  
1025.111 General policy.  
1025.112 Factors bearing on intent, etc.  
1025.113 Conference policy.

**Subpart B—Informal, Voluntary Settlement**

1025.211 Policy.  
1025.212 Conditions.  
1025.213 Form.  
1025.221 Formal procedures.

**Subpart C—Consent Agreement Policy and Procedures**

1025.311 Preliminary notice of proposed formal proceeding.  
1025.312 Conditions of administrative settlement.  
1025.313 Form of agreement.

**AUTHORITY:** The provisions of this Part 1025 issued pursuant to Sec. 5 of the Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47; Department Organization Order 25-3A (formerly Department Order 184-A), Jan. 1, 1968, 33 F.R. 54.

**Subpart A—General Statement of Policy on Administrative Enforcement**

**§ 1025.111 General policy.**

The Act of October 6, 1917, section 5(b)(3) and section 17, as amended (12 U.S.C. 95a(3), 50 U.S.C. App. 5(b) (3), 17), among other provisions of law, provides both criminal and civil remedies for violation. However, the Office may utilize the settlement procedure described in this part, rather than formal administrative enforcement procedures (described

in Part 1030 of this chapter) or criminal procedures where the Office deems it to be in the public interest or where the person (referred to hereinafter in this part as the "party") who has failed to comply with the Program, any rule, regulation or order thereunder, or other agency action, establishes that:

(a) The party's noncompliance was unintentional;

(b) The party acted at all times in good faith; and

(c) The party has cooperated with the Office in ascertaining the facts, and has not attempted to conceal or falsify information.

**§ 1025.112 Factors bearing on intent, etc.**

(a) The Office will ordinarily consider the following, among other things, as relevant in determining that the conditions of § 1025.111 have been met:

(1) That the party has voluntarily advised the Office, prior to notification of an investigation in respect thereto, that an unintentional compliance problem may exist, and has furnished the Office with full particulars thereof;

(2) That the party has submitted affidavits or other documentation that noncompliance was unintended, that it was the result of circumstances which could not reasonably have been foreseen, and that all available steps to avoid noncompliance and to correct its effects were promptly taken.

(b) The Office may conduct an independent inquiry to determine whether noncompliance was unintentional and unforeseeable, and that available steps to avoid it and to correct its effects were promptly taken.

**§ 1025.113 Conference policy.**

It is the policy of the Office to give any party the opportunity to discuss with the staff, on an informal basis, the possible settlement of any compliance investigation of such party. Ordinarily, any request for such discussion should be directed, in the first instance, to the staff member responsible for conducting the investigation.

**Subpart B—Informal, Voluntary Settlement**

**§ 1025.211 Policy.**

When the Office has information indicating that a party may inadvertently have failed or may be failing to comply with the Program, the Office may, if it believes that such procedure will not prejudice the public interest, afford the party the opportunity to have the matter disposed of on an informal, voluntary administrative basis.

**§ 1025.212 Conditions.**

In determining whether such informal administrative action will not prejudice the public interest, the Office will consider: (a) The nature of the alleged noncompliance; (b) the prior conduct of the party; and (c) other factors, including adequate assurance of the party's voluntary future compliance. Generally, the Office will agree to dispose of compliance

matters on the basis of an informal settlement where the alleged noncompliance is an isolated, inadvertent occurrence involving a relatively insubstantial amount of money and the party assures the Office that it has taken or will take prompt, adequate steps to undo the violation, correct its effects, and prevent its recurrence.

**§ 1025.213 Form.**

(a) Disposition of a matter by an informal settlement will be in the form of an exchange of agreed-upon letters passing between the party and the Director of the Office.

(b) The letter from the party to the Office will set forth the pertinent circumstances relating to and constituting the alleged noncompliance, the steps taken to undo, correct, and prevent its recurrence and other matters agreed upon by the party and Office. The letter from the Office to the party will state the intention of the Office, based on the representations in the party's letter, to close the matter; the power will be expressly reserved to reopen the matter should the public interest so require.

**§ 1025.221 Formal procedures.**

When the Office, in its discretion, determines that informal disposition of a compliance matter is inappropriate, consent settlement procedures are available, on a formal basis, as provided in Subpart C of this part.

**Subpart C—Consent Agreement Policy and Procedures**

**§ 1025.311 Preliminary notice of proposed formal proceeding.**

Where time, the nature of the matter involved, and the public interest permit, the Office will notify the party (a) of its intention to institute a formal proceeding against him and (b) that he will be afforded an opportunity to confer with the Office staff and to submit an appropriate consent agreement proposal for consideration by the Office. Such notice may be in the form specified in § 1030.211 of this chapter or, in the discretion of the Office, in such other form sufficient to apprise the party of the nature of the alleged noncompliance. The party may appear personally or he may be represented by a person who has entered an appearance under § 1050.101 of this chapter.

**§ 1025.312 Conditions of administrative settlement.**

The Office will consider each such case individually, on the basis of all relevant facts and circumstances, including any mitigating or extenuating factors. Depending upon the circumstances of the case, administrative settlement of compliance matters by a consent agreement may entail one or more of the remedies set forth in § 1030.472 of this chapter.

**§ 1025.313 Form of agreement.**

(a) Every consent agreement shall contain an appropriate form of order or judgment to be entered, an admission of all jurisdictional facts, and express waiv-

## PROPOSED RULE MAKING

ers of further procedural steps, of any requirement of findings, and of all rights to seek any form of judicial or appellate review or otherwise to challenge or contest the content, validity, or finality of the order. In addition, the agreement may contain a statement that the signing thereof is for settlement purposes only and does not constitute an admission by the party that the law has been violated.

(b) The Office will determine whether the public interest would be better served by an agreement providing for an administrative consent order or a judicial consent judgment. Among the factors which the Office will ordinarily consider in making such determination are: (1) The nature and gravity of the alleged noncompliance, (2) the prior conduct of the respondent, and (3) the likelihood that subsequent enforcement proceedings will be necessary.

## PART 1030—PROCEDURES AND RULES OF PRACTICE FOR FORMAL ADMINISTRATIVE PROCEEDINGS

### Subpart A—General Policies and Procedures; Scope of Rules

Sec.

1030.111 Formal administrative proceedings.  
1030.112 Scope of the rules in this part.

### Subpart B—Notice; Answer; Other Pleadings

1030.211 Commencement of proceedings.  
1030.212 Answer.  
1030.213 Default.  
1030.221 Amendments, by leave.  
1030.222 Amendments conforming pleadings to evidence.  
1030.223 Supplemental pleadings.

### Subpart C—Prehearing Procedures; Motions; Discovery

1030.311 Prehearing conferences.  
1030.321 Motions.  
1030.326 Interlocutory appeals.  
1030.331 Discovery.

### Subpart D—Hearings

1030.411 Public hearings.  
1030.412 Expedition of hearings.  
1030.413 Rights of parties.  
1030.414 Examination of witnesses.  
1030.415 Admissibility of evidence.  
1030.416 Objections.  
1030.417 Burden of proof.  
1030.418 Use of information obtained in investigations.  
1030.421 Transcript.  
1030.422 Record.  
1030.423 Excluded evidence.  
1030.431 Hearing examiners.  
1030.433 Powers and duties.  
1030.434 Suspension of attorneys.  
1030.451 In camera policy.  
1030.461 Submission by the parties of proposed findings, conclusions, and order.  
1030.471 Hearing examiner's findings, conclusions, recommended decision and proposed order.  
1030.472 Form of proposed order.

### Subpart E—Decision and Review

1030.510 Decision officer: designation and disqualification.  
1030.511 Objections.  
1030.513 Decision.  
1030.514 Appeals from orders under Part 1020 of this chapter.  
1030.515 Petition for reconsideration.

**AUTHORITY:** The provisions of this Part 1030 issued pursuant to sec. 5 of the Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47; Department Organization Order 25-3A (formerly Department Order 184-A), Jan. 1, 1968, 33 F.R. 54.

### Subpart A—General Policies and Procedures; Scope of Rules

#### § 1030.111 Formal administrative proceedings.

The Office may institute a formal administrative proceeding when, on the basis of facts known to the Office, there is reason to believe that any person (hereinafter referred to as "respondent") has violated E.O. 11387, any rule or order thereunder, term or condition of any authorization or exemption, or other agency action relating to the Program. Such proceedings may include, but are not limited to, allegations that the respondent has failed to comply with or is in violation, willfully or otherwise, of any such agency action; or that the respondent has made a transaction with intent to evade any provision of the Program. Such proceedings shall be conducted in accordance with procedures that will assure due process of law to any party who may be adversely affected because of the determination therein.

#### § 1030.112 Scope of the rules in this part.

(a) The rules in this part govern procedure in formal administrative proceedings described in § 1030.111.

(b) Except as specifically provided, the rules in this part do not govern any other proceedings, such as negotiations for the entry of consent orders, investigative hearings pursuant to § 1020.131 of this chapter, applications for specific authorizations or exemptions, or promulgation of substantive rules and regulations, general bulletins, interpretative opinions, or other rule making procedures.

### Subpart B—Notice; Answer; Other Pleadings

#### § 1030.211 Commencement of proceedings.

A formal administrative proceeding is commenced by the issuance and service of a notice, signed by the Director of the Office, containing the following:

(a) A clear and concise statement of facts sufficient to inform the respondent with reasonable definiteness of the type of acts or practices alleged to constitute a violation or noncompliance;

(b) Specific designation of the agency actions alleged to have been violated;

(c) A statement that the notice has been issued upon representations of the Director of the Compliance Division as summarized in the notice, and that respondent will have the opportunity to controvert the same;

(d) The substance of §§ 1030.212 and 1030.213;

(e) Specification of the time and place for hearing, such time to be at least twenty (20) days after service of the

notice unless it is found and so stated in the notice that the public interest requires a shorter period;

(f) Identification of the person who will preside over the hearing and/or pre-hearing matters (hereinafter referred to as the "hearing examiner", and of the representative or representatives of the Compliance Division designated to prosecute the matter;

(g) A form of order which the Office has reason to believe should issue if the facts are found to be as alleged in the notice; and

(h) Recital of the legal authority and jurisdiction for institution of the proceeding.

#### § 1030.212 Answer.

(a) A respondent shall, except as provided otherwise pursuant to § 1030.211(e), have twenty (20) days after service of such notice within which to file an answer.

(b) Each answer shall contain a specific admission, denial, or explanation of each fact alleged in the notice or, if the respondent is without knowledge thereof, a statement to that effect. Allegations of a notice not specifically answered pursuant to this paragraph shall be deemed to have been admitted.

(c) Each answer shall contain a concise statement of each defense or affirmative matter that respondent will present, including a concise statement of the facts upon which it is founded. No defense or affirmative matter of which the respondent was aware at the time of filing his answer but did not include therein may be added by way of amendment or supplemental pleading under §§ 1030.221-1030.223, unless the hearing examiner, in his discretion, is convinced that respondent's failure was justifiable and that the interests of justice require its later admission.

#### § 1030.213 Default.

Failure of the respondent to file an answer within the time provided or to appear as ordered shall constitute a waiver of his right to appear and contest the allegations of the notice and shall authorize the Office, without further notice, to find the facts to be as alleged in the notice and to enter findings and an order thereon.

#### § 1030.221 Amendments, by leave.

The hearing examiner may, in his discretion, in the interests of justice, to facilitate the determination of a controversy, and upon such terms as are just, allow amendments to the notice or answer at any time prior to the filing of his decision.

#### § 1030.222 Amendments conforming pleadings to evidence.

When issues not raised by the notice or answer but reasonably within the scope thereof are tried by express or implied consent of the parties, they shall be treated in all respects as though they had been timely raised. Amendments necessary to make the notice or answer conform to the evidence and the raising of such issues shall be allowed at any time.

## § 1030.223 Supplemental pleadings.

The hearing examiner may, in his discretion, in the interests of justice, to facilitate the determination of a controversy, and upon such terms as are just, allow service of a supplemental notice or answer setting forth transactions, occurrences, or events which occurred or were discovered since the date of the notice or answer sought to be supplemented and which are relevant to any of the issues involved in the proceeding.

## Subpart C—Prehearing Procedures; Motions; Discovery

## § 1030.311 Prehearing conferences.

(a) The hearing examiner may direct any or all parties to meet with him for a conference to consider any or all of the following:

(1) Simplification and clarification of the issues;

(2) Necessity or desirability of amendments to pleadings;

(3) Stipulations or admissions of fact and of the contents, authenticity, and admissibility of documents; and

(4) Such other matters as may aid in the orderly and expeditious disposition of the proceeding, including disclosure of documents or other physical exhibits which will be offered in evidence in the course of the proceeding and of the names of witnesses.

(b) Prehearing conferences shall not be public unless all parties so agree.

(c) The hearing examiner, at his discretion, may direct that the prehearing conference be stenographically reported.

(d) When, as a result of a prehearing conference, it appears to the hearing examiner that the orderly, fair, and expeditious disposition of the proceeding will be aided thereby, he shall enter upon the record an order reciting any and all actions taken as a result of the conference. Insofar as such order states the issues to be resolved in the proceeding or the facts or documents which have been admitted to or stipulated by the parties, such order shall take precedence over any prior pleading or portion of the proceeding.

## § 1030.321 Motions.

(a) While a proceeding is before a hearing examiner all motions must be addressed to him. Copies of all written motions must be served upon each party.

(b) Motions should, if practicable, be in writing and shall state the particular order, ruling, or action desired and the grounds therefor. However, the hearing examiner may allow oral motions to be made before him, in appropriate cases, when each party affected or to be affected by such motion is present. Oral motions must be made upon the record.

(c) Within ten (10) days after service of any written motion, or within such longer or shorter time as may be fixed by the hearing examiner, the opposing party shall answer. Failure to answer shall constitute consent to the granting of the relief or sanction requested in the motion. The moving party will ordinarily have no right to reply.

(d) As a matter of discretion, the hearing examiner may waive the requirements of paragraphs (a) through (c) of this section as to motions for extensions of time and he may rule upon such motions ex parte.

(e) The hearing examiner shall rule, either in writing or upon the record, upon all motions presented to him. No formal opinion or findings are required on any motion.

## § 1030.326 Interlocutory appeals.

No interlocutory appeal to the decision officer (see § 1030.510) will be allowed from any decision of the hearing examiner unless the hearing examiner certifies that the ruling involves an important question of law that should be resolved at that time.

## § 1030.331 Discovery.

(a) The Federal Rules of Civil Procedure shall apply to discovery proceedings. There will be no fixed rule on priority of discovery.

(b) Discovery and compulsory process for discovery (including requests for admission) shall be available to the parties to a formal administrative proceeding under this part. Upon written motion pursuant to § 1030.321, the hearing examiner shall promptly rule upon any objection to discovery action initiated pursuant to this section. The hearing examiner shall also have the power to grant a protective order or relief to any party or third party subjected to such compulsory process.

## Subpart D—Hearings

## § 1030.411 Public hearings.

All hearings in formal administrative proceedings shall be public unless otherwise ordered by the hearing examiner.

## § 1030.412 Expedition of hearings.

Hearings shall proceed with all reasonable expedition, be held at one place, and continue without suspension until concluded, unless the hearing examiner specifically provides otherwise. The hearing examiner may, in the interests of justice, in order to assure full and fair presentation of the issues, and consistent with the public interest in the expeditious administration and enforcement of the Program, order brief intervals in any proceeding. In unusual and exceptional circumstances, for good cause stated on the record, he shall have the authority to order hearings at more than one place and to order brief intervals to permit discovery necessarily deferred during the prehearing procedures.

## § 1030.413 Rights of parties.

Every party shall have the right of representation by counsel, due notice, presentation of evidence, objection, cross-examination, motion argument, determination upon a record, and all other rights essential to a fair hearing.

## § 1030.414 Examination of witnesses.

An adverse party, or an officer, agent, or employee thereof, and any witness determined by the hearing examiner to

be hostile, unwilling, or evasive, may be interrogated by leading questions. Any witness may be contradicted and impeached by any party, including the party calling him.

## § 1030.415 Admissibility of evidence.

Technical rules of evidence shall not apply in proceedings under this part. Relevant, material, and reliable evidence shall be admitted. Irrelevant, immaterial, unreliable, and unduly repetitious evidence shall be excluded. Immaterial or irrelevant parts of admissible documents shall be segregated and excluded so far as practicable.

## § 1030.416 Objections.

Objections to evidence shall be timely and shall briefly state the grounds relied upon but the transcript shall not include argument or debate thereon except as ordered by the hearing examiner. The hearing examiner shall, when requested by a party, rule upon the record on any properly presented objection, or specifically defer such ruling. Any objection not ruled upon shall be deemed overruled. The substance of any overruled objection shall be deemed preserved without formal exception.

## § 1030.417 Burden of proof.

Counsel representing the Compliance Division shall have the burden of persuasion and the burden of going forward with evidence to show, *prima facie*, that respondent failed to comply with a requirement of the Program, but the proponent of any proposition shall be required to sustain the burden of persuasion and the burden of going forward with evidence with respect thereto.

## § 1030.418 Use of information obtained in investigations.

Any documents, papers, books, physical exhibits, or other materials or information obtained by the Office under any of its powers may be disclosed by counsel representing the Compliance Division when necessary in connection with formal administrative proceedings and may be offered in evidence by such counsel in any such proceeding.

## § 1030.421 Transcript.

Hearings shall be stenographically recorded and transcribed by a reporter under the supervision of the hearing examiner. The original transcript shall be a part of the record and the sole official transcript.

## § 1030.422 Record.

The record shall include the pleadings, all motions, all orders of the hearing examiner, the original transcript, all exhibits offered in evidence by any party, all proposed findings of fact, conclusions, and orders, and the recommended decision and proposed order of the hearing examiner. Except as provided under § 1030.451, the record shall be open to public inspection during business hours at the Department of Commerce, Office of Foreign Direct Investments, upon application therefor to the Clerk.

## PROPOSED RULE MAKING

**§ 1030.423 Excluded evidence.**

When an objection to a question propounded to a witness is sustained, the examining attorney may make a specific offer on the record of what he expected to prove by the answer of the witness, or the hearing examiner may, in his discretion, hear and record the evidence in full. Rejected exhibits, adequately marked for identification, and other rejected evidence shall be retained in the record and be available for consideration by any reviewing authority.

**§ 1030.431 Hearing examiners.**

(a) Hearings and prehearing matters in formal administrative proceedings shall be presided over by a hearing examiner appointed or designated pursuant to section 3105 or section 3344 of title 5, United States Code.

(b) The hearing examiner for prehearing matters may differ from the hearing examiner presiding over the hearing. A hearing examiner who opens the hearings under a particular notice shall, in the ordinary course, be the sole hearing examiner for such hearings, but, in the event of the death, illness, or other unavailability of a hearing examiner, or other extenuating and unusual circumstances, another hearing examiner may be appointed as provided in paragraph (a) of this section.

(c) In the event of the substitution of a new hearing examiner for the one originally designated, any motion predicated upon such substitution shall be made within five (5) days following notice of such substitution.

**§ 1030.433 Powers and duties.**

Hearing examiners shall conduct fair and impartial hearings, take all necessary action to avoid delay in the disposition of proceedings, and maintain order. They shall have all powers necessary and appropriate to that end, including, but not limited to, the following:

(a) To administer oaths and receive affirmations;

(b) To issue compulsory process;

(c) To take depositions or to order depositions or other discovery procedures as provided in § 1030.331;

(d) To rule upon offers of proof and receive evidence;

(e) To regulate the course of the hearings and the conduct of the parties and their counsel therein;

(f) To hold conferences for stipulations, simplification of issues, settlement, or any other proper purpose;

(g) To consider and rule upon, as justice may require, all procedural and other motions;

(h) To make findings of fact and conclusions of law and to issue recommended decisions and proposed orders as set forth in § 1030.472; and

(i) To take any action authorized by the rules in this part or in conformance with law.

**§ 1030.434 Suspension of attorneys.**

(a) The hearing examiner shall have the authority, for good cause stated on the record, to suspend or bar from participation in a particular proceeding any

attorney who shall refuse to comply with his direction, or who shall be guilty of disorderly, dilatory, obstructive, or tumultuous conduct in the course of such proceeding.

(b) Any attorney so suspended or barred may appeal to the decision officer. Appeals shall be in the form of a brief, not to exceed ten (10) pages in length and shall be filed within five (5) days after notice of the hearing examiner's action. Answer thereto may be filed within five (5) days after service of the appeal brief and may not exceed ten (10) pages. The decision of the decision officer shall constitute final agency action. The appeal shall not operate to suspend the hearing unless otherwise ordered by the decision officer. In the event the hearing is not suspended, the attorney may continue to participate therein pending disposition of the appeal.

**§ 1030.451 In camera policy.**

(a) Hearing examiners shall have authority when good cause therefor is placed on the record, to order any documents, or oral testimony, or other matter offered in evidence, whether admitted or rejected, to be placed in camera.

(b) Except as provided in § 1030.453, matter placed in camera is kept confidential and is not part of the public record. Only the respondent, his counsel, authorized personnel of the Office and court personnel concerned with judicial review shall have access to such matter. Where it is appropriate, in order to protect a trade secret or other confidential business information, the hearing examiner may enter other orders necessary and appropriate to protect such information from misuse.

(c) The power of the hearing examiner, the Office and reviewing courts to disclose in camera matter to the extent necessary for the proper disposition of a proceeding is specifically reserved.

**§ 1030.461 Submission by the parties of proposed findings, conclusions, and order.**

(a) Within such time after the close of the reception of the evidence as the hearing examiner may fix, each party to a proceeding under this part shall file with the hearing examiner for his consideration all proposed findings of fact, conclusions of law, and forms of order, together with briefs in support thereof. Answering briefs may be filed within a reasonable time thereafter, as fixed by the hearing examiner. The hearing examiner, in his discretion, may vary the sequence of filing documents following the close of reception of evidence.

(b) Such proposed findings, conclusions, and orders and any briefs or other papers shall be in writing, shall be served upon all parties, and shall contain adequate references to the record and authorities relied on. "Passim" references to the record may not be used.

(c) If a party fails to file a proposed finding as to any fact involved in the proceeding, or a proposed conclusion of law as to any legal question raised by the hearing, he shall be deemed to have

waived any objections or contentions with regard to that fact or that question of law.

**§ 1030.471 Hearing examiner's findings, conclusions, recommended decision and proposed order.**

(a) Within a reasonable time after receipt of all briefs and/or other papers pursuant to § 1030.461, the hearing examiner who presided, unless he shall become unavailable to the Office, shall make findings of fact and conclusions of law and issue a recommended decision and proposed order. The findings, conclusions, recommended decision and proposed order shall be served upon the parties and shall be included in the record.

(b) The findings of fact and conclusions of law shall be numbered and shall contain appropriate references to the record.

**§ 1030.472 Form of proposed order.**

(a) If the hearing examiner determines that the respondent has not failed to comply with the Program, he shall, in his proposed order, dismiss the proceeding.

(b) If the hearing examiner determines that the respondent has failed to comply with the Program, he shall issue a proposed order which will, to the extent that he deems practicable, be appropriate taking into account the acts or omissions of the respondent constituting such noncompliance, taking into account in exercising his discretion the circumstances of the noncompliance as well as the importance of encouraging future good faith efforts to comply with the Program. Where appropriate (including, but not limited to, cases where the respondent's noncompliance involves positive direct investment or the holding of liquid foreign balances under circumstances where such is prohibited or in excess of the amount generally and/or specifically authorized or failure to comply with conditions of specific authorizations, and/or willful failure to or delay in filing required reports) the proposed order may include in addition to any other appropriate remedies:

(1) Reduction during any year or years in the amount of positive direct investment and/or liquid foreign balances that would have been authorized to the respondent under Part 1000 of this chapter;

(2) A requirement that the respondent repatriate all or part of its share in the earnings of incorporated affiliated foreign nationals, which repatriation shall be disregarded for the purpose of measuring compliance with the provisions of Part 1000 of this chapter;

(3) A requirement that the respondent cause its affiliated foreign nationals to make transfers of capital to the respondent, which transfers shall be disregarded for the purpose of measuring compliance with the provisions of Part 1000 of this chapter;

(4) A requirement that the respondent repatriate available proceeds of long-term foreign borrowing, which proceeds may not be held thereafter in

the form of foreign balances or other foreign property;

(5) A requirement that quarterly or other special reports be filed with the Office containing such information as may seem appropriate.

#### Subpart E—Decision and Review

##### § 1030.510 Decision officer: designation and disqualification.

(a) The Director of the Office shall be the decision officer unless he is unavailable by reason of disqualification or otherwise, in which case the Deputy Director of the Office shall be the decision officer.

(b) The decision officer shall withdraw from any case when he is disqualified by reason of personal relationship or interest or other just cause. If the decision officer has not withdrawn from the case and respondent believes that grounds for disqualification exist, respondent shall submit, with its first brief submitted pursuant to § 1030.511, a motion supported by an affidavit or affidavits specifying such grounds with particularity. In such case, the decision officer shall himself rule upon the motion in writing and his decision shall become part of the record of the case.

(c) If both the Director and the Deputy Director of the Office are disqualified or otherwise unavailable, the Appeals Board for the Department of Commerce shall perform the functions of the decision officer under the rules contained in this subpart, and the decision and order of the Appeals Board shall constitute the final agency action.

##### § 1030.511 Objections.

(a) Any party in a proceeding under this part may file specific objections to the hearing examiner's findings of fact, conclusions of law, recommended decision and/or proposed order, provided that notice of intent to file such objections is filed with the Office within ten (10) days after service upon the parties of the hearing examiner's recommended decision and proposed order.

(b) Objections shall be in the form of a brief, not to exceed thirty (30) pages, filed no later than thirty (30) days after service of the hearing examiner's recommended decision and proposed order. The form of such briefs shall be controlled by § 1030.461. Answering briefs not to exceed thirty (30) pages, shall be filed not later than thirty (30) days after the closing date for submission of such objections. Reply briefs, not to exceed fifteen (15) pages, shall be filed not later than seven (7) days after the closing date for submission of answering briefs. All briefs shall be printed on one side only of each page and, if typewritten, double spaced.

(c) The briefs shall be made a part of the record and the entire record shall then be certified promptly to the decision officer.

(d) If no notice of intent to file objections to the hearing examiner's findings of fact, conclusions of law, recommended decision or proposed order are filed with-

in the time provided in paragraph (a) of this section, the record shall be certified at the conclusion of such time to the decision officer who shall decide the case in the manner provided in § 1030.513 (b). The decision officer may, at his discretion, request the parties to submit briefs on any or all of the issues raised by the record.

##### § 1030.513 Decision.

(a) If objections are filed pursuant to § 1030.511, unless all parties have stipulated otherwise in writing, there shall be oral argument before the decision officer at a date and time set by him in writing and served on all parties, which argument shall be reported stenographically. The original transcript shall be made a part of the record. Each party shall be limited to thirty (30) minutes for presentation of oral argument, unless the decision officer shall determine that the circumstances of the case require more lengthy presentation.

(b) Within a reasonable time after receipt and consideration of the record and oral argument, if any, the decision officer shall do one of the following:

(1) Remand the case to the hearing examiner for the reception of additional evidence;

(2) Issue an interlocutory decision, either orally or in writing, with respect to the issues of fact and questions of law involved in the proceeding. Thereafter, in his discretion, he may direct the hearing examiner to conduct a separate hearing on relief and form of order. The decision officer may permit the filing of additional briefs and may request that the prevailing party or parties propose a form of order and the other party or parties comment thereon, or that all parties present their views concurrently. Any failure to object to any part of a form of order proposed by a prevailing party will constitute a waiver of objection to it. The decision officer shall then render a decision as specified in subparagraph (3) of this paragraph;

(3) Issue findings of fact and conclusions of law and render a decision that adopts, modifies or sets aside the hearing examiner's findings, conclusions and recommended decision and states the reasons for his action, and enter an order which shall be served on each party to the proceeding.

(c) The order entered by the decision officer shall become effective ten (10) days after service thereof, unless the respondent appeals to the Appeals Board for the Department of Commerce, pursuant to the procedure set out in Part 1035 of this chapter or files a petition for reconsideration under § 1030.515.

##### § 1030.514 Appeals from orders under Part 1020 of this chapter.

Any party appealing from the denial of a motion under § 1020.123 of this chapter, shall file an appeal brief within seven (7) days after service of the order denying said motion. The answering brief shall be filed within seven (7) days

thereafter. The form of such briefs shall be controlled by § 1030.461. Oral argument will not be allowed.

##### § 1030.515 Petition for reconsideration.

Any party to a proceeding under this part may petition for reconsideration of a final decision or order of the decision officer by filing a written brief with the Office stating succinctly and with particularity the grounds upon which reconsideration is being sought within five (5) days after the date of service of the decision officer's order. The Office shall thereafter enter as promptly as possible an order either granting or denying the petition.

#### PART 1035—RULES OF PRACTICE FOR APPEALS IN PROCEEDINGS ORIGINATING UNDER PART 1030

Sec.

- 1035.101 Scope of rules.
- 1035.102 Board.
- 1035.103 Appeals.
- 1035.104 Certification of the record.
- 1035.105 Briefs.
- 1035.107 Oral Argument.
- 1035.108 Disposition of appeals by Board.
- 1035.109 Content of orders.

AUTHORITY: The provisions of this Part 1035 issued pursuant to sec. 5 of the Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47; Department Organization Order 25-3A (formerly Department Order 184-A), Jan. 1, 1968, 33 F.R. 54.

##### § 1035.101 Scope of rules.

The rules of practice in this part shall govern appeals from final decisions of the decision officer in a proceeding originating under Part 1030 of this chapter. Appeals in proceedings originating under Part 1000 of this chapter shall be governed by § 1000.802 of this chapter.

##### § 1035.102 Board.

(a) The Appeals Board for the Department of Commerce (referred to in this part as the "Board") shall have sole and exclusive jurisdiction to hear administrative appeals from final decisions of decision officers in proceedings under Part 1030 of this chapter.

(b) The Chairman of the Board shall designate a panel of three Board members, from time to time, to pass upon such appeals.

(c) All communications to the Board shall be addressed to: Chairman, Department of Commerce Appeals Board, Department of Commerce, Washington, D.C. 20230, and shall be in writing.

##### § 1035.103 Appeals.

(a) The respondent in a proceeding under Part 1030 of this chapter may appeal to the Board from the decision and order of the decision officer, provided that notice of intent to appeal is filed with the Board within ten (10) days after service of the decision officer's decision and order or, if the respondent files a petition for reconsideration of the decision officer's order (pursuant to § 1030.514 of this chapter), notice of

## PROPOSED RULE MAKING

Intent to appeal shall be filed with the Board within ten (10) days after the date of service of the decision officer's order either denying the petition for reconsideration or disposing of a petition that had been granted.

(b) The respondent, in a proceeding under Part 1030 of this chapter, may appeal on the following grounds: that prejudicial error of law was committed; that the findings were clearly erroneous or were not supported by substantial evidence; or that the provisions of the order are arbitrary, capricious or an abuse of discretion.

**§ 1035.104 Certification of the record.**

Promptly after the filing of notice of intent to appeal, the record including the decision and order of the decision officer, and any petition for reconsideration and order relating thereto, shall be certified to the Board.

**§ 1035.105 Briefs.**

(a) The appeal brief shall be served and filed no later than thirty (30) days after service of the appropriate order of the decision officer (determined pursuant to § 1035.103(a)); the answering brief shall be served and filed no later than thirty (30) days after service of the appeal brief; and the reply brief shall be served and filed no later than seven (7) days after service of the answering brief. The appeal and answering briefs shall not exceed thirty (30) pages (printed on one side only of each page and, if typewritten, double spaced) exclusive of appendices, and the reply brief shall not exceed fifteen (15) pages.

(b) An original and five (5) copies of each brief shall be filed with the Board and three (3) copies shall be served upon each party to the proceeding, including the Office.

(c) The appeal and answering briefs shall contain in the following order:

(1) Index, table of cases, statutes, and other authorities—and page references thereto;

(2) Concise, nonargumentative statement of facts, with specific page references to the record to support each assertion;

(3) Argument, with specific page references to the record to support each assertion;

(4) Conclusion;

(5) Appendix (optional), any record material or exhibits on which the party places particular reliance.

(d) The appeal brief shall, in addition, include in the argument section a specific explanation of how the grounds for appeal fall within the standards of § 1035.103(b), and, following the conclusion, any form of order that the respondent proposes be issued in lieu of the order issued by the decision officer.

**§ 1035.107 Oral argument.**

The Board will ordinarily determine an appeal on the basis of the briefs. The Board will allow oral argument only in exceptional cases when it deems it necessary, upon its own motion.

**§ 1035.108 Disposition of appeals by Board.**

(a) The appeal shall be determined upon the basis of the record and the briefs and argument, and shall not constitute a hearing de novo. The Board shall not substitute its discretion for that of the decision officer in any matter involving expertise in interpreting, defining, administering, or effectuating the policies and purposes of the regulations or other agency actions under the Program. The Board shall not consider facts or arguments affecting the merits of the policies embodied in the regulations or other agency actions alleged to have been violated.

(b) Unless two members of the Board are of the opinion, and so advise the Chairman of the Board in writing within 20 days after the date of the filing of the appeal brief, that they desire to grant the appeal or consider further briefs or arguments, the Chairman of the Board shall, on the 20th day after the date of the filing of the appeal brief, enter an order pursuant to § 1035.109(b).

**§ 1035.109 Content of orders.**

(a) The grant of an appeal may be by an order remanding the matter to the decision officer, accompanied with a brief statement of reasons therefor.

(b) The denial of an appeal ordinarily will be in the form of an order signed by the Chairman of the Board, stating that the appeal was denied by the Board on a particular date, and ordinarily will not be accompanied by an explanatory statement. Such denial without an explanatory statement shall be deemed equivalent to adoption by the Board of the decision officer's decision.

(c) Where the Board grants an appeal in part and denies it in part, it ordinarily will remand the matter to the decision officer, as specified in paragraph (a) of this section. Where the Board can appropriately dispose of such a matter by entering its own order, rather than by remanding the matter, it may do so.

(d) Entry of an order by the Board shall be effective ten (10) days after service thereof.

**PART 1040—COMPLIANCE PROCEDURES; REPORTS, ADVISORY OPINIONS, AND ENFORCEMENT**

**Subpart A—Compliance Reports**

Sec.

1040.111 Compliance reports following Parts 1030 or 1035 orders.

1040.114 Noncompliance with reporting requirements.

1040.121 Comment on report.

**Subpart B—Advisory Opinions on Compliance**

**AUTHORITY:** The provisions of this Part 1040 issued pursuant to sec. 5 of the Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47; Department Organization Order 25-8A (formerly Department Order 184-A), Jan. 1, 1968, 33 F.R. 54.

**Subpart A—Compliance Reports**

**§ 1040.111 Compliance reports following Parts 1030 or 1035 orders.**

(a) Whenever, in a proceeding under Parts 1030 or 1035, an order is entered requiring the respondent to refrain from or to undertake any future act or practice, the Office will further require the respondent to file a compliance report with the Office. Such requirement will be by action of the Director of the Compliance Division pursuant to § 1020.121(a)(2) of this chapter.

(b) Such report shall be in writing, signed by the respondent or an officer thereof, be made under oath or affirmation, and be filed with the Office, Attention: Director of Compliance Division.

(c) Such report shall set forth in detail the manner and form of the respondent's compliance with each of the provisions of the order.

(d) Such report shall be filed within twenty (20) days after the order becomes effective unless the Director of the Compliance Division, upon timely request, extends such time. Further and subsequent reports may also be required by the Director of the Compliance Division.

**§ 1040.114 Noncompliance with reporting requirements.**

In cases of failure to comply with compliance report requirements, the Office may initiate appropriate action pursuant to § 1025.111.

**§ 1040.121 Comment on report.**

The Office will review compliance reports. The Director of the Compliance Division may comment in writing to the respondent in respect to whether the actions set forth in such a report evidence compliance with the order.

**Subpart B—Advisory Opinions on Compliance**

**§ 1040.211 Request for opinion.**

Any respondent subject to an order issued under Parts 1030 or 1035 of this chapter may request advice from the Office as to whether a proposed course of action, if pursued by it, will constitute compliance with such order. The request for advice should be submitted in writing and should include full information regarding the proposed course of action.

**§ 1040.212 Response by Office.**

On the basis of the facts submitted as well as other information properly available to it, the Office will, where it is practicable and otherwise appropriate, inform the respondent whether the proposed course of action, if pursued, would constitute compliance with the order.

**Subpart C—Enforcement**

1040.311 Enforcement.

The Office expressly reserves the power to take such other and/or additional action as the public interest may require.

**§ 1040.213 Form of advisory opinion.**

The response of the Office, under § 1040.212, will be in writing, signed by the Director of the Compliance Division.

**§ 1040.214 Advisory opinion during compliance investigation.**

Once the Office has instituted an investigation to determine whether a respondent is in violation of an outstanding order issued against it, the Office will ordinarily consider it inappropriate to give the respondent an advisory opinion on the subject. No request for an advisory opinion, in such circumstances, will ordinarily cause the Office to discontinue such investigation.

**§ 1040.221 Revocation.**

The Office may, at any time, reconsider any advice or comment made under § 1040.121 or § 1040.213, and rescind, alter, or revoke the same. If it does so, the Office will, whenever possible, give prompt notice to the respondent.

**§ 1040.222 Reliance.**

(a) When the Office believes that a respondent has violated an order issued against it under Parts 1030 or 1035 of this chapter but the respondent establishes to the Office that it acted in actual, properly warranted, and good faith reliance upon written advice to it under § 1040.121 or § 1040.213, then the Office will not proceed or recommend any proceeding against such respondent in respect to such possible violation without first giving respondent notice under § 1040.221 and an opportunity to discontinue the questioned practice or transaction and to correct the effects thereof.

(b) If the respondent effects such discontinuance and correction promptly and fully, and satisfies the Office that it is complying with the requirements of the Program in regard to the matter, then the Office will take no further action.

**Subpart C—Enforcement**

**§ 1040.311 Enforcement.**

When the Office has information indicating that a respondent has failed or is failing to comply with the provisions of an order entered against the respondent under Part 1030, the Office may institute or recommend a civil or criminal enforcement proceeding (see, e.g., 50 U.S.C. App. 5(b)(3), 17) or a further administrative proceeding under Part 1030 of this chapter.

**PART 1050—MISCELLANEOUS RULES**

Sec.

- 1050.101 Appearances.
- 1050.102 Standards of conduct.
- 1050.103 Requirements as to form and filing of documents.
- 1050.104 Clerk.
- 1050.105 Time computation.
- 1050.106 Service.
- 1050.107 Fees.
- 1050.108 Ex parte communications.
- 1050.111 Freedom of information.

**AUTHORITY:** The provisions of this Part 1050 issued pursuant to sec. 5 of the Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47; Department Organization Order 25-3A (formerly Department Order 184-A), Jan. 1, 1968, 33 F.R. 54.

**§ 1050.101 Appearances.**

(a) **Qualifications.** (1) Members of the bar of a Federal Court or of the highest court of any State or territory of the United States are eligible to practice before the Office and the Appeals Board for the Department of Commerce in any proceeding under Parts 1020-1050 of this chapter.

(2) Any individual or member of a partnership involved in any such proceeding may appear on behalf of himself or of such partnership, upon adequate identification. A corporation or association may be represented by an officer thereof.

(b) **Notice of appearance.** Any person desiring to appear before the Office on behalf of a person or party shall file a written notice of his appearance, stating the basis of his eligibility under this section. No other application shall be required for admission to practice, and no register of attorneys will be maintained.

**§ 1050.102 Standards of conduct.**

(a) All persons practicing before the Office shall conform to the standards of ethical conduct required of practitioners in the courts of the United States. Accountants who prepare reports or other documents for submittal to the Office shall conform to the standards of ethical conduct prescribed by the State Board of Accountancy or other licensing authority for the State in which such accountant maintains his principal place of business.

(b) If the Office has reason to believe that any person is not conforming to such standards, or that he has been otherwise guilty of conduct warranting disciplinary action, the Office may issue an order requiring such person to show cause why he should not be suspended or disbarred from practice before, or from the preparation of reports or other documents for submittal to, the Office. The alleged offender shall be granted due opportunity to be heard and may be represented by counsel. Thereafter, if warranted by the facts, the Office may issue against the person an order of reprimand, suspension, disbarment, or other appropriate sanction.

**§ 1050.103 Requirements as to form and filing of documents.**

(a) **Filing.** In formal administrative proceedings under Part 1030 of this chapter, except as otherwise provided, all documents submitted to the Office shall be addressed to the hearing examiner. Where practicable, such documents shall be filed with him; otherwise, they shall be filed with the Clerk (see § 1050.104). Informational applications or requests, however, may be submitted directly to the official in charge thereof or to the Director of the appropriate Division.

(b) **Title.** Documents shall clearly show the file or docket number and title of the matter in connection with which they are filed.

(c) **Copies.** Five copies of all formal documents shall be filed, unless otherwise specified. Informal applications and correspondence should be submitted in the form of an original and two copies thereof.

(d) **Form.** (1) Documents shall be printed, typewritten (double spaced) or otherwise processed in permanent form and, except for printed exhibits, on one side only of each page.

(2) Wherever practicable, documents shall be on paper approximately 8½ inches by 11 inches, bound or stapled on the left side.

(e) **Signature.** One copy of each document filed shall be signed by a person who has entered an appearance (or in informal matters by a person qualified to do so).

**§ 1050.104 Clerk.**

The Director of the Office shall designate an employee of the Office to serve as Clerk of the Office. The Clerk shall, in general, perform the functions of the Clerk of a district court, in respect to the proceedings under Part 1030 of this chapter and where otherwise appropriate. Papers may be filed with him; he shall accept and record receipt of formal papers; he shall enter the orders of hearing examiners and cause them to be served upon parties. Where it is appropriate, the Clerk shall sign documents and other papers in the name of the Office. Nothing contained in this section shall be deemed to preclude the Clerk from performing any other functions within the Office.

**§ 1050.105 Time computation.**

Computation of any period of time prescribed or allowed under Parts 1020-1040 of this chapter shall begin with the first business day following that on which the act, event, or development initiating such period of time shall have occurred. When the last day of the period so computed is a Saturday, Sunday, or national holiday, or other day on which the Office is closed, the period shall run until the end of the next following business day. When such period of time, with the intervening Saturdays, Sundays, and national holidays counted, is 5 days or less, each Saturday, Sunday, and any such holiday shall be excluded from the computation. When such period of time, with the intervening Saturdays, Sundays, and national holidays counted, exceeds 5 days, each of the Saturdays, Sundays, and such holidays shall be included in the computation.

**§ 1050.106 Service.**

(a) **By the Office.** (1) Service of notices, orders, and other processes of the Office or a hearing examiner may be effected as follows:

(i) **By registered or certified mail.** A copy of the document shall be addressed to the person to be served, at its residence, office, or place of business, and

## PROPOSED RULE MAKING

sent thereto by registered or certified mail; or

(ii) *By delivery to an individual.* A copy thereof may be delivered to the natural person to be served, or to a member of the partnership to be served, or to any officer or director of the corporation or unincorporated association to be served; or

(iii) *By delivery to an address.* A copy thereof may be left at the office or place of business of the person, or it may be left at the residence of the person or of a member of the partnership or of an officer or director of the corporation or unincorporated association to be served.

(2) All other documents may be similarly served, or they may be served by ordinary first-class mail.

(b) *By other parties.* Service of documents by parties other than the Office shall be by delivering copies thereof as follows: Upon the Office, by personal delivery or delivery by first-class mail to the Clerk; upon any other party, by delivery to the party, as specified in paragraph (a) of this section.

(c) *Service on attorney of party.* When a party is represented by a person qualified pursuant to § 1050.101(a), and such representative has filed a notice of appearance as required by § 1050.101(b), or has filed any pleading or other document on behalf of the party, any notice, order, or other process or communication required or permitted to be served upon a person or party may be served upon such representative in lieu of any other service.

(d) *Proof of service.* (1) When service is by registered, certified, or ordinary first class, it is complete upon delivery of the document by the post office to the person served.

(2) The return post office receipt for a document registered or certified and mailed, or the verified return or certificate by the person serving the document by personal delivery, shall be proof of the service of the document. All documents served by ordinary mail shall have appended thereto a certificate of service, setting forth the manner of said service, including the address of any person so served.

#### § 1050.107 Fees.

(a) *Witnesses.* Any person compelled to appear in person in response to compulsory process shall, upon his application therefor, be paid the same fees and mileage as are paid witnesses in the courts of the United States.

(b) *Responsibility.* The fees and mileage referred to in this section shall be paid by the party at whose instance the witness appears.

#### § 1050.108 Ex parte communications.

(a) In a formal administrative proceeding, no person not employed by the Office and no employee or agent of the Office who performs any investigative or prosecuting function in connection with the proceeding, shall communicate ex parte, directly or indirectly, with any person involved in the decisional process in such proceeding, with respect to the

merits of that or a factually related proceeding.

(b) In a formal administrative proceeding, no person involved in the decisional process of such proceeding shall communicate ex parte, directly or indirectly, with any person not employed by the Office, or with any employee or agent of the Office who performs any investigative or prosecuting function in connection with the proceedings, with respect to the merits of that or a factually related proceeding.

(c) In a formal administrative proceeding, if an ex parte communication is made to or by any employee involved in the decisional process, in violation of paragraph (a) or (b) of this section, such employee shall promptly inform the Office of the substance of such communication and the circumstances thereof. The Office will take such action thereon as it may consider appropriate.

#### § 1050.111 Freedom of information.

(a) All documents (including transcripts) filed in formal administrative proceedings conducted under Part 1030 of this chapter (except those documents placed in camera pursuant to § 1030.451(b) of this chapter), and such other documents as the Office may from time to time designate, shall be made part of the public records of the Office. Copies thereof are maintained for public inspection and copying in the office of the Clerk (see § 1050.104).

(b) For good cause shown and upon application by any party submitting a document that is to be placed on the public record, pursuant to paragraph (a) of this section, the Office may excise trade secrets and customarily privileged commercial or financial information obtained from any person. Requests for such excision may be made by timely submittal to the Office of a written request specifying with particularity each item sought to be excised and setting forth in each instance a full statement of the party's business reasons for requesting excision. Mere conclusory allegations and requests that an entire document be omitted from the public record will not be deemed to satisfy the requirements of this paragraph.

(c) All documents of any description received by the Office from any person in connection with an investigation of possible noncompliance with the Program, and not described in paragraph (a) of this section, are considered part of the investigatory files of the Office, compiled for law enforcement purposes, and will not be disclosed to any person except pursuant to law.

(d) Terms used in this section shall have the meanings ascribed thereto in 5 U.S.C. §§ 551-553.

*Effective date.* The amendments hereby proposed to Parts 1020-1050 shall be effective as of the date of publication in final form in the *FEDERAL REGISTER*, and shall govern all proceedings commenced after the effective date and all pending proceedings except to the extent that the Director of the Office determines, in his

discretion, that application of the amendments or any portion thereof in a pending proceeding would not be feasible or work injustice, in which case the appropriate former rule or rules shall apply.

DONALD P. KATZ,  
Director, Office of  
Foreign Direct Investments.

JANUARY 7, 1971.

[FR Doc. 71-500 Filed 1-18-71; 8:48 am]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

### 14 CFR Part 71

[Airspace Docket No. 70-SO-106]

#### TRANSITION AREA

##### Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Louisville, Miss. transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, TN 38118. All communications received within 30 days after publication of this notice in the *FEDERAL REGISTER* will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Louisville transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Louisville-Winston County Airport (lat. 33°08'35" N., long. 89°03'45" W.); within 3 miles each side of the 352° bearing from Louisville RBN (lat. 33°08'37" N., long. 89°03'39" W.), extending from the 5.5-mile radius area to 8.5 miles north of the RBN.

The proposed designation is required to provide controlled airspace protection for IFR operations at the Louisville-Winston County Airport. A prescribed instrument approach procedure, utilizing the Louisville (private) RBN, is proposed in conjunction with the designation of this transition area.

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

Issued in East Point, Ga., on January 4, 1971.

JAMES G. ROGERS,

Director, Southern Region.

[FR Doc. 71-471 Filed 1-13-71; 8:46 am]

#### National Highway Safety Bureau

##### [49 CFR Part 575]

[Docket No. 71-2; Notice 1]

#### CONSUMER INFORMATION

##### Availability Requirements

The Consumer Information Regulations were issued as final rules on January 25, 1969 (34 F.R. 1246), and were amended thereafter on May 23, 1969 (34 F.R. 8112), and October 22, 1969 (34 F.R. 17109). Currently, § 575.6 requires that the manufacturer furnish the required information with the vehicle at the time of the original purchase, in addition to making it "available for examination by prospective purchasers" at the location where the vehicle is originally offered for sale. This notice proposes that § 575.6 be revised, to require that the information be supplied in sufficient quantity to be retained by prospective purchasers or mailed to them upon their request.

In addition to providing consumers with performance data on vehicles which they have already decided to purchase, a key objective of the consumer information regulations is to aid consumers in comparing the safety and performance features of various vehicles which they may be considering purchasing. Rational and effective comparison may be impeded by a system which permits examination of data only in the dealer's showrooms under sales-oriented conditions. Moreover, many individuals, particularly in rural areas, must necessarily make initial decisions based solely on information which is available to them through the mails. Limitation of consumer information requirements to in-shop examination effectively denies to such individuals the benefits of the consumer information provisions of the National Traffic and Motor Vehicle Safety Act. Recognizing some of these drawbacks to the operation of the present requirements, the Congress, in Public Law 91-625 (84 Stat. 262), amended the Act to specifically grant to the Secretary the authority to require that the specified information be provided in printed form which could be retained by a prospective purchaser visiting the showroom or be available for mailing to such a prospective purchaser upon his request.

The proposed amendment carries out the legislative mandate, requiring the provision of consumer information in sufficient quantity to be available for retention by or mailing to a prospective

purchaser. The question of what quantities are sufficient to satisfy consumer demand cannot be settled in advance by regulation or otherwise. It is intended, however, that the manufacturers should take steps to ensure that a continuous supply of the information documents is available for retention by prospective purchasers at each dealership.

In consideration of the above, it is proposed that 49 CFR 575.6(b) be revised to read as follows:

##### § 575.6 Requirements.

(b) Every manufacturer of motor vehicles shall provide for examination by prospective purchasers, at each location where its vehicles are offered for sale by a person with whom the manufacturer has a contractual, proprietary, or other legal relationship, the information specified in Subpart B of this part that is applicable to each of the vehicles offered for sale at that location. The information shall be provided in sufficient quantity to be available for retention by prospective purchasers, or sent by mail to a prospective purchaser upon his request. With respect to newly introduced vehicles, the information shall be provided for examination and be available for distribution to prospective purchasers not later than the day on which the manufacturer first authorizes those vehicles to be put on general public display and sold to consumers. Any requirements in Subpart B that an information document unconditionally indicate data applicable to the vehicle with which it is provided shall not apply to information provided pursuant to this paragraph.

The proposed effective date is September 1, 1971.

Interested persons are invited to submit written data, views, or arguments on this proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Safety Bureau, Room 4223, 400 Seventh Street SW, Washington, DC 20591. It is requested but not required that 10 copies be submitted. All comments received on or before the close of business on March 15, 1971, will be considered, and will be available in Room 4223 for examination both before and after the closing date. To the extent possible, comments filed after the above date will also be considered by the Bureau. However, the rulemaking action may proceed at any time after that date and comments received after that time and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Bureau will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

This notice of proposed rulemaking is issued under the authority of sections 112 and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1401,

1407), and the delegations of authority at 49 CFR 1.51 (35 F.R. 4955) and 49 CFR 501.8 (35 F.R. 11126).

Issued on December 31, 1970.

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

[FR Doc. 71-506 Filed 1-13-71; 8:49 am]

## FEDERAL COMMUNICATIONS COMMISSION

##### [47 CFR Part 73]

[Docket No. 19116; FCC 71-23]

#### FM BROADCAST STATIONS

##### Table of Assignments; Skowhegan, Maine, etc.

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations. (Skowhegan, Augusta, Westbrook, and South Paris, Maine; Plymouth and Dover, N.H.; and Waterbury, Vt.), RM-1442, RM-1464.

1. In this notice of proposed rulemaking, the Commission chiefly invites comments on a proposal (RM-1442) to assign Class C FM Channel 286 to Skowhegan, Maine, as a substitute for Channel 296A now assigned there, to permit wide-area coverage of underserved portion of northern New England. This involves changes in assignments at Augusta, Westbrook, and South Paris, Maine. Comments will also be entertained on another proposal (RM-1464) partially in conflict with the Skowhegan proposal, to assign Channel 248 as a Class C assignment at Plymouth, N.H., with a substitution of channels at Dover, N.H.<sup>1</sup> However, for reasons stated below we are presently of the view that the latter proposal is much less meritorious than the Skowhegan request, and also presents substantial problems otherwise, so that unless various objections are met in the comments herein (including establishment of the fact that a Class A channel cannot be assigned to Plymouth), this proposal must be denied.

2. The present assignments at the communities involved, the Skowhegan proposal both as originally presented and as modified to meet objections of potential second-harmonic interference to Portland TV Channel 13, and the Plymouth proposal, are as follows (where

<sup>1</sup> The petitioners are, for Skowhegan, Kennebec Valley Broadcasting System, Inc., licensee of the AM station at Skowhegan (daytime-only) and permittee of the Class A FM station there on Channel 296A; and for Plymouth, Lakes Region Broadcasting Corporation, Inc., which is not shown to have any broadcast interests (it is not the licensee of the Plymouth AM daytime-only station.)

The Plymouth petition also proposed an assignment at Concord, N.H., with a concomitant change at Biddeford, Maine, but this is not related to its principal proposal and is not discussed further herein.

## PROPOSED RULE MAKING

nothing is shown opposite a city, it means the proposal does not involve it:

City	Present	Skowhegan proposal (original)	Skowhegan proposal (modified)	Plymouth proposal
Maine:				
Skowhegan	296A	286	286	
Augusta	261, 283	261, 294	261 and 281 or 282	
Westbrook	285A	288A	265A	
South Paris	288A	224A	224A	
New Hampshire:				
Plymouth			248	
Dover		248		287
Vermont:				
Waterbury	287	287	287	

<sup>1</sup> As noted below, the Skowhegan proposal would treat the Waterbury assignment as Class B rather than Class C, for mileage-separation purposes.

3. The conflict between the Skowhegan and Plymouth proposals lies in the fact that the latter involves use of Channel 287 at Dover, which is less than the minimum first-adjacent B to C separation (135 miles) with respect to both the Skowhegan reference point and the site north of the city proposed by the Skowhegan petitioner. Of the present assignments listed and involved here (i.e., other than Channel 261 at Augusta, which is occupied), the Skowhegan petitioner is the permittee on Channel 296A at that city. Station WDNH operates on the Dover assignment (its CP and license were granted conditionally on acceptance of whatever modification is involved in this proceeding), a CP is outstanding using the South Paris assignment at Norway, Maine (similarly conditioned), and the Augusta Channel 283 assignment is sought by an applicant for Gardiner, Maine. The Westbrook and Waterbury assignments are vacant.

4. In addition to the petitions (and a Supplement to the Plymouth petition) and other pleadings filed by these two parties, oppositions were filed to the Plymouth proposal by the licensee of the new Dover, N.H. station, Eastminster Broadcasting Corp., and the Portland Channel 13 television licensee (Guy Gannett Broadcasting Services). The latter party also opposed the original Skowhegan proposal for the same reason: The potential for second-harmonic interference to its station; it later indicated no objection to the Skowhegan proposal as revised. All of the rather extensive material has been considered in the formulation of our proposals herein.

5. *Population data and other services and assignments.* The 1970 Census populations of Skowhegan and its county (Somerset, of which it is the county seat and largest community) are respectively 6,571 and 40,597. The daytime-only AM station and Class A FM station and channel at Skowhegan are the only stations or assignments in the county. The preliminary 1970 Census populations of Plymouth and its county (Grafton) are 4,123 and 53,391; it is not the county seat or largest community. In addition to the daytime AM station at Plymouth, there are Class IV (local) AM facilities in the county at Hanover (two) and Lit-

tleton, 30 and 40 miles away; there is an unoccupied Class A FM channel at Hanover. Lakes Region states that none of these facilities served Plymouth. The closest outside stations to Plymouth are in the larger city of Laconia, some 20 miles away, Class A FM and Class IV and daytime AM. Of the other communities directly involved, Dover, N.H., has a preliminary 1970 Census population of 20,640 (and its county 69,274), and full time regional AM and Class B FM outlets; and Waterbury, Vt., has a population of 2,840, a full time regional AM station and the unoccupied FM channel mentioned above. It is about 10 miles from the larger center of Montpelier, the State capital (in the same county).

6. *The Skowhegan proposal.* The Skowhegan Class C proposal is tied to a proposed location on Sugarloaf Mountain, a mountain of more than 4,000 feet height above sea level some 34 miles northwest of that city. So operating, it is claimed that it would provide a 1 mv/m or stronger signal to 10,644 square miles, and a population of 199,364, with 41.6 percent of this area (4,228 square miles) now not in a position to receive any such signal, and another 25 percent (2,668 square miles) able to receive only one.<sup>2</sup>

7. Obviously, a proposal which would provide a first primary FM service to this extent has substantial merit, and none of the other parties argues with the Skowhegan Class C assignment proposal as such. The three matters which are raised in connection with it are as follows:

(a) *Second harmonic interference to Portland Channel 13 reception.* TV Channel 13 occupies the frequencies from 210 to 216 MHz, and thus the second harmonic of stations on FM Channels 286 through 300 (105.1 to 107.9 MHz) falls within it. As mentioned, the Portland Channel 13 licensee objected to the original proposal, not because of the proposed Channel 286 assignment itself (which would represent an improvement over 296A now at Skowhegan) but with respect to the proposed Augusta and Westbrook changes. The petitioner modified its plan accordingly, as indicated above, and the Portland TV licensee stated that it has no objection to the proposal as modified.

(b) *Spacing to the Waterbury, Vt. Channel 287 assignment.* Skowhegan is in Zone II, and therefore both Channels 286 and 287 are normally regarded as Class C assignments, with a minimum first adjacent-channel spacing of 150 miles under § 73.207(a) of the Rules. However, petitioner urges that this is not applicable in this case, because the Waterbury assignment is specifically limited, with respect to Canada, to maximum Class B facilities (50 kw E.R.P. and

<sup>2</sup> The standards used in this determination appear to be those set forth in the Commission's decision in Docket 17095 (1967), Roanoke Rapids, N.C. et al. 10 R.R. 2d 1777-1778, under which it is assumed that all assignments are occupied, that Class A stations use maximum facilities and Class C stations use 75 kw E.R.P. at 500 ft. a.a.t. (or greater facilities if the Class C stations actually have them).

500 feet a.a.t.) under the U.S.-Canada FM Working Agreement of 1963. It is contended that, while conceivably a station using this now-unoccupied assignment could directionalize so as to meet this limitation and still radiate more power in other directions, it would be impossible under the FM directional antenna rules for it to achieve maximum Class C facilities in any direction under these conditions, and that therefore Class C spacings, which are based on maximum facilities, are inappropriate for use. Accordingly, it is argued, the Waterbury assignment should be regarded, for this purpose, as Class B, and the applicable spacing is 135 miles. This is met city-to-city between Skowhegan and Waterbury; it is not met from the proposed Sugarloaf site, but petitioner contends that any use of the Waterbury assignment could, and should be required to, be located somewhat to the west of that city.

(c) *Alternative site at Skowhegan.* If Channel 286 is used at the Sugarloaf location, it would absolutely preclude the assignment of Channel 287 at Dover, N.H., as proposed in the Plymouth petition, since any location near that city far enough south to be 135 miles from Sugarloaf would be well under the 105-mile specified minimum distance to a station on Channel 286 at Providence, R.I. (there is about a 10-mile overlap of the pertinent arcs from the two locations). Accordingly, the Plymouth petitioner urged that the Channel 286 assignment at Skowhegan be considered on the basis of location on Avery Peak, a mountain of roughly the same height some 8 miles farther north (farther from Skowhegan). There was considerable argument between the two petitioners concerning relative ease of access and "shadowing" problems involved in use of these locations.

8. *The Plymouth proposal.* As with the Skowhegan proposal, petitioner Lakes Region urges that a Class C channel should be assigned to Plymouth to give wide coverage of an underserved area. However, the facts are considerably different. On the basis of the same assumptions used by the Skowhegan petitioner (see footnote 3, above), a Class C channel at Plymouth, N.H., using maximum facilities as petitioner proposes,<sup>3</sup> would provide a 1 mv/m signal to an area of 12,600 square miles (and over 1,000,000 persons), but a first such signal to none and a second to only 600 square miles. Even if only now-authorized stations and present facilities are assumed (which petitioner claims is more realistic), the area now receiving no 1 mv/m signal is only 28 square miles and the area receiving only one is only 1,030 square miles. Petitioner also emphasizes the need for more service in its county (Grafton) and adjacent Carroll and Belknap Counties, which have rather few and usually low-power aural stations at present. It is claimed that

<sup>3</sup> The channel would have to be used somewhere south of Plymouth. Lakes Region contemplates an operation from Hersey Mountain, where it can get 2,000 ft. a.a.t.

these areas are important, because of tourism and for other reasons, and that therefore opportunity for wide coverage through a large-facility station should be provided.

9. The proposal involves four problems, aside from the matter of possible interference to TV Channel 13 from the Channel 287 substitution proposed for Dover, which led the Portland television licensee to oppose this petition. The other problems are:

(a) *Site restriction on Channel 246 at Rutland, Vt.* Plymouth and the proposed Channel 248 transmitter location are in Zone II; therefore, even though the Rutland, Vermont assignments have been recently reclassified as Class B instead of Class C, the required spacing between B-C stations two channels apart is 65 miles. It is less than that distance between the proposed Plymouth site and Rutland, and therefore Channel 246, assigned at Rutland but unoccupied, would have to be used at a point a few miles south or southwest of that city. After this matter was raised in opposition, Lakes Region showed that from an assumed location (Green Hill) within the permissible area of use, a station could provide suitable coverage of Rutland (no further details were given).

(b) *Use of Channel 287 at Dover, N.H.* An integral part of the Plymouth proposal is finding a replacement Class B channel for Dover, N.H., to replace Channel 248, which is now occupied by Station WDNH but which petitioner would move to Plymouth for its use. Petitioner proposes Channel 287 for Dover. As noted above, the licensee of this recently authorized station vigorously opposed the petition, since it would have to have a location outside of Dover (likely near another city) and operate by remote control. In this respect, the situation is as follows: a station using Channel 287 would have to be some 5 miles north of Dover in order to meet separation requirements with a co-channel station at Providence, R.I. If the present Channel 285A assignment at Westbrook, Maine were continued, the location would also have to be to the west, in an area some 8 miles or farther from Dover (near Rochester, N.H.). This assignment is proposed for change in connection with the Skowhegan proposal, but the proposed assignment of Channel 286 at Skowhegan involves an even greater limitation. As noted above, if the latter were used at Sugarloaf Mountain, the Skowhegan proposed site, Dover use of Channel 287 would be completely precluded. If the alternative Skowhegan site suggested by Lakes Region, Avery Peak, were used instead, Channel 287 used at Dover would have to be in one of two areas, either a very small area (only about 1 square mile) nearly 20 miles northwest of Dover, or a somewhat larger area 10 to 13 miles east of Dover, near the Atlantic coast.

(c) *Effect on the Waterbury, Vt. assignment.* As noted above, use of Channel 286 at Skowhegan presents some problem with respect to the Waterbury, Vermont Channel 287 assignment. The

problem if Channel 287 is used at Dover is even greater, and Lakes Region proposes that the unused assignment at Waterbury simply be deleted.

(d) *Preclusion effect on use of Channel 249A.* In response to a Commission staff inquiry, the Supplement to the Lakes Region petition shows the area where otherwise possible use of Channel 248 and the six adjacent channels would be precluded if the proposed assignment at Plymouth were made. There is no preclusion effect on five of the seven channels, and on Channel 248 itself only in a small area of northwestern Maine, sparsely populated and appearing to contain no communities. However, there are more substantial preclusion areas on first adjacent Channel 249A, including one in western Maine north of Farmington (which appears to include no communities of substantial size), and a larger area in southwestern New Hampshire and central and western Massachusetts, including, among other, the communities of Athol and Orange (1970 preliminary Census populations about 11,000 and 6,000 respectively). These places have no assignments, although they receive service from stations in places fairly close by such as Keene, New Hampshire and Fitchburg and Worcester, Mass. It is not shown what other channels, if any, could be used for assignments at these places.

*Conclusions and proposal.* 10. Upon consideration of the foregoing matters, we reach the following conclusions, and set forth the proposals discussed below. Our conclusions are as follows:

(a) The request to assign Channel 286 at Skowhegan, Maine, is clearly meritorious, and should be adopted as a Commission proposal. In this connection, it should be noted that we cannot subscribe to this petitioner's view as to the status of the Waterbury, Vt., Channel 287 assignment. This is a Class C assignment under our Rules, and while it would have to be limited to maximum Class B facilities with respect to, and in the direction of, Canada, this does not mean that it would necessarily be so limited domestically, even though it might not be able to obtain maximum Class C facilities.

However, there is one circumstance which makes this consideration, which might otherwise be a substantial problem, relatively easy to resolve. This is that Waterbury is only about 15 miles from Mount Mansfield, Vt., where a Burlington station (WVNY) operates with maximum Class C facilities, 36 kw E.R.P. and 2,700 ft. a.a.t. So operating, WVNY has a very wide coverage area, greater than that which a station using the Waterbury assignment would be likely to have even if operating with large facilities. This removes the need for a wide-coverage channel at Waterbury to provide service to unserved areas, and makes appropriate the deletion of that assignment in favor of the Skowhegan assignment with its obvious service benefits, if a limited-coverage Class A channel can be found for Waterbury. Channel 296A can be assigned to Waterbury in conformance with the Rules and without making any other changes in the Table; accordingly, we herein propose to

assign Channel 286 to Skowhegan, delete Channel 287 at Waterbury and substitute Channel 296A at Waterbury.

(b) *Second harmonic interference to television Channel 13 reception.* With respect to potential second-harmonic interference to reception of Portland Channel 13, this is a consideration which has come up on a number of occasions in connection with FM assignments and authorizations. We have recognized that it exists; on the other hand, as the two petitioners herein point out, we have also stated that it can be corrected by installation of traps in TV receivers within the affected area, as well as proper operation of the FM station so as to keep second-harmonic radiation well suppressed. Our position has been and is that this is not a factor which can ordinarily be taken into account in making FM assignments, since to do so would unduly limit the use of the FM band and the development of this service. See the Public Notices "Policy to Cover the Change of FM Channels to Avoid Interference to Television Reception" and "FM Interference to TV Reception", FCC 66-106 and FCC 67-1012, respectively, issued in February 1966 and September 1967. However, we have taken action to relieve this potential problem in a number of individual cases where it appeared that FM channel assignment efficiency would not be substantially affected. In this case, as far as we can determine at this time, the alternatives proposed by the Skowhegan petitioner with respect to the changes in channels at Augusta, and Westbrook, to avoid this problem, are as suitable in other respects as those originally proposed which could have involved it. Therefore, we are proposing these as the first alternatives, below, with the original proposal as a second choice. If commenting parties suggest that the second choices, those originally proposed, are superior, they may be adopted instead. Insofar as the Dover Channel 287 assignment is concerned, if it appears that this is otherwise in the public interest—which now appears unlikely—in our view it should be made irrespective of this consideration.

(c) *The Plymouth proposal.* In our view, the proposal to assign a Class C channel at Plymouth does not warrant consideration as such, in view of the relative lack of service to under-served areas which would be provided, the problems involved at Rutland and Dover, and the substantial preclusive effect it would have on assignments in Massachusetts noted above.<sup>4</sup> In view of all of

<sup>4</sup> Lakes Region urges that, if nothing else is possible, a waiver of the separation rules should be permitted to make the Dover assignment. Our present view is that this would not be considered. We have emphasized in the past the importance of maintaining the integrity of the separation rules, and accordingly have denied requests for FM assignment in cases more meritorious than this. We adhere to these views. Moreover, we point out also that while we have in the past made changes in the channels of existing stations where necessary to provide additional needed assignments, none of these has involved a change in site such as would be involved in the case of the Dover station here.

## PROPOSED RULE MAKING

the pertinent circumstances, this does not fall within the scope of previous decisions in which we have made such assignments to communities as small as Plymouth or even smaller. However, we are also of the view that Plymouth does warrant an FM assignment. This would be expected to be a Class A channel, but it may be that here, as in a few other cases, a wide-coverage channel can be assigned but a Class A channel cannot.<sup>1</sup> Therefore, we are proposing below the assignment of a Class A channel to Plymouth, or, if none is available, Class C Channel 248 with the corresponding changes at Dover. The latter will be considered only if all of the following facts are shown: (1) There is no Class A channel which could be assigned without either rather complicated readjustments elsewhere or changes involving authorized stations; (2) a site, suitable in all pertinent respects, is actually available at which Channel 287 could be used at Dover, N.H.; (3) suitable sites appear to be available for use of Channel 246 at Rutland, Vt. As to the relationship of this matter to the Skowhegan proposal, we reach no decision at this time; if it appears that the Plymouth-Dover proposal would be in the public interest otherwise, the Skowhegan assignment may be made on a basis that would permit the Dover assignment also.

11. In view of the foregoing, comments are invited on the following additions and deletions to the Table of FM Assignments contained in § 73.202(b) of the rules as well as on the question of whether Channel 296A, now in Skowhegan, should be deleted there or retained so that the new channel could be open to any other qualified applicant as well as the present licensee on Channel 296A:

City	Add	Delete
Augusta, Maine	281 or 282 or 294	283
Skowhegan, Maine	286	296A
South Paris, Maine	224A	288A
Westbrook, Maine	265A or 288A	285A
Plymouth, N.H.	Class A or 248 <sup>1</sup>	
Dover, N.H.	287 <sup>1</sup>	248
Waterbury, Vt.	296A	287

<sup>1</sup> Assignment of Channel 248 to Plymouth, N.H., and substitution of Channel 287 for 248 at Dover, N.H., will be considered only on the conditions mentioned in paragraph 10(c) hereinabove.

12. The following "cut-off" procedure will govern here in consideration of the matters herein and related requests:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

<sup>2</sup> Petitioner Lakes Region's engineering statements claim that a "suitable" channel other than Channel 248 cannot be found for Plymouth. However, it appears that this means a Class C channel. It does not appear whether or not a Class A assignment could be made.

(b) With respect to petitions for rule making which conflict with any of the proposals in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

See notice of proposed rule making, Docket No. 19074, adopted October 28, 1970 (FCC 70-1162), paragraph 17, page 7.

13. Authority for the action proposed herein is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

14. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before February 16, 1971, and reply comments on or before February 26, 1971. All submissions by parties to this proceeding, or by persons acting in behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

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

Adopted: January 6, 1971.

Released: January 8, 1971.

FEDERAL COMMUNICATIONS  
COMMISSION<sup>2</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc. 71-518 Filed 1-13-71; 8:50 am]

<sup>1</sup> Commissioners Bartley and H. Rex Lee absent; Commissioner Houser not participating.

City	Assignment present	Notice in D. 18476 (RM-1368)	RM-1496 (Jasper) Plan I	RM-1496 (Jasper) Plan II	RM-1496 (Arab)
Talladega			1 224A	224A	224A
Hartselle			224A	224A	224A
Fayette		225	224A	251	249A
Arab			224A	224A	224A
Jasper		273	224A, 273	224A, 273	273
Demopolis		252A	292A	292A	

<sup>1</sup> In order to meet mileage separation requirements with respect to existing assignments, the Talladega assignment would have to be roughly 4 miles south-southwest of that city. So located, there is no conflict with any of the other proposals herein.

<sup>2</sup> The Arab petitioner proposes Ch. 269A as a replacement at Fayette, but this appears to overlook the fact that it is assigned, though unused, at Fulton, Miss. Accordingly, we are not proposing this substitution, since there are other possibilities.

<sup>3</sup> The Jasper petitioner proposes Ch. 224A for both Jasper and Arab. These cities are only 58 miles apart (reference point distance) and it is admitted that such assignment would require "cooperation between prospective permittees". The channel cannot be assigned to both Jasper and Hartselle.

3. The 1960 and preliminary 1970 U.S. Census populations of the five cities mentioned above (other than Demopolis, where only a possible substitution of Class C channels is involved), and their respective counties, are as follows:

## [47 CFR Part 73]

[Docket No. 18476; FCC 71-22]

## FM BROADCAST STATIONS

## Table of Assignments; Certain Stations in Alabama

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations. (Doniphan, Mo.; Princeton, W. Va.; Auburn, Nebr.; Cayce, S.C.; Sallie, Okla.; Heber Springs, Ark.; Preston, Minn.; Barnstable, Nantucket, and Falmouth, Mass.; Mineral Wells, Tex.; Fayette, Hartselle, and Talladega, Ala.; Mariposa, Calif.; Greenville, Hartford, Cadiz, Elizabethtown, Burnside, and Greensburg, Ky.; Flora, Ill., Jasper, Arab, and Demopolis, Ala.). RM-1356, RM-1359, RM-1360, RM-1364, RM-1368, RM-1373, RM-1374, RM-1376, RM-1377, RM-1378, RM-1379, RM-1382, RM-1383, RM-1389, RM-1390, RM-1391, RM-1414, RM-4117, RM-1496.

1. The purpose of this further notice is to invite comments on changes in assignments in various communities in Alabama. It is necessary because: (1) The additional Class A assignments proposed in the notice—at Talladega, Hartselle, and Fayette—would be made at the expense of deleting the present wide-coverage Class C assignment at Fayette, for which there is now a demand and which raises a basic allocation question needing further exploration; and (2) two additional petitions, filed since the proceeding was begun, which seek the same Class A channel for Arab and Jasper, Ala., and thus conflict with some of the new assignments proposed. The new petitions are RM-1417 (Sid McDonald) for Arab; and RM-1496 (Radio South, Inc.) for Jasper.

2. The proposals in the notice and the various petitions, including alternatives in RM-1496, are as follows (where no entry is shown, the proposal does not deal with or conflict with that city):

City	1960	1970	County	1960	1970
Talladega	17,742	17,400	Talladega	65,495	64,275
Hartselle	5,000	7,307	Morgan	60,454	76,494
Fayette	4,227	4,407	Fayette	16,148	15,690
Arab	2,989	4,414	Marshall	48,018	53,962
Jasper	10,799	10,567	Walker	54,211	54,412

All of the cities have daytime AM stations; Jasper and Talladega also have fulltime Class IV AM stations. Only Jasper and Fayette now have FM channels assigned, both Class C, with the Jasper channel in use and the Fayette assignment unoccupied but now applied for. Fayette and Jasper are the county seats and largest communities of their counties and there are no other stations or FM assignments in the county. Talladega is also the county seat and largest community but there is other daytime and Class IV AM service, and Class A FM service, at Sylacauga, some 20 miles away. Arab is only the fourth largest city in its county, two larger places having Class A FM assignments; Hartselle is some 12 miles from Decatur (population over 30,000), the county seat, which has two Class C FM channels and operating stations.

4. The Talladega petitioner in RM-1368, Tallabama Broadcasting Co., Inc., is a daytime AM licensee; the Jasper petitioner, Radio South, Inc., is a Class IV AM licensee (and thus not eligible under the present "one to a market" rules adopted in Docket 18110, although this question is pending on reconsideration); and the Arab petitioner, Sid McDonald, appears to have no broadcast connection in his area. The licensee of the Hartselle daytime AM station supported the proposed Hartselle assignment in letters, stating his intention to apply for it if it is adopted. Other parties filing comments, either in Docket 18476 concerning RM-1368, or in relation to the other two petitions, are the licensee of the daytime station at Fayette (Bankhead Broadcasting Co., Inc.) and the applicant for the present Class C FM assignment there, J. W. Shirley, vigorously opposing the proposal to delete the Class C assignment.

5. At the time the notice herein was issued, there was no demand for the Fayette Class C assignment, but on March 22, 1969, J. W. Shirley filed his application (BPH-6672) for use of that channel, proposing E.R.P. of 27 kw. and antenna height of 453 feet a.a.t. facilities which, while far from maximum are certainly not insignificant. Channel 251 has been proposed by one petitioner as a replacement at Fayette; but this could be used consistent with mileage separations only in a very small area some 11 miles southwest of that city, and thus we cannot regard its feasibility as established, since it is not shown that sites would be available. Therefore, while it is proposed herein, we must proceed on the assumption that it may not be available. If it is not, this raises a fundamental question of allocation policy: under what circumstances should a Class B or C channel, the only one in its community, be deleted to make possible two or more meritorious Class A assignments elsewhere? The mere fact that more assignments (some of them "first channels") is possible is obviously not itself an answer, since the same argument could be used

with respect to a very large number of B/C assignments in the United States, and yet if they were all deleted in favor of multiple Class A assignments the potential for wide-coverage service would largely be removed except from large centers having multiple wide-coverage channels assigned.

6. The circumstances here make this question a close one. It appears that a Class C station at Fayette, using the facilities proposed by Shirley or greater, would provide a first 1 mv/m service to a substantial, even though not tremendous, area now receiving only one such signal and to a larger area receiving only one, beyond what a Class A station there would provide. This is true whether the matter is viewed from the standpoint of existing stations and present facilities, or assuming all assignments in use, Class A with maximum facilities and Class C with 75 kw E.R.P. and 500-foot height a.a.t. (or greater facilities if actually used). Fayette itself is fairly far removed from outside FM stations, the closest being Hamilton (Class A), 32 miles and Carrollton (Class C), 33 miles. On the other hand, the assignments which would be possible with the deletion are meritorious, even though not extremely so: Talladega is a city of over 17,000 without an FM outlet; but it has fulltime AM service, there is an FM station in the same county, and the city receives 1 mv/m signals from Birmingham and Anniston. Both Hartselle and Arab, smaller places, have daytime AM outlets and receive FM service from stations in the same county. Two of these can be made (it is also urged that the channel could be used at Talladega, Arab, and Jasper). It is to be noted, also, that in very few cases has the Commission deleted a Class C channel in the Table (where the Fayette assignment has been since 1963) without making another Class C assignment elsewhere in the area; the only case where it was done in the face of demand for the Class C assignment was with respect to Winter Park, Fla., D. 16762, 8 R.R. 1613 (1966), which is quite close to Orlando and where the channel was not needed to perform the same wide-coverage function.

7. If Channel 251 is not suitable for use at Fayette, this close question (i.e. substituting several Class A's for one Class C) must be answered in the affirmative before consideration can be given to making any of the Class A assignments mentioned. If Channel 251 is useable at Fayette, or if the question is answered affirmatively, consideration will then be given to which Class A assignments—in addition to Talladega, which does not conflict with any of the others—would be most in the public interest: Arab, Hartselle or, conceivably, Arab and Jasper.

8. One point should be emphasized in connection with the basic question mentioned: The case in support of the two or three Class A assignments referred to is

fairly obvious, whereas that in support of providing a Class C assignment at Fayette is not necessarily so without supporting data. If retention of Channel 225 there is to be considered, it must be shown what unserved area will be covered by a station using the assignment (square miles receiving no or only one 1 mv/m service, on the assumption mentioned above as well as using only existing signals if the parties choose to do so). We also invite comments on whether, if it is to be retained there, a station using it should be required to use greater facilities than those specified in the Shirley application, so as to increase the extent of such service. In the face of the additional FM assignments which deletion would make possible, we do not believe it sufficient to rely on general arguments such as those made by Shirley in his filings so far herein, concerning the comparative numbers of Class C assignments in the eastern and western portions of Alabama.

9. In view of the foregoing, comments are invited on the following changes in the FM Table of Assignments, § 73.202 (b) of the rules, in some cases in the alternative as indicated, and also on the specific questions below:

City (Alabama)	Channel No.	
	Present	Proposed
Talladega		224A
Hartselle or Arab		224A
Arab and Jasper		224A
Jasper	273	224A, 273
Fayette	225	251 or 224A or 249A
Demopolis	252A	296A

(a) Whether Channel 251 can be suitably used as a Class C assignment at Fayette.

(b) Whether, if Channel 251 cannot be so used, Channel 225 should nonetheless be deleted from Fayette and replaced with a Class A channel; or, if left there, whether its assignment should be conditioned on use with facilities of at least a certain level, such as 75 kw. E.R.P. and 453-foot antenna height above average terrain.

(c) Assuming Channel 225 is deleted from Fayette, what assignments on Channel 224A, in addition to that at Talladega, should be made.

(d) Whether Channel 224A could be used consistent with mileage separation requirements at both Arab and Jasper, considering the short distance (58 miles) between the reference points of these communities;

(e) Whether Jasper merits a second FM channel.

10. The following "cut-off" procedure will govern here in consideration of the matters herein and related requests:

(a) Counterproposals advanced in this proceeding itself will be considered,

## PROPOSED RULE MAKING

if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with any of the proposals in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

See notice of proposed rule making, Docket No. 19074, adopted October 28, 1970 (FCC 70-1162), paragraph 17, 35 F.R. 16983.

11. Authority for the action proposed herein is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

12. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before February 16, 1971, and reply comments on or before February 26, 1971. All submissions by parties to this proceeding, or by persons acting in behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

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

Adopted: January 6, 1971.

Released: January 8, 1971.

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

[FR Doc.71-519 Filed 1-13-71;8:50 am]

\* Commissioners Bartley and H. Rex Lee absent; Commissioner Houser not participating.

## [ 47 CFR Part 73 ]

[Docket No. 19047]

TELEVISION TABLE OF ASSIGNMENTS,  
NEW HAVEN, CONN.Order Extending Time for Filing  
Comments and Reply Comments

In the matter of amendment of § 73.606(b) of the Commission's rules, Television Table of Assignments, substituting Channel 26 for Channel 59 at New Haven, Conn., RM-1361.

1. This proceeding was begun by notice of proposed rule making (FCC 70-1104) adopted October 7, 1970, released October 12, 1970, and published in the FEDERAL REGISTER October 15, 1970, 35 F.R. 16183. The dates for filing comments and reply comments are presently January 15, 1971, and February 1, 1971, respectively.

2. On January 6, 1971, Impart Systems, Inc. (Impart) filed a request to extend the time for filing comments and reply comments to and including February 1, 1971, and February 15, 1971, respectively. Impart states that additional responsibilities of the economic consultant which it has retained have prevented his total dedication to the issues involved in this proceeding.

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

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

Adopted: January 7, 1971.

Released: January 8, 1971.

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

[FR Doc.71-520 Filed 1-13-71;8:50 am]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[OR 6860]

### OREGON

#### Opening of Land; Correction

JANUARY 8, 1971.

Opening of land formerly in Project No. 853; correction.

In F.R. Doc. 70-17580, appearing on page 20016 of the issue for Thursday, December 31, 1970, paragraph 3 should read as follows:

3. Beginning at 10 a.m. on January 27, 1971, the land shall be open to such forms of disposition as may by law be made of such lands.

VIRGIL O. SEISER,  
Chief, Branch of Lands.

[FR Doc. 71-492 Filed 1-13-71; 8:48 am]

[U-13113]

### UTAH

#### Notice of Proposed Withdrawal and Reservation of Lands

The U.S. Forest Service, Department of Agriculture, has filed application for the withdrawal of the lands described below, from location and entry under the mining laws, subject to existing valid rights.

The applicant desires the withdrawal for the protection of a campground and recreation facilities within the Sawtooth National Forest, Box Elder County, Utah.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 11505, Salt Lake City, UT 84111.

The Department's regulations (43 CFR 2351.4(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to

eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the applicant agency.

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

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

The lands involved in the application are:

SAWTOOTH NATIONAL FOREST

SALT LAKE MERIDIAN

Clear Creek Recreation Area

T. 14 N., R. 13 W.,  
Sec. 8, E 1/2 SE 1/4 SE 1/4;  
Sec. 9, S 1/2 S 1/2, S 1/2 NE 1/4 SE 1/4;  
Sec. 10, SE 1/4 NE 1/4, S 1/2 SW 1/4 NE 1/4, S 1/2 SE 1/4  
NW 1/4, N 1/2 SW 1/4, N 1/2 S 1/2 SW 1/4, NW 1/4  
SE 1/4.

The area described aggregates 440 acres.

R. D. NIELSON,  
State Director.

[FR Doc. 71-464 Filed 1-13-71; 8:46 am]

#### Office of the Secretary

[Order 2508, Amdt. 91]

#### COMMISSIONER OF INDIAN AFFAIRS

#### Delegation of Authority With Respect to Specific Legislation

Section 30 of Order 2508, as amended, is further amended by the addition under paragraph (a) of a new subparagraph to read as follows:

##### Sec. 30. Authority under specific acts.

(a) In addition to any authority delegated elsewhere in this order, the Commissioner of Indian Affairs, except as provided in paragraph (b) of this section, is authorized to perform the functions and exercise the authority vested in the Secretary of the Interior by the following acts or portions of acts or any acts amendatory thereof:

\* \* \* \* \*

(50) The Act of October 22, 1970 (84 Stat. 1097), which authorizes the Secretary of the Interior, upon request of the tribal council of the Eastern Band of Cherokee Indians of North Carolina, to declare by publication of a notice in the **FEDERAL REGISTER** that the United States holds in trust for said band of Indians,

subject to valid existing rights, the title to certain federally owned lands within the Cherokee Indian Reservation, together with improvements thereon, that are now or hereafter become excess to the needs of the Federal Government for the administration of Indian affairs, as determined by the Secretary of the Interior.

FRED J. RUSSELL,  
*Under Secretary of the Interior.*

JANUARY 4, 1971.

[FR Doc. 71-491 Filed 1-13-71; 8:48 am]

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[Docket No. S-534]

### LeROY G. COSSETTE

#### Notice of Loan Application

JANUARY 6, 1971.

LeRoy G. Cossette, 2211 12th West, Seattle, WA 98119, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 30-foot length overall fiber glass vessel to engage in the fishery for salmon, lingcod, sablefish, perch, crab, crawfish, herring, and smelt in the Pacific Northwest excluding Alaska.

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.*

JANUARY 7, 1971.

[FR Doc. 71-453 Filed 1-13-71; 8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DIAMOND SHAMROCK CORP.

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 1B2618) has been filed by Diamond Shamrock Corp., Diamond Shamrock Chemical Co., Nopco Chemical Division, 350 Mount Kimble Avenue, Morristown, N.J. 07960, proposing that § 121.2571 *Components of paper and paperboard in contact with dry food* (21 CFR 121.2571) be amended to provide for the safe use of an epoxidized amino-plast-polyacrylamide-urea condensation product as a dry strength and pigment retention-aid agent in paper and paperboard intended for use in contact with dry food.

Dated: December 30, 1970.

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

[FR Doc. 71-477 Filed 1-13-71; 8:46 am]

### MONSANTO CO.

#### 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), Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, has withdrawn its petition (OA 2523), notice of which was published in the *FEDERAL REGISTER* of May 16, 1970 (35 F.R. 7668), proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of glutaric acid as an acidulant, buffer, and neutralizing agent in foods for which standards of identity established under section 401 of the act do not preclude such use.

Dated: December 30, 1970.

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

[FR Doc. 71-478 Filed 1-13-71; 8:46 am]

## ATOMIC ENERGY COMMISSION

[Docket No. 40-6622]

### UTAH CONSTRUCTION AND MINING CO.

#### Notice of Availability of Detailed Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and to the Atomic Energy Commission's regulations in 10 CFR Part 50, notice is hereby given that a document entitled "Detailed Statement on the Environmental Considerations by the Division of Materials Licensing, U.S. Atomic Energy Commission, Related to the Proposed Operation of the Shirley Basin Uranium Mill by Utah Construction and Mining Co." is being placed in the Commission's Public Document Room, 1717 H Street NW, Washington, DC, where it will be available for public inspection. Appended to the statement are the applicant's environmental report and the comments of various Federal agencies.

Single copies of the statement may be obtained by writing to the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 5th day of January 1971.

For the Atomic Energy Commission.

LYALL JOHNSON,  
Acting Director,  
Division of Materials Licensing.

[FR Doc. 71-489 Filed 1-13-71; 8:47 am]

## CIVIL AERONAUTICS BOARD

[Docket No. 22635]

### McGREGOR SWIRE AIR SERVICES (AMERICA), LTD.

#### Notice of Hearing

McGregor Swire Air Services, Ltd., doing business as McGregor Swire Air Services (America), Ltd.

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on February 4, 1971, at 10 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW, Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., January 8, 1971.

[SEAL] JOSEPH L. FITZMAURICE,  
Hearing Examiner.

[FR Doc. 71-512 Filed 1-13-71; 8:49 am]

[Dockets Nos. 21866, 22784; Order 71-1-48]

### TRANS WORLD AIRLINES, INC.

#### Order of Suspension and Investigation Regarding Fare Increases

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of January 1971.

By tariff revisions<sup>1</sup> marked for effect January 11, 1971, Trans World Airlines, Inc. (TWA), proposes to increase normal coach fares in selected short-haul and long-haul markets as follows:

1. Fares would be increased in 15 allegedly congested markets under 500 miles by \$2.78 in most cases and \$1.85 in some. The markets selected involve the Philadelphia terminal, as well as the four previously recognized by the Board as congested (Boston, New York, Washington, and Chicago).<sup>2</sup> TWA estimates additional revenue of \$7 million, which represents an increase of 0.9 percent over its estimated 1971 base level of domestic passenger revenues. TWA also proposes to increase fares in three additional markets under 500 miles to the level permitted American.

2. Fares in 55 selected markets ranging from 500 miles to the transcontinental distance of 2,700 miles would be increased on two bases. In 48 instances, involving the same allegedly congested terminals, the increases would be the same as those described above for short-haul markets. In addition, TWA proposes to match United's recent filing to restore to pre-October 1969 levels the fares which were actually reduced at that time. Both these increases are proposed in 11 of the markets involved, all long-haul markets, and in these markets the increases range from \$3.71 to \$6.68. TWA estimates a revenue gain of \$18.2 million, or 2.3 percent of estimated 1971 revenues. The aggregate revenue gain from the entire proposal would be \$25.2 million, or 3.2 percent.

In justification for the proposed fare increases, TWA cites a continuing deterioration in the industry's financial condition, a decline of 95 percent in third quarter 1970 income of the domestic trunks over the same 1969 period, a decline in their return on investment to 2.9 percent for the year ended September 1970; and states that its system after tax loss for 1970 is expected to be between \$60 and \$65 million, with pre-tax losses in domestic operations of over \$100 million.

With respect to the proposed short-haul fare increases, TWA alleges that this part of its filing closely follows the nature of the city markets in which in-

<sup>1</sup> Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 136.

<sup>2</sup> Baltimore is also included where fares are common rated with Washington.

creases have been permitted; that it is limited to 18 of its most important markets out of a total of 111 markets it serves under 500 miles; and that Philadelphia has been added as a terminal since it is at least as congested as some of the other four, and more congested in some respects. TWA has submitted selected data indicating comparative peaking of arrivals and departures, slower block speeds than in other markets of comparable distance, and costs per passenger boarded due to taxi out/in delays at Philadelphia which are exceeded only by those at Kennedy airport.

In support of its proposed long-haul increases, TWA alleges that the higher costs associated with the congested airports are in the nature of added terminal costs which are equally applicable to all schedules irrespective of length of haul; that there is no basis at this time to conclude that the substantial increases in taper which have occurred in the last 2 years should be further increased; that for example the New York-Boston fare per mile now exceeds that between New York and Los Angeles by 84.5 percent, whereas the differential had been 42.4 percent at the beginning of 1969; and that this intensification of taper is even greater than this would indicate in view of the elimination of Discover America discounts in short-haul markets.

TWA contends that there can be no question regarding justification for increases in short-haul fares, and that there is no patent basis for continuing to hold that only short-haul fares presently warrant increases. The resulting intensification of taper is characterized as being tantamount to putting into effect theories which are to be considered in the structural phase of the investigation. It is alleged that empirical evidence available to the Board indicates that the assumption of inherent profitability for long-haul services is not supported by actual results, that there has been no correlation whatever between length of haul and ability to earn a reasonable return, as comparative rates of return demonstrate and that the Board has no basis for disregarding this empirical evidence, pending TWA's opportunity to develop its evidence in the hearing. Among other factors which it intends to develop is that the plane mile cost advantages of long-haul operations are offset by many adverse variables, including greater seasonality, lower load factors coupled with use of larger aircraft which offsets the seat-mile cost advantage, higher exposure to special costs such as agents' commissions, and greater cyclical variation in traffic. With respect to this latter point, TWA alleges that traffic for all carriers in the five major long-haul markets which it serves has declined almost 8 percent in 1970 to date, as compared with a decline of only 0.3 percent in trunkline traffic in all other markets. Finally, TWA contends that the difficulty of raising load factors on long-haul routes is not a result of managerial choice to operate extensive frequency, but rather is a function of the traffic density and competitive nature of these markets vis-a-vis shorter haul markets.

Complaints have been filed by Mr. Reuben B. Robertson III, and Representative John Moss and 39 other Members of Congress requesting investigation and suspension. Mr. Robertson's complaint alleges that the carrier has utterly failed to demonstrate any showing of special need or any other economic or social justification for raising fares now in these markets; that it did not submit justification in conformance with section 221.165 of the Board's economic regulations; that it is not necessary from the standpoint of remaining competitive "to meet" higher fares; and that Board action based on American's submissions cannot serve as justification, *per se*, for raising everyone's prices. The complaint contends that quite apart from the question of who is responsible for congestion and who must pay for it, no carrier should be permitted to profit from the existence of congestion unless it can demonstrate that it has not been able to turn a profit in high density markets despite efficient operations.

It is further alleged that the Board should not place itself in the position of allowing carriers to play fast and loose with the requirements for justification once one carrier has been allowed to increase rates; that under the law carriers filing for fare increases have the burden of proof that the filings are economically justified and they have not done so in this case; and that unless the Board enforces its own rules on economic justification of fare and rate filings it joins in complicity with the carriers in effectively freezing the public out of these regulatory proceedings. Finally, it is contended that the Board has a duty to estimate and take into account demand elasticity factors before granting any fare increase.

In answer to the complaints, TWA alleges that the subject fare increases are clearly justified as an interim relief measure on the bases of the unique congestion costs at certain specified points, and the overall need of TWA for increased revenues in light of the heavy losses it is experiencing; and that the judgment of the complainants that these increases may have a depressing effect on traffic growth should not be substituted for that of carrier management to the contrary. With respect to congestion, TWA relies primarily on Board Order 70-11-134 which found that increases were warranted to reflect the higher costs associated with airport and airway congestion and asserts that the complainants have not attempted to show that this finding is inaccurate or is inapplicable to TWA and other carriers serving the particular points in question. TWA argues that there is no legal requirement that a carrier in an overall loss situation demonstrate a loss in each market involved in a fare increase proposal, and as an economic matter such a demonstration makes little sense unless any particular routes are suspect of yielding excess profits. The carrier alleges that such is not the case in TWA's proposal, and submits that for the 12 months ended November 30, 1970, it

lost \$36 million on the routes involved in its filing.

TWA rejects as inappropriate the complainants' alleged suggestion that the increases permitted American in eight short-haul markets were proper because that carrier had demonstrated managerial prudence by showing high load factors and that other carriers have failed to provide a similar showing. TWA alleges that American's load factors in the eight markets in question can be attributed to negligible competition by other carriers (which is not the case with TWA), rather than managerial efficiency, and that if anything a carrier has a greater need for adequate fare levels on routes where load factors are low. Finally, TWA alleges that it is unrealistic to suggest, as have the complainants, that in light of present financial difficulties of the carriers, competing carriers not be permitted to implement similar fare increases. The carrier submits that if one carrier is permitted to increase its fares and its competitors are not, then the high-fare carrier must for competitive reasons reduce its fare and, thus, lose the increased revenues which were presumably found to be necessary to the carrier when the increase was granted.

The proposals here to increase certain coach fares come within the scope of the Domestic Passenger-Fare Investigation now actively in process and the lawfulness of these fares will be determined in that proceeding. It is anticipated that a decision on the fare level and directly related issues will be reached by about April 1, 1971. The issue now before us is whether to permit to become effective or suspend these proposed fares pending a final determination of their lawfulness in that investigation.

TWA's filing regarding congestion-related increases involves only 55 markets out of its entire domestic system and purports to be justified on facts and circumstances peculiar to operations at and between these particular points. As such, these fares do not involve an evaluation of basic costs of service, including load factors, now underway in the passenger fare investigation to the same degree as the earlier tariff proposals to increase all or most coach fares which were suspended pending investigation.<sup>2</sup>

In six of the markets,<sup>3</sup> the Board has previously permitted fare increases to compensate for demonstrated additional costs associated with airport and airway congestion. We believe it reasonable to conclude that costs attributable to congestion are common to all carriers operating in a market and would similarly affect all carriers' ability to achieve profitable operations in markets affected by congestion. Accordingly, we will permit TWA's proposed increases in these six markets to become effective.

The Board has decided to suspend the remaining fare increases proposed by TWA, including the fares which would be

<sup>2</sup> Order 70-9-123.

<sup>3</sup> Boston-New York; Boston-Washington; Chicago-Pittsburgh; New York-Pittsburgh; New York-Washington; Boston-Pittsburgh.

restored to the pre-October 1969 level (certain of these fares contain a congestion related increase as well), in the absence of a showing of losses sustained as a result of airport and airway congestion. As we have previously indicated, we distinguish between a "terminal" versus a "market" approach and believe that trunkline carriers should be permitted increases only when it is reasonably demonstrated that particular markets have characteristics which, but for severe congestion, could be expected to result in profitable operations. To do otherwise could lead to a general erosion of the concept of a fare over-ride solely to compensate for atypical operating conditions, and lead to fare increases of a general nature inconsistent with our action in Order 70-9-123.

Upon consideration of the tariff filing, the complaints and answer thereto, and all other relevant matters, the Board finds that the proposed military fare increases which stem from higher basic fares as we are herein suspending, may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. We further conclude that these fares should be suspended, together with the other fare increases indicated above, pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

*It is ordered, That:*

1. An investigation is instituted to determine whether the YM class fares and provisions described in Appendix A attached hereto<sup>5</sup> and rules, regulations, or practices affecting such fares and provisions, are or will be unjust or 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, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto<sup>6</sup> are suspended and their use deferred to and including April 10, 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 of the military fares ordered herein is hereby consolidated into Docket 22784; and

4. A copy of this order will be filed with the aforesaid tariff and served upon Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.<sup>7</sup>

[SEAL]

HARRY J. ZINK,  
Secretary.

[FR Doc.71-513 Filed 1-13-71;8:50 am]

<sup>5</sup> Appendix A filed as part of the original document.

<sup>6</sup> Concurring and dissenting statement of Vice Chairman Gilliland and Member Adams filed as part of the original document.

## DELAWARE RIVER BASIN COMMISSION

### CHARGES FOR WATER SUPPLY

#### Notice of Public Hearing Regarding Proposed Resolution of Policy

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Thursday, January 28, 1971, in the South Auditorium of the ASTM Building, 1916 Race Street in Philadelphia, commencing at 2 p.m. The hearing will be on the following proposed resolution of policy to develop a rate basis for setting charges to users of water supplied by the Commission.

#### PROPOSED RESOLUTION OF POLICY REGARDING CHARGES FOR WATER SUPPLY

Whereas, the Commission, in the exercise of its powers under the Compact, has acquired the right to use and control water supply facilities associated with federal projects authorized in the Comprehensive Plan; and

Whereas, the Commission has provided in Resolution No. 64-16A for the sale of water and the use of revenues obtained therefrom for repayment of the non-Federal share of the Federal investment cost of water supply storage facilities; and

Whereas, in anticipation of the direct sale of water and the receipt of revenues therefrom, the Commission requires further policy to develop a fair and defensible rate basis for setting charges to users of water supplied by the Commission; now therefore

Be it resolved by the Delaware River Basin Commission:

1. The Commission will impose charges for the use or withdrawal of any surface water from new or supplemental water supplies taken after a project for which the Commission has a financial responsibility becomes operational. Such charges shall be incorporated in a water supply contract and will include all costs associated with making the water available and maintaining its continued availability in adequate quantity and quality over time. A water supply contract will include an annual minimum charge or charges for the water supply under contract regardless of use or withdrawal.

2. The Commission will determine water supply storage costs based on the weighted-average cost of water stored by or on behalf of the Commission.

3. Rates and charges for water supply under a water supply contract will be determined as follows:

a. A basic rate calculated annually to provide sufficient revenue to meet the Commission's annual project costs of debt service, operation, maintenance, replacement costs, reserves, and all other charges over and above costs allocated to signatory parties, assuming no reuse or resale of the same water;

b. An annual adjusted rate in the form of a rebate to each user and withdrawer (excluding consumptive uses and exportation out of the basin) of a pro rata distribution of the annual revenues of the Commission in excess of amounts required under paragraph a;

c. For combinations of exportations and in-basin use and consumptive and nonconsumptive uses, such as through municipal systems, reasonable estimates of the components of such combined withdrawals may be used where separate water accounting is not feasible;

d. The Commission shall make no charge for nonconsumptive uses of natural flows. Consumptive use or out-of-basin exportation

of natural flows shall be charged at the same rate as established in a through c above. Rates for consumptive or out-of-basin exportation of natural flows may include a charge based upon the cost of water quality impairment resulting from the consumptive use or exportation; and

e. For increased in-stream evaporative losses resulting from heated discharges, the charge shall be the same as for a consumptive use.

4. New projects will be considered economically justified for construction scheduling by the Commission when the unit cost of additional water supply at new locations is equal to or less than the unit cost of additional development of water supply at established facilities in the same service area. For any new project to proceed, the annual benefits from all project purposes must equal or exceed their total annual cost.

5. Charges for water from projects constructed pursuant to contractual arrangements between the Commission and local public agencies in advance of the time when the project is scheduled by the Commission in accordance with paragraph 4, will be at rates sufficient to provide the annual debt service and other obligations incurred by the Commission for such project, until such time as that project qualifies for Commission scheduling under the provisions of paragraph 4.

All persons wishing to testify are requested to register in advance with the Secretary to the Commission. (Telephone (609) 883-9500.)

W. BRINTON WHITALL,  
Secretary.

JANUARY 4, 1971.

[FIR Doc.71-454 Filed 1-13-71;8:45 am]

[Docket No. D-65-76 CP]

### POINT PLEASANT WATER SUPPLY DIVERSION

#### Public Notice Regarding Availability of Environmental Statement

In accordance with the National Environmental Policy Act of 1969 and the Delaware River Basin Commission's rules of practice and procedure (section 2-3.5.2), notice is hereby given of the availability of a draft report dated January 4, 1971, which discusses the environmental impact of the proposed pumping station on the Delaware River at Point Pleasant, Pa., to pump water to the North Branch Neshaminy Creek and to the East Branch Perkiomen Creek. A copy of the draft of environmental statement is available for review in the library at the office of the Delaware River Basin Commission, 25 State Police Drive, West Trenton, NJ; in the office of the Bucks County Planning Commission, Doylestown, Pa.; in the office of the Montgomery County Planning Commission, Norristown, Pa.; and in the office of the Water Resources Association of the Delaware River Basin, 21 South 12th Street in Philadelphia. A limited number of copies of the draft statement are available for distribution to persons or agencies who may be unable to utilize review copies on file at the foregoing offices.

Comments on the subject draft environmental statement may be submitted to the Delaware River Basin Commission by public or private agencies, or individ-

uals, concerned with environmental quality. Comments must be submitted prior to March 1, 1971. (Telephone (609) 883-9500.)

W. BRINTON WHITALL,  
Secretary.

JANUARY 6, 1971.

[FR Doc. 71-455 Filed 1-13-71; 8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

Pesticides Office  
UNIROYAL, INC.

### Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1056) has been filed by Uniroyal Chemical Division, Uniroyal, Inc., Bethany, CT 06525, proposing the establishment of a tolerance (21 CFR Part 120) for residues of the plant regulator succinic acid 2,2-dimethylhydrazide in or on the raw agricultural commodity nectaries at 30 parts per million.

The analytical method proposed in the petition for determining residues of the plant regulator is a colorimetric procedure in which the residue is hydrolyzed with 50 percent sodium hydroxide, distilled, and reacted with trisodium pentacyanoamine ferrate to form a specific red color at pH 5.0. The color is measured spectrophotometrically.

Dated: January 8, 1971.

WILLIAM D. RUCKELSHAUS,  
Administrator.

[FR Doc. 71-465 Filed 1-13-71; 8:46 am]

### WILLIAM COOPER & NEPHEWS, INC.

### Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0991) has been filed by William Cooper & Nephews, Inc., 1909-25 Clifton Avenue, Chicago, IL 60614, proposing the establishment of tolerances (21 CFR Part 120) for negligible residues of the insecticide 2-chloro-1-(2,4-dichlorophenyl)-vinyl diethyl phosphate in the raw agricultural commodities meat, fat, and meat byproducts of cattle and in milk at 0.002 part per million and in eggs, meat, fat, and meat byproducts of poultry at 0.001 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is based on the procedure of H. V. Claborn and M. C. Ivey, *J. Agr. Food Chem.* 13 354 (1965).

Dated: January 8, 1971.

WILLIAM D. RUCKELSHAUS,  
Administrator.

[FR Doc. 71-466 Filed 1-13-71; 8:46 am]

## FEDERAL MARITIME COMMISSION

[Docket No. 71-3]

### AMERICAN EXPORT ISBRANDTSEN LINES, INC.

#### Order To Show Cause Regarding Publication of Discriminatory Rates

American Export Isbrandtsen Lines, Inc. (AEIL) is a common carrier by water in the foreign commerce of the United States operating, *inter alia*, in the trade between United States North Atlantic ports and Continental European ports in the Antwerp-Hamburg range. A review of certain rates in the trade including the major moving commodities reveals that significant disparities exist between export and import rates of AEIL (Attachment).<sup>1</sup> Despite the fact that AEIL offers a transportation service in both directions of the United States North Atlantic/Continental European trade area, the lower rates are applicable to the commodities concerned only if they are carried in a westbound direction. Therefore this carrier charges significantly different rates for what appear in all respects to be like services differing only in directional movement. Thus shippers of like traffic will not enjoy the same or even approximately equivalent rates and, specifically, American exporters will be charged rates significantly higher than their European counterparts.

The Commission is aware of no transportation circumstances or conditions which would justify the maintenance by AEIL of discriminatory rates in the manner described especially since they may very likely require that the American exporter compensate for any losses that may occur because of the decline in revenues accruing to the carrier.

Section 17 of the Shipping Act, 1916, provides in pertinent part that " \* \* \* no common carrier by water in foreign commerce shall demand, charge, or collect any rate, fare, or charge which is unjustly discriminatory between shippers \* \* \*. Whenever the Commission finds that any such rate, fare, or charge is demanded, charged or collected it may alter the same to the extent necessary to correct such unjust discrimination \* \* \* and make an order that the carrier shall discontinue demanding, charging, or collecting any such unjustly discriminatory \* \* \* rate, fare, or charge." Therefore, in the Commission's opinion, unless AEIL can offer valid reasons which would justify these rates, AEIL is charging rates which must be considered to be unjustly discriminatory between shippers in violation of section 17 of the Shipping Act, 1916, 46 U.S.C. 816.

Now therefore, it is ordered, Pursuant to sections 22 and 17 of the Shipping Act, 1916, that AEIL be named respondent in this proceeding and that it be ordered to show cause why the Commission should not order the unjust discrimination existing in its export/import rate structures as set forth in the Attachment

to be eliminated by increasing rates in its westbound services to the level of its eastbound rates, or by reducing the comparable rates charged by AEIL in its eastbound services, or by changing rates in both directions so as to eliminate rate disparities on the commodities in question.

*It is further ordered*, That this proceeding shall be limited to the submission of affidavits and memoranda of law, replies, and oral argument. Should any party feel that an evidentiary hearing be required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed on or before February 5, 1971. Affidavits of fact and memoranda of law shall be filed by respondent and served upon all parties no later than the close of business February 5, 1971. Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel and intervenors, if any, no later than close of business February 19, 1971. Oral argument will be scheduled at a later date.

*It is further ordered*, That a notice of this order be published in the *FEDERAL REGISTER* and that a copy thereof be served upon respondent.

*It is further ordered*, That persons other than those already party to this proceeding who desire to become parties to this proceeding and to participate therein shall file a petition to intervene pursuant to Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) no later than close of business January 26, 1971.

*It is further ordered*, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 in an original and 15 copies as well as being mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 71-502 Filed 1-13-71; 8:49 am]

### PORT OF OAKLAND AND HENRY H. BLANCO CO.

#### 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, Wash-

<sup>1</sup> Filed as part of the original document.

## NOTICES

ton, 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:

Mr. J. Kerwin Rooney, Port Attorney, Port of Oakland, 66 Jack London Square, Post Office Box 2064, Oakland, CA 94607.

Agreement No. T-2477, between the Port of Oakland (Oakland) and Harry H. Blanco Company (Blanco), doing business as Mid-Pacific Freight Forwarders, provides for the license by Oakland of certain office space, covered truck dock area, maintenance shop area, and open dock area to Blanco for use as a container freight station and for other uses incidental thereto. For this license, Blanco will pay Oakland \$4,124 monthly plus all commercial and other port charges. The agreement stipulates that 90 percent of Blanco's operations shall be concerned with the movement of goods over and through the Port's marine terminals.

Dated: January 11, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 71-503 Filed 1-13-71; 8:49 am]

## SEA-LAND SERVICE, INC., AND AZTA SHIPPING CO.

## 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., Post Office Box 1050, Elizabeth, NJ 07207.

Agreement No. 9504-3, between Sea-Land Service, Inc. and Azta Shipping Co., modifies the basic agreement which covers a through billing arrangement for the movement of controlled temperature and general cargo from East Coast and West Coast ports of Central America to East Coast ports of the United States and ports in Puerto Rico, with transshipment at the port of Balboa, C.Z. by (1) deletion of the East Coast of Central America, (2) providing that on traffic within the scope of the Atlantic & Gulf/West Coast of Central America and Mexico Conference (Agreement No. 8300) the parties shall charge and collect the applicable conference rates, and (3) increasing Sea-Land's portion of the through rates on Frozen Meat, N.O.S. and Frozen Shrimp.

Dated: January 11, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 71-504 Filed 1-13-71; 8:49 am]

## WEST COAST UNITED STATES &amp; CANADA/INDIA, PAKISTAN, BURMA &amp; CEYLON RATE AGREEMENT

## 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:

H. P. Blok, Secretary, West Coast United States & Canada/India, Pakistan, Burma & Ceylon Rate Agreement, 417 Montgomery Street, San Francisco, CA 94104

Agreement No. 8760-5, among the parties to the West Coast United States & Canada/India, Pakistan, Burma & Ceylon Rate Agreement, amends their basic agreement to (1) provide for transshipment by the parties within its scope; (2) clarify the understanding of the parties that the ratemaking authority under the agreement with respect to their individually published tariffs shall include "rules and regulations" in addition to rates, charges, classifications, practices and related tariff matters; (3) provide that no party shall establish any new or initial rate unless agreed upon, subject to the right of independent action upon 48 hours notice to the other parties; (4) provide that the ratemaking and other actions authorized by the agreement shall include the use by the parties of an overland rate system and functions in connection therewith for (a) application of separate ocean rates, rules and regulations on cargo originating in overland territory (overland rates), and for cargo originating in local territory (local rates) at different levels, (b) determination of the territory applicable to overland and to local rates, (c) agreements with domestic connecting carriers on matters incidental to the transportation of cargo from overland origins to Pacific Coast ports, (d) equalization of the shipper's cost of transportation between loading port and other ports, (e) absorption practices in connection with rail, truck, or coastal steamer freights and charges, including costs of transshipment; (5) matters incidental to the payment of freight brokerage by the parties; and (6) update the terms of the self-policing procedures under the agreement to conform to the requirements of the Commission's General Order 7 (Revised).

Dated: January 11, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 71-505 Filed 1-13-71; 8:49 am]

## FEDERAL POWER COMMISSION

[Docket No. CP71-164]

CITY OF DeQUEEN, ARK., AND  
LOUISIANA-NEVADA TRANSIT CO.

## Notice of Application

JANUARY 8, 1971.

Take notice that on December 22, 1970, City of DeQueen, Ark. (applicant), DeQueen, Ark. 71832, filed in Docket No. CP71-164 an application pursuant to section 7 of the Natural Gas Act requesting that its sole supplier, Louisiana-Nevada Transit Co. (respondent) be required to increase to 11,500 Mcf per day the maximum peak day deliveries to applicant and to furnish applicant an additional delivery point therefor. Applicant further proposes to construct and operate facilities to transport the natural gas from the proposed delivery point to applicant's system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant requests that the Commission require that respondent sell to applicant up to 11,500 Mcf per day of natural gas. Applicant states that it is in urgent need of additional gas and that in the past it has been forced to curtail its services drastically.

In addition, applicant proposes that respondent be required to establish a new delivery point to applicant at Fulton, Ark., on respondent's Fulton-Hope lateral. From this new delivery point applicant proposes to construct and operate 14.5 miles of 8½-inch O.D. pipeline to connect with applicant's pipeline system in Okay, Ark. Applicant further proposes to construct and operate two 360 horsepower compressor units at the new delivery point. Applicant states that these proposed facilities, which are estimated to cost \$549,800, will permit respondent to deliver to applicant the additional gas, and will circumvent an alleged bottleneck in respondent's system.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without

further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,  
Secretary.

[FRC Doc. 71-495 Filed 1-13-71; 8:48 am]

[Docket No. RP71-84]

## EL PASO NATURAL GAS CO.

## Notice of Proposed Changes in Tariff

DECEMBER 31, 1970.

Take notice that El Paso Natural Gas Co. (El Paso) on December 21, 1970, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 3,<sup>1</sup> to become effective on a date coincident with issuance of permanent authorizations requested by El Paso's amendment to application filed December 22, 1970, in Docket No. CP71-6. The proposed changes, which do not affect rate levels, are submitted in accordance with a Stipulation and Agreement dated December 9, 1970, entered into by El Paso and some of its Northwest Division System customers in connection with the proceedings pending in Docket No. CP71-6 et al.

The proposed changes are designed to establish a new rate schedule in El Paso's Northwest Division System Tariff, Rate Schedule ODL-1, under which combined billing will be available on an optional basis, and to make service agreement form modifications necessary to provide a form of service agreement applicable to service to be rendered under Rate Schedule ODL-1. The new rate schedule would permit a distribution company purchasing gas for more than one distribution system to combine such systems for billing and operating purposes in accordance with the procedure set forth in the rate schedule.

Copies of the filing were served on El Paso's Northwest Division System jurisdictional customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 20, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests

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

KENNETH F. PLUMB,  
Acting Secretary.

[FRC Doc. 71-484 Filed 1-13-71; 8:47 am]

[Docket No. CP71-165]

## LONE STAR GAS CO.

## Notice of Application

JANUARY 7, 1971.

Take notice that on December 22, 1970, Lone Star Gas Co. (applicant), 301 South Harwood Street, Dallas, TX 75201, filed in Docket No. CP71-165 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder for a budget-type certificate of public convenience and necessity authorizing the construction, during the calendar year 1971, and operation of various gas-purchase facilities for the purpose of connecting new supplies of gas into applicant's existing certificated pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the total aggregate cost of such construction, to be financed out of funds currently on hand, would not exceed \$500,000 and the cost of any single project would be limited to \$125,000.

Applicant states that the proposed budget-type certificate authorization will permit applicant to expeditiously connect to its system new supplies of natural gas without the time-consuming and expensive process of filing numerous individual applications.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 1, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and pro-

<sup>1</sup> Original Sheets Nos. 10-A, 10-B, 10-C, and 39-AA; Seventh Revised Sheets Nos. 38, 39, and 39-B; and Eighth Revised Sheet No. 37.

## NOTICES

cedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 71-458 Filed 1-13-71; 8:45 am]

[Docket No. CP71-163]

**NATIONAL GAS PIPELINE COMPANY  
OF AMERICA**

**Notice of Application**

JANUARY 8, 1971.

Take notice that on December 22, 1970, Natural Gas Pipeline Company of America (applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP71-163 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing applicant to exchange gas with Union Texas Petroleum (Union Texas) and to construct and operate facilities to effectuate such exchange, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a 20-year contract with Union Texas providing for deliveries by Union Texas of approximately 2,000 Mcf per day of gas to be made to Applicant's existing gathering facilities in the ROC Field, Ward County, Tex., at or near the wellhead, and providing for redeliveries to Union Texas of equivalent volumes of gas to be made at a proposed point of interconnection between the existing pipeline facilities of the said companies in the Wm. H. Smith Survey, A-198, Jefferson County, Tex. Applicant proposes to construct and operate exchange facilities in Jefferson County, Tex., to effectuate the subject exchange.

The application states that the proposed exchange will allow Union Texas to meet its needs in Jefferson County. The application further states that a companion gas purchase contract between applicant and Union Texas will provide applicant with additional gas to augment applicant's overall gas reserves to the benefit of its customers.

The application states that the estimated cost of the proposed facilities in Jefferson County, Tex., is \$16,500, for which applicant will be reimbursed by Union Texas. The proposed exchange will be on a gas-for-gas basis. However, because of impurities in the gas delivered by Union Texas, Union Texas will pay a treating charge of 0.12 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 29, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 71-496 Filed 1-13-71; 8:48 am]

[Docket No. CP70-248]

**PANHANDLE EASTERN PIPE LINE CO.**

**Notice of Petition To Amend**

JANUARY 8, 1971.

Take notice that on December 28, 1970, Panhandle Eastern Pipe Line Co. (petitioner), Post Office Box 1642, Houston, TX 77001, filed in Docket No. CP70-248 a petition to amend the order of the Commission issued on May 27, 1970, pursuant to section 7(c) of the Natural Gas Act granting a certificate of public convenience and necessity, so as to correctly indicate the location of one of the interconnections between the systems of Petitioner and Western Gas Interstate Co. (Western) through which natural gas is to be exchanged, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order issued May 27, 1970, the Commission authorized petitioner to construct and operate facilities and to exchange natural gas with Western pursuant to an agreement between the parties dated November 21, 1969, which provided in Exhibit "B" thereto for two separate interconnections. Petitioner

states that an examination of Exhibit "B" revealed a misdescription of the location of one of the interconnections. Instead of the southwest corner of NW 1/4 of section 14-3N-9ECM, Cimarron County, Okla., as recited in Exhibit "B", the description should have been the NW 1/4 of section 11-4N-10ECM, Texas County, Okla. Petitioner now moves to amend the above-mentioned order to correct the misdescription.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 71-497 Filed 1-13-71; 8:48 am]

[Docket No. E-7581]

**PENNSYLVANIA POWER & LIGHT CO.**

**Further Notice of Application**

JANUARY 7, 1971.

Take notice that on December 4, 1970, Pennsylvania Power & Light Co. (applicant), 901 Hamilton Street, Allentown, PA 18101, filed an application with the Federal Power Commission pursuant to section 204 of the Federal Power Act seeking authority to issue short-term promissory notes including commercial paper notes.

Applicant is a Pennsylvania corporation principally engaged in the production, purchase, transmission, distribution and sale of electricity in a service area of approximately 10,000 square miles in 29 counties of central eastern Pennsylvania with an estimated population of about 2.4 million persons.

The unsecured promissory notes are to be issued from time to time, prior to December 31, 1973, to lenders, brokers, dealers or direct purchasers of unsecured promissory notes, including banks and institutional investors. Notes in the form of commercial paper will mature in no more than 270 days from the date of issue, and all other notes will have maturities of less than 1 year from the date of issue. The aggregate face amount of such notes to be outstanding at any one time is not to exceed (i) 25 percent of applicant's gross revenues during the preceding 12 months of operations, or (ii) \$90 million, whichever is less.

The proceeds from the issuance of the notes will be used principally as interim financing of applicant's construction program, which will require approx-

imately \$582 million over the 1971-73 period.

On December 16, 1970, the Commission issued a notice of the subject application. However, said notice was not published in the FEDERAL REGISTER until December 28, 1970.

In order to give adequate notice, any person desiring to be heard or to make any protest with reference to said application should, on or before January 21, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,  
Secretary.

[FR Doc.71-459 Filed 1-13-71;8:45 am]

[Docket No. CP71-167]

#### SOUTH GEORGIA NATURAL GAS CO.

##### Notice of Application

JANUARY 8, 1971.

Take notice that on December 28, 1970, South Georgia Natural Gas Co. (Applicant), Post Office Box 1279, Thomasville, GA, filed in Docket No. CP71-167 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the delivery of gas on an off-peak, interruptible basis to Georgia Power Co.'s Plant Mitchell in Dougherty County, Ga., for use principally in that company's proposed turbine electric generators, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct a new natural gas lateral pipeline, approximately 4.2 miles in length, which will connect with Applicant's present system near the city of Albany, Ga., on the Applicant's existing 12-inch line and extend in a southerly direction to Georgia Power Co.'s Plant Mitchell. Applicant also proposes to construct and operate metering, regulating, and related facilities necessary for delivery of gas to the proposed customer. Applicant estimates that annual sales to Georgia Power will be 1,500,000 Mcf. Applicant states that the estimated cost of the

facilities involved will be \$150,000, which will be financed from cash on hand and from short-term borrowings.

Applicant states that the proposed sale will not have a significant effect on its annual volumes of interruptible sales.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,  
Secretary.

[FR Doc.71-460 Filed 1-13-71;8:45 am]

[Docket No. RI71-562, etc.]

#### TEXAS GAS EXPLORATION CORP. ET AL.

##### Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund<sup>1</sup>

JANUARY 8, 1971.

The Respondents named herein have filed proposed changes in rates and

<sup>1</sup> Does not consolidate for hearing or dispose of the several matters herein.

charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

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

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

The Commission orders:

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

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 22, 1971.

By the Commission.

[SEAL]

GORDON M. GRANT,  
Secretary.

## NOTICES

## APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf*	Rate in effect	Proposed increased rate	Rate in effect subject to refund in docket No.
R171-562..	Texas Gas Exploration Corp.	22	4	Natural Gas Pipeline Co. of America (Blocks 225 and 229 West Cameron Area) (Offshore Louisiana).	\$9,900	12-16-70		1-29-71	19.5	120.0		
R171-563..	Patrick Petroleum Co....	3	16	Texas Eastern Transmission Corp. (Manila Village Field, Jefferson Parish) (South Louisiana).	5,400	12-11-70		1-24-71	18.5	120.0		

\*The pressure base is 15,025 p.s.i.a.

<sup>1</sup> Rate increase resulting from termination of moratorium in Southern Louisiana pursuant to Order No. 413.

<sup>2</sup> Applies only to low pressure casinghead gas.

Under the provisions of the Commission's order issued October 27, 1970, in Docket No. AR69-1, producers in the Southern Louisiana area were able to file for higher contractually authorized rates within 30 days from such order (by November 27, 1970) and were permitted to collect such increased rates subject to refund after 75 days had passed (as of January 10, 1971). The 75-day period applies to those filings made by producers within 30 days of the issuance of the October 27, 1970, order. Producer filings made after November 27, 1970, however, were to be subject to normal Commission suspension procedures. The order, however, left open the question of the appropriate suspension period for filings made after November 27, 1970.

The increases involved here were filed after the November 27, 1970, deadline. In view of the action taken in the procedural order in Docket No. AR69-1 accompanying Order No. 413, we believe it appropriate to suspend and permit an increase filed after November 27, 1970, to become effective subject to refund on the date from January 10, 1971, that corresponds to the number of days that the filing was made after November 27, 1970. This order so provides.

[FR Doc.71-499 Filed 1-13-71;8:48 am]

[Docket No. CP71-162]

### TRANSCONTINENTAL GAS PIPE LINE CORP.

#### Notice of Application

JANUARY 8, 1971.

Take notice that on December 21, 1970, Transcontinental Gas Pipe Line Corp. (applicant), Post Office Box 1396, Houston, TX 77001, filed in Docket No. CP71-162 an application pursuant to section 7(c) of the Natural Gas Act for authorization to transport and sell in interstate commerce natural gas in liquid state (LNG) for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that of the 200,000 Mcf per day deliverability of its existing LNG storage facility, 198,900 Mcf per day have been previously allocated by the Commission. In addition, two customers wish to give up their allocations because of the construction of propane-air peaking facilities on their system, thus freeing an additional 600 Mcf per day of deliverability. Applicant proposes to offer the total available deliverability equally among 12 existing customers, 140 Mcf per day to each customer. This additional service will be used by these customers for peaking purposes.

Applicant states that no additional facilities are required in order to render the service proposed in the application.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 1, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,  
Secretary.

[FR Doc.71-498 Filed 1-13-71;8:48 am]

[Docket No. CP71-172]

### TRUNKLINE GAS CO.

#### Notice of Application

JANUARY 8, 1971.

Take notice that on December 31, 1970, Trunkline Gas Co. (applicant), Post Office Box 1642, Houston, TX 77001, filed in Docket No. CP71-172, a budget-type

application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder for a certificate of public convenience and necessity authorizing the construction and operation of miscellaneous field facilities to be used in the transportation of natural gas in interstate commerce, as hereinafter described, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

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

Applicant proposes to construct and operate miscellaneous field facilities, on-shore and offshore, including field compressors, dehydration units, meter and regulator equipment and gathering lines to take natural gas into its certificated main pipeline system from time to time during the calendar year 1971. The total cost is not to exceed \$7 million, with no single onshore project to cost in excess of \$1 million and no single offshore project to cost in excess of \$1,750,000. Such costs will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission

on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,  
Secretary.

[FR Doc. 71-461 Filed 1-13-71; 8:46 am]

[Docket No. CP71-166]

**UNITED GAS PIPE LINE CO. AND SOUTHERN NATURAL GAS CO.**

**Notice of Application**

JANUARY 8, 1971.

Take notice that on December 23, 1970, United Gas Pipe Line Co. (United), 1500 Southwest Tower, Houston, TX 77002, and Southern Natural Gas Co. (Southern), Post Office Box 2563, Birmingham, AL 35202, filed in Docket No. CP71-166 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing applicants to exchange natural gas at various points of interconnection and to construct and operate facilities therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicants seek authorization to exchange natural gas pursuant to a gas exchange agreement between the parties dated September 10, 1970. Under the terms of this agreement, upon the request of either of the companies, the other company would deliver such natural gas as, in its own judgment, it could make available without impairing its obligations to others. Deliveries or receipts of exchange gas would be made at various existing exchange points between the pipeline systems of the applicants. In addition, applicants propose a new point of interconnection between their pipeline systems near mile post 82.1 on Southern's 14-inch line in Bienville Parish, La. United proposes to construct \$191,400 of exchange facilities and Southern proposes to construct \$57,110 of exchange facilities.

The applicants state that the proposed exchange, including the construction and operation of the additional exchange point, would permit applicants to make deliveries of natural gas to the other when such deliveries could assist the other in its system operations, and that it would provide added flexibility of operations and continuity of service during emergencies.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1971, file with the Federal Power

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

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

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

GORDON M. GRANT,  
Secretary.

[FR Doc. 71-462 Filed 1-13-71; 8:46 am]

[Dockets Nos. E-7588, E-7589]

**APPALACHIAN POWER CO. AND INDIANA & MICHIGAN ELECTRIC CO.**

**Notice of Amendment to Interconnection Agreement and Increased Rate Filing**

JANUARY 12, 1971.

Take notice that on December 18, 1970 Appalachian Power Co. (Appalachian), and Indiana & Michigan Electric Co. (Indiana) have filed modifications of their Interconnection Agreements with Duke Power Co. (Duke) and Commonwealth Edison Co. (Commonwealth Edison), respectively. Duke and Commonwealth have contemporaneously filed Certificates of Concurrence. The Amendment to the Appalachian and Duke agreement is titled Modification No. 4, dated as of January 1, 1970, to their Interconnection Agreement dated February 28, 1949. The Amendment to the Indiana and Commonwealth Edison agreement is titled Modification No. 6 dated as of December 10, 1970, to their Interconnection Agreement dated July 20, 1956.

Section 1 of both Modifications provides for an increase in the Demand Charge for Short Term Power from \$0.30 per kilowatt per week to \$0.40 per kilowatt per week and a change in the reduction of weekly demand charges in the event that the supplying party is

unable to fulfill any part of its commitment from \$0.60 per kilowatt per day to one-sixth of the total weekly demand charge for each day (except Sundays) any such reduction is in effect.

The parties contend that the existing rate for Short Term Power makes it difficult to justify its sale. They argue that without an increased rate the parties would be forced to retain the capacity to advance their own maintenance programs or other internal purposes.

Additional factors are advanced to justify the rate increase. Included are increased capital costs, and increased costs of generation and transmission facilities. The parties refer to the substantial increase in interest costs, and declare that total demand costs associated with Short Term Power have increased substantially since 1948 when the \$0.30 Demand charge for Short Term Power was instituted. In addition, the parties contend that the cost on a book basis of capacity of transmission (measured in dollars per kilowatt of load served) has increased from \$32 in 1948, to \$46 in 1969, in the case of Appalachian, and from \$35 to \$67 in the case of Indiana.

While no waiver of the 30-day notice provision is requested in the Appalachian and Duke amendment, Indiana requests that the 30-day notice provision be waived in view of the alleged necessity to improve the reserve position in Commonwealth Edison.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 29, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,  
Secretary.

[FR Doc. 71-543 Filed 1-13-71; 8:50 am]

[Docket No. E-7587]

**OHIO POWER CO.**

**Notice of Amendment of Interconnection Agreement, New Service, and Rate Increase**

JANUARY 12, 1971.

Take notice that on December 23, 1970 Ohio Power Co. (Ohio) filed Modification No. 3 dated as of January 1, 1971 to the Interconnection Agreement dated December 1, 1963 between Ohio and Columbus and Southern Ohio Electric Co. (Columbus), as subsequently modified.

## NOTICES

Contemporaneously Columbus filed a certificate of concurrence. Modification No. 3 amends the short term power schedule to increase the demand charge, establishes a new service under the short term power schedule, and establishes a new service: Limited Term Power Service. It is included in Schedule T.

Modification No. 3 provides for an increase in the demand charge for Short Term Power from \$0.30 per kilowatt per week to \$0.40 per kilowatt per week and a change in the weekly demand charges in the event the supplying party is unable to fulfill any of its commitment from \$0.60 per kilowatt per day to one-sixth of the total weekly demand charge for each day (except Sundays) any such reduction is in effect. Modification No. 3 also provides for a new service, i.e., under the stated terms and conditions the parties will supply and take Short Term Power which has been initially supplied especially for this service by a third party.

These changes are justified by the following allegations. Initially Ohio contends that the existing rate for Short Term Power makes it difficult to justify its sale. They argue that without an increased rate the parties would be forced to retain the capacity to advance their own maintenance programs or other internal purposes.

Additional factors cited to justify the rate increase are increased capital costs, and increased costs of generation and transmission facilities. Ohio also contends that total demand costs associated with Short Term Power have increased substantially since 1948, when the \$0.30 Demand charge for Short Term Power was instituted. In addition, Ohio contends that the cost on a book basis of capacity of transmission (measured in dollars per kilowatt of load served) has increased from \$38 in 1948 to \$53 in 1969.

Modification No. 3 also provides a new service schedule for power to be called Limited Term Power. There is a maximum duration for service under this schedule, but during a commitment period both parties are assured of a firm supply. Charges include a demand charge of \$2.15 per kilowatt per month and energy charges at cost plus 10 percent.

In the event that Limited Term Power is reserved by the supplying party from a third party, the terms and conditions will parallel those for Short Term Power except that the demand charge component paid to the supplying party is stated as \$0.55 per kilowatt per month as approximately \$0.125 per kilowatt per week, for billing for this service will be monthly.

Ohio contends this service was devised to offer an intermediate service between Short Term Power, and Firm Power. Ohio further contends that the charges for the service are reasonable as the service is reciprocal between the parties, and will be provided on a firm basis for the period of time requested only if the party, requested to supply such service can adequately plan for and justify providing it.

Columbus has reserved Limited Term Power for the calendar year 1971 with a

demand of 65,000 kilowatts per month. This will result in Demand charges of \$1,677,000 for the calendar year. The parties contend it is impossible to predict the energy requirements of Columbus. Thus they contend it is impossible to predict the cost of supplying such energy by Ohio.

The parties have asked for a waiver of the 30-day notice provisions on the grounds that they desire to initiate Limited Term Service on January 1, 1971.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 29, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,  
Secretary.

[FR Doc. 71-544 Filed 1-13-71; 8:50 am]

[Docket No. G-17500]

ST. LAWRENCE GAS CO., INC.

Notice of Petition To Amend

JANUARY 12, 1971.

Take notice that on January 6, 1971, St. Lawrence Gas Co., Inc. (petitioner), 42 Main Street, Massena, NY 13662, filed in Docket No. G-17500, a petition to amend the order issued in said docket on December 8, 1966, requesting that ordering paragraph (A) of said order be amended so as to authorize the importation from Canada into the United States by petitioner for the limited period, to and including December 31, 1971, maximum annual and daily volumes of natural gas in amounts of 6,700,000 Mcf and 30,000 Mcf, respectively, in lieu of the presently authorized maximum annual volume of 5,519,987 Mcf and maximum daily volume of 23,000 Mcf, as hereinafter set forth, all as more fully set forth in the petition to amend which is on file with the Commission and open to the public inspection.

Petitioner states that its supplier, Niagara Gas Transmission, Ltd., a Canadian corporation, has secured authorization from the National Energy Board of Canada, on December 23, 1970, to export increased quantities of natural gas to petitioner as requested in the petition to amend. Petitioner further states that no additional facilities will be required to be constructed by Niagara or by petitioner to enable transportation and delivery by Niagara and receipt by petitioner of the proposed maximum annual and daily volumes of natural gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Accordingly, any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 22, 1971, file with the Federal Power Commission Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,  
Secretary.

[FR Doc. 71-615 Filed 1-13-71; 10:42 am]

## FEDERAL RESERVE SYSTEM BANCOHIO CORP.

### Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Bancohio Corp., Columbus, Ohio, for approval of acquisition of 80 percent or more of the voting shares of The Adams Bank, Millersburg, Ohio.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of Bancohio Corporation, Columbus, Ohio (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The Adams Bank, Millersburg, Ohio (Adams Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Superintendent of Banks for the State of Ohio and requested his views and recommendation. The Superintendent recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on November 17, 1970 (35 F.R. 17685), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of

## NOTICES

the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant is the second largest banking organization and the largest bank holding company in Ohio, controlling 26 banks with deposits totaling \$1.3 billion, representing 6.8 percent of deposits held by all banking organizations in the State. (All banking data are as of June 30, 1970, adjusted to reflect holding company formations and acquisitions approved by the Board through November 30, 1970). Applicant's acquisition of Bank, with deposits of \$9.6 million, would increase its share of deposits in the State by less than 1 percent. Adams Bank, the second largest of four banks in Holmes County, controls 29 percent of deposits in the county. The largest bank therein controls over 36 percent of county deposits; the third largest is comparable in size to Adams Bank and the smallest holds 7 percent. First National Bank of Coshocton, Coshocton, the closest office of any of Applicant's subsidiary banks to Adams Bank is located 24 miles to the south of Adams Bank in adjacent Coshocton County. Neither that bank nor Adams Bank derives a significant amount of business from the separate county areas presently served by the other. Applicant's subsidiary banks do not compete with Adams Bank, and it does not appear that significant future competition would be foreclosed by consummation of this proposal due to the distances separating the banks and limitations placed on branching by Ohio law, and the unlikelihood that Applicant would seek de novo entry into Holmes County.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area. The banking factors as they pertain to Applicant and its subsidiary banks are consistent with approval of the application, and, as they pertain to Adams Bank, lend strong support for approval. Affiliation with Applicant would provide added expertise which could materially improve the bank's operations. Although major banking needs in Holmes County are being met, consummation of the proposal would enable Adams Bank to offer to its customers another source for trust and international services. These considerations lend weight in favor of approval. It is the Board's judgment that the proposed transaction would be in the public interest and should be approved.

*It is hereby ordered*, For the reasons set forth in the findings summarized above, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Fed-

eral Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,<sup>1</sup> January 7, 1971.

[SEAL] KENNETH A. KENYON,  
Deputy Secretary.

[FR Doc. 71-485 Filed 1-13-71; 8:47 am]

## FIRST AT ORLANDO CORP.

## Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) (3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First at Orlando Corp., which is a bank holding company located in Orlando, Fla., for prior approval by the Board of Governors of the acquisition by applicant of at least 80 percent of the voting shares of Tampa Bay Bank, 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 outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

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

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

By order of the Board of Governors, January 8, 1971.

[SEAL] KENNETH A. KENYON,  
Deputy Secretary.

[FR Doc. 71-486 Filed 1-13-71; 8:47 am]

<sup>1</sup> Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer and Sherrill.

## VIRGINIA COMMONWEALTH BANKSHARES, 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 Virginia Commonwealth Bankshares, Inc., which is a bank holding company located in Richmond, Va., for prior approval by the Board of Governors of the acquisition by applicant of 100 percent of the voting shares of The Bank of Virginia of Roanoke Valley, Vinton, Va., a proposed new bank.

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

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

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

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

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

By order of the Board of Governors, January 8, 1971.

[SEAL] KENNETH A. KENYON,  
Deputy Secretary.

[FR Doc. 71-487 Filed 1-13-71; 8:47 am]

## SMALL BUSINESS ADMINISTRATION

## SMALL BUSINESS INVESTMENT COMPANY OF CONNECTICUT

## Notice of Approval of Application for Transfer of Control of Licensed Small Business Investment Company

Pursuant to the provisions of § 107.701 of the Small Business Administration

## NOTICES

(SBA) Rules and Regulations (13 CFR Part 107, 33 F.R. 326), a notice of filing of an application for transfer of control of the Small Business Investment Company of Connecticut, License No. 01/02-0052, 1115 Main Street, Bridgeport, CT 06603, was published in the **FEDERAL REGISTER** on December 15, 1970 (35 F.R. 18998).

Interested persons were given until December 25, 1970, to send their comments to SBA on the proposed transfer of control. No comments were received.

Upon consideration of the application and other relevant information, SBA hereby approves the transfer of control of the Small Business Investment Company of Connecticut.

JAMES THOMAS PHELAN,  
Acting Associate Administrator  
for Investment.

JANUARY 4, 1971.

[FR Doc. 71-488 Filed 1-18-71; 8:47 am]

## SECURITIES AND EXCHANGE COMMISSION

[Files Nos. 7-3593—7-3601]

ALBERTO-CULVER CO. ET AL.

### Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 7, 1971.

In the matter of applications of the Philadelphia, Baltimore, Washington Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

File No.

Alberto-Culver Co.	7-3593
Berkey Photo, Inc.	7-3594
Development Corporation of America	7-3595
Electronic Memories & Magnetics Corp.	7-3596
General Battery Corp.	7-3597
Kane-Miller Corp.	7-3598
McDonalds Corp.	7-3599
New Process Co.	7-3600
Zurn Industries, Inc.	7-3601

Upon receipt of a request, on or before January 22, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications

by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBoIS,  
Secretary.

[FR Doc. 71-483 Filed 1-13-71; 8:47 am]

[70-4779]

## AMERICAN ELECTRIC POWER CO., INC.

### Notice of Post-Effective Amendment Regarding Issue and Sale of Notes to Banks and to Dealer in Commercial Paper by Holding Company and Capital Contributions to Subsidiary Companies

JANUARY 7, 1971.

Notice is hereby given that American Electric Power Co., Inc. (AEP), 2 Broadway, New York, NY 10004, a registered holding company, has filed a third post-effective amendment to its application-declaration in this proceeding pursuant to section 12(b) of the Public Utility Holding Company Act of 1935 (Act) and Rule 45 promulgated thereunder regarding the following 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 orders dated September 15, 1969, August 10, 1970, and September 21, 1970 (Holding Company Act Release Nos. 16476, 16803, and 16835), the Commission authorized AEP to issue and sell, from time to time prior to June 30, 1971, short-term notes to banks and commercial paper to a dealer in an aggregate face amount of not more than \$130 million to be outstanding at any one time and to make capital contributions to three of its subsidiary companies.

AEP has now filed a third post-effective amendment to its application-declaration stating that it also intends to make one or more cash capital contributions to a fourth subsidiary company, Kentucky Power Co. (Kentucky), on or before June 30, 1971, in an aggregate amount not to exceed \$5 million to assist Kentucky to finance the cost of its construction program, to reimburse its treasury for expenditures in connection with its 1970 construction program, and for other corporate purposes. It is presently estimated that Kentucky's construction program for 1970 will have involved expenditures of approximately \$16 million and that its construction program for the year 1971 will involve expenditures of approximately \$11,500,000.

It is 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 January 27, 1971, 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 third posteffective amendment to the 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 applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] ORVAL L. DUBoIS,  
Secretary.

[FR Doc. 71-480 Filed 1-13-71; 8:47 am]

[24D-2975]

## HYDROPONICS, INC.

### Order Permanently Suspending Exemption

JANUARY 7, 1971.

Hydroponics, Inc. (formerly known as Royal Garden Farms, Inc.), Post Office Box 717, Hurricane, UT, a Utah corporation, filed with the Commission on May 11, 1970 a notification and offering circular, and subsequently filed amendments thereto, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933 pursuant to section 3(b) thereof and Regulation A thereunder, with respect to a public offering of shares of its 4 cents par value common stock at 10 cents per share.

On November 5, 1970, the Commission issued an order, pursuant to Rule 261 of Regulation A, temporarily suspending the exemption. The order alleged that the notification and offering circular, as amended, contained untrue and misleading

## NOTICES

[File Nos. 7-3588—7-3591]

## PITNEY-BOWES INC., ET AL.

Notice of Applications for Unlisted  
Trading Privileges and of Oppor-  
tunity for Hearing

JANUARY 7, 1971.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following companies, which securities are listed and registered on one or more other national securities exchanges:

File No.

Pitney-Bowes Incorporated	7-3588
Pittston Company	7-3589
Riegel Textile Corp.	7-3590
White Motor Corp.	7-3591

Upon receipt of a request, on or before January 22, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBois,  
Secretary.

[FR Doc. 71-481 Filed 1-13-71; 8:47 am]

[File No. 7-3592]

## VIACOM INTERNATIONAL, INC.

Notice of Application for Unlisted  
Trading Privileges and of Oppor-  
tunity for Hearing

JANUARY 7, 1971.

In the matter of application of the Midwest Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with

the Securities and Exchange Commission pursuant to section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Viacom International, Inc. File No. 7-3592

Upon receipt of a request, on or before January 22, 1971, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBois,  
Secretary.

[FR Doc. 71-482 Filed 1-13-71; 8:47 am]

INTERSTATE COMMERCE  
COMMISSION

[Notice 2]

MOTOR CARRIER, BROKER, WATER  
CARRIER, AND FREIGHT FOR-  
WARDER APPLICATIONS

JANUARY 8, 1971.

The following applications are governed by Special Rule 247<sup>1</sup> of the Commission's general rules of practice (49 CFR 1100.247, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth spe-

<sup>1</sup> Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

ing statements of material facts in that, among other things, disclosure was not made that certain persons to whom the issuer had issued stock as consideration for interest-free loans had the option to convert such loans into shares of stock covered by the proposed offering; lenders were incorrectly described with respect to their relationship to the issuer or its key personnel, the extent of their information concerning the issuer, their access to such information, and their investment intent; and disclosure was not made that the issuer's financial results and condition had been misrepresented to investors and that the Utah Securities Commission had denied the issuer's registration application. The order further alleged that the terms and conditions of Regulation A had not been complied with in that, among other things, full disclosure was not made concerning unregistered securities issued by the issuer within 1 year prior to the filing of the notification and concerning outstanding options, and the financial statements included in the offering circular failed to conform to applicable requirements. It was further alleged that the issuer and underwriters, in the distribution of the issuer's securities, had violated the registration and antifraud provisions of sections 5 and 17(a) of the Securities Act; that, if the offering were continued, the use of the offering circular would be in violation of section 17(a) of that Act; and that the issuer and underwriter had failed to cooperate and had obstructed the making of an investigation in connection with the proposed offering.

The issuer filed an answer denying various allegations, asserting its belief that it had acted in good faith and had disclosed all material information relating to the proposed offering of which those responsible for preparing the documents for filing had any knowledge, and urging that the temporary suspension order should therefore not become permanent. It further stated, however, that it did not wish to request a hearing and was willing to permit such order to become permanent for the reason that it intended to file a registration statement under the Securities Act.

In view of the foregoing, it is appropriate to enter an order permanently suspending the exemption.

Accordingly, it is ordered, pursuant to Rule 261 of Regulation A under the Securities Act of 1933, that the exemption from registration with respect to the proposed offering of securities by Hydroponics, Inc., be, and it hereby is, permanently suspended.

For the Commission, by the Office of Opinions and Review, pursuant to delegated authority.

[SEAL] ORVAL L. DUBois,  
Secretary.

[FR Doc. 71-479 Filed 1-13-71; 8:46 am]

cifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the Special Rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the *FEDERAL REGISTER* issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, 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.

No. MC 2900 (Sub-No. 208), filed December 4, 1970. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Post Office Box 2408, Jacksonville, FL 32203. Applicant's representative: Robert H. Cleveland (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), (1) (a) between Memphis, Tenn., and Fort Worth, Tex.; from Memphis over U.S. Highway 70 to Little Rock, Ark., and thence over U.S. Highway 67 to Dallas, Tex., and thence over U.S.

Highway 80 to Fort Worth, Tex., serving Dallas, Tex., as an intermediate point; (b) between Memphis, Tenn., and Fort Worth, Tex.; from Memphis, over Interstate Highway 40 to its junction with Interstate Highway 30, thence over Interstate Highway 30 to its junction with Interstate Highway 20, thence over Interstate Highway 20 (and the Dallas-Fort Worth Turnpike) to Fort Worth, Tex., serving Dallas, Tex., as an intermediate point; (2) (a) between Shreveport, La., and Fort Worth, Tex., from Shreveport, over U.S. Highway 80 to Fort Worth, Tex., serving Dallas, Tex., as an intermediate point; (b) between Shreveport, La., and Fort Worth, Tex.; from Shreveport, over Interstate Highway 20 to Fort Worth, Tex. (Also the Dallas-Fort Worth Turnpike) serving Dallas, Tex., as an intermediate point; (3) (a) between Houston, Tex., and Fort Worth, Tex.; from Houston, over U.S. Highway 75 to Dallas, Tex., thence over U.S. Highway 80 to Fort Worth, Tex., serving Dallas, Tex., as an intermediate point; (b) between Houston and Fort Worth, Tex., from Houston over Interstate Highway 45 to Dallas, Tex., thence over Interstate Highway 20 (also the Dallas-Fort Worth Turnpike) to Fort Worth, Tex., serving Dallas, Tex., as an intermediate point, serving all points within 20 miles of Dallas, and Fort Worth, Tex., as off-route points in connection with Routes 1, 2, and 3 above. Note: No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Atlanta, Ga.

No. MC 11207 (Sub-No. 304), filed December 16, 1970. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 938, Birmingham, AL 35201. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, paneling and moulding; and materials, supplies, and accessories* used in the installation thereof, from points in Manatee County, Fla., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, and South Carolina. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Atlanta, Ga.

No. MC 11207 (Sub-No. 305), filed December 17, 1970. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 938, Birmingham, AL 35201. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, cement asbestos pipe, fittings, compounds, joint sealer, bonding cement, plastic siding, and materials and supplies* used in the installation of plastic and plastic products, from the plantsite of Certain-Tee Products Corp. at Social Circle, Ga., to points in Alabama. Note: Applicant states that the requested authority can-

not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga. No. MC 11207 (Sub-No. 306), filed December 23, 1970. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 938, Birmingham, AL 35201. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Valves, hydrants, indicator posts, service boxes, floor stands and fittings, parts and accessories therefor*, from Anniston, Ala., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Oklahoma. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Birmingham, Ala.

No. MC 13651 (Sub-No. 15), filed December 3, 1970. Applicant: PEOPLES TRANSFER, INC., 1400 North Black Canyon Highway, Post Office Box 6367, Phoenix, AZ 85005. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, 3550 North Central Avenue, Phoenix, AZ 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plywood and composition board*, from points in Los Angeles County, Calif., to points in Arizona, Colorado, Idaho, Kansas, Nevada, Montana, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming; and (2) *plywood, composition board, molding, doors, wood cabinets, wood cabinet parts; and accessories* used in the installation thereof, from points in Los Angeles and Riverside Counties, Calif., to points in Arizona, Colorado, Idaho, Kansas, Nevada, Montana, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Phoenix, Ariz.

No. MC 15897 (Sub-No. 7), filed December 14, 1970. Applicant: O. K. TRANSFER AND STORAGE CO., a corporation, 207 South Union Street, Post Office Box 1602, Shawnee, OK 74801. Applicant's representative: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Uncrated store fixtures and furnishings*, in mixed loads with one or more of the commodities named in (2) below; and (2) *such commodities as are dealt in by the electronic equipment and supply stores* in mixed loads with the commodities set forth in (1) above, from the warehouse facilities of the Radio Shack, Division of the Tandy Corp. at Columbus, Ohio, to points in Kentucky, Tennessee, Indiana, Illinois, Wisconsin, Michigan, West Virginia, Virginia, Pennsylvania, New York, North

Carolina, and South Carolina. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex.

No. MC 29120 (Sub-No. 124), filed December 17, 1970. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Post Office Box 57101, Sioux Falls, SD 57104. Applicant's representative: Mead Bailey (same address as applicant). 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, in tank vehicles, from the plantsites and storage facilities of Wilson Certified Foods Inc., at or near Cherokee, Iowa, and Omaha, Nebr., to points in Indiana, Kentucky, Michigan, and Ohio, restricted to the transportation of shipments originating at the plantsites or storage facilities of Wilson Certified Foods Inc., at or near Cherokee, Iowa, and Omaha, Nebr., and destined to points in Indiana, Kentucky, Michigan, and Ohio. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., or Omaha, Nebr.

No. MC 29392 (Sub-No. 16), filed December 7, 1970. Applicant: LES JOHNSON CARTAGE CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* which by reason of size or weight, require the use of special equipment or special handling, between points in Wisconsin (except that portion on and south of Wisconsin Highway 33 from Port Washington to junction U.S. Highway 51 at Portage, Wis., thence along U.S. Highway 51 to the Wisconsin-Illinois State line) and points in the Upper Peninsula of Michigan. Note: Applicant states it presently holds radial authority to transport the same commodities within the same area under authority granted in MC 29392. The purpose of the instant application is to remove the radial restriction and make the authority nonradial in nature. Common control may be involved. It further states tacking possibilities exist but does not name the territories that may be served. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Green Bay or Milwaukee, Wis.

No. MC 29910 (Sub-No. 100), filed December 17, 1970. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Applicant's representative:

Thomas Harper and Don A. Smith, Kelley Building, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing and conduit; and plastic pipe, tubing and conduit fittings and couplings*, from the plantsite and warehouse facilities of Genova Products Co. at or near Malvern, Ark., to points in Illinois, Indiana, Iowa, Missouri, New York, Ohio, Pennsylvania, and Wisconsin, rejected shipments of the above commodities, on return. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Washington, D.C.

No. MC 31364 (Sub-No. 4), filed December 14, 1970. Applicant: FRANCIS HILL, doing business as HILL FURNITURE CARRIERS, 8745 Cottage Street, Philadelphia, PA 19136. Applicant's representative: Alan Kahn, 1920—Two Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated store and office furniture and fixtures*, between Riverside, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 41240 (Sub-No. 13), filed December 7, 1970. Applicant: NELSON TRUCKING SERVICE, INC., Mediapolis, IA 52637. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, from South Bend, Ind., to Burlington, Coralville, Davenport, and Muscatine, Iowa. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 41432 (Sub-No. 114), filed December 11, 1970. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, Post Office Box 10125, Dallas, TX 75207. Applicant's representative Rollo E. Kidwell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the plantsite and shipping facilities of Mobay Chemical Co. at or near Baytown, Chambers County, Tex., as an off-route point in connection with applicant's authorized regular route operations at Houston, Tex. Note: If a hearing is

deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 47583 (Sub-No. 9) (Correction), filed November 16, 1970, published in the *FEDERAL REGISTER* issue of December 10, 1970 and republished in part as corrected this issue. Applicant: ED HOLESTINE TRUCK LINES, INC., 41 Lyons Street, Kansas City, KS 66118. Applicant's representative: D. S. Hults, Post Office Box 225, Lawrence, KS 66044. Note: The sole purpose of this partial republication is to include Certain-Teed Products Corp. in the Kansas City, Kansas/Missouri commercial zone as an origin point. The rest of the application remains as previously published.

No. MC 52110 (Sub-No. 119), filed December 21, 1970. Applicant: BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, IA 50312. Applicant's representative: Cecil L. Goetsch, 11th Floor, Des Moines Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum*, plate or sheet, and *scrap*, between Oswego, N.Y., and Fairmont, W. Va., restricted to traffic originating at and destined to the plantsite and/or warehouse facilities utilized by Alcan Aluminum Corp. at origin and destination. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Cleveland, Ohio.

No. MC 56679 (Sub-No. 48), filed December 14, 1970. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE, Atlanta, GA 30315. Applicant's representative: B. K. McClain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight); (1) between Athens and Elberton, Ga., over Georgia Highway 72, serving all intermediate points; and (2) between Elberton, Ga., and Greenville, S.C., from Elberton over Georgia Highway 77 to junction Georgia Highway 82, thence over Georgia Highway 82 to Georgia-South Carolina State line, thence over South Carolina Highway 184 to Iva., S.C., thence over South Carolina Highway 81 to junction U.S. Highway 29, thence over U.S. Highway 29 to Greenville, and return over the same route, serving all intermediate points. Note: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 59488 (Sub-No. 36), filed September 24, 1970. Applicant: SOUTHWESTERN TRANSPORTATION COMPANY, a corporation, 7600 South Central Expressway, Dallas, TX 75222. Applicant's representative: Lloyd M. Roach, 1517 West Front Street, Tyler, TX 75701. Authority sought to operate as a *common carrier*, by motor vehicle, over regu-

## NOTICES

lar routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Mount Pleasant, Tex., and the site of Monticello Stream Electric Station in Titus County, Tex., from Mount Pleasant, Tex., over Farm-to-Market Road 127 approximately 5 1/2 miles southwest to junction unnumbered highway, thence over unnumbered highways and access roads to the site of Monticello Stream Electric Station in Titus County, and return over the same route, serving no intermediate points. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 59680 (Sub-No. 187), filed December 4, 1970. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Avenue, Post Office Box 5689, Dallas, TX 75222. Applicant's representative: Oscar P. Peck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) Between Memphis, Tenn., and New Orleans, La.: (a) From Memphis over U.S. Highway 51 to La Place, La., thence over U.S. Highway 61 to New Orleans, and return over the same route, serving no intermediate points; (b) from Memphis over Interstate Highway 55 to junction Interstate Highway 10 near La Place, La., thence over Interstate Highway 10 to New Orleans, and return over the same route, serving no intermediate points; (2) between Memphis, Tenn., and Baton Rouge, La.: (a) From Memphis over U.S. Highway 51 to Hammond, La., thence over U.S. Highway 190 to Baton Rouge, and return over the same route, serving no intermediate points; and (b) from Memphis over Interstate Highway 55 to junction Interstate Highway 12 near Hammond, La., thence over Interstate Highway 12 to Baton Rouge, and return over the same route, serving no intermediate points. **Restriction:** The service authorized herein is restricted to the transportation of traffic moving to, from, or through, points on or east of U.S. Highway 31 and on or north of U.S. Highway 60. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y., or New Orleans, La.

No. MC 61440 (Sub-No. 127), filed December 14, 1970. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, OK 73108. Applicant's representative: Richard H. Champlin, Post Office Box 82488, Oklahoma City, OK 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, livestock, household goods as defined by the Commission, and commodities requiring special equipment), serving the plantsite

and shipping facilities of EasTex Inc. at or near Evadale, Tex., as an off-route point in connection with carrier's authorized regular route at Beaumont, Tex. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 69116 (Sub-No. 131), filed December 14, 1970. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, IL 60606. Applicant's representative: Edward G. Baze-  
lon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete products*, from Oshkosh and Omro, Wis., to points in Arkansas, Illinois, Indiana, Kentucky, Iowa, Michigan, Minnesota, Missouri, Ohio, Nebraska, New York, Pennsylvania, North Dakota, South Dakota, and Tennessee. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 69116 (Sub-No. 132), filed December 14, 1970. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, IL 60606. Applicant's representative: Edward G. Baze-  
lon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slabs, cement, building and roofing*, from North Arlington, N.J., to points in Connecticut, Delaware, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New York, Ohio, Pennsylvania, Virginia, and West Virginia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or New York, N.Y.

No. MC 83217 (Sub-No. 51), filed December 14, 1970. Applicant: DAKOTA EXPRESS, INC., 1217 West Cherokee, Post Office Box 1252, Sioux Falls, SD 57101. Applicant's representative: Henry J. Schuette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packing-houses* as described in sections A, B, and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Mitchell, S. Dak.; Fort Dodge and Algona, Iowa; Fremont and Scottsbluff, Nebr.; to points in Connecticut, Delaware, Iowa, Illinois, Indiana, Kansas, Maine, Maryland, Massachusetts, Minnesota, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, Rhode Island, Michigan, and the District of Columbia. **NOTE:** Applicant states that the requested authority cannot be tacked to its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 83539 (Sub-No. 304), filed December 18, 1970. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, TX 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spiral screw conveyors and parts thereof; bucket elevators and parts thereof; belt conveyors and parts thereof; power transmission machinery; chain; sprockets; and steel shafting*, with or without fittings, other than crankshafts, from Montebello, Calif., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 84759 (Sub-No. 6), filed December 14, 1970. Applicant: WILLIAM E. GOODMAN, doing business as MILLER BROTHERS TRUCK LINE, Post Office Box 1169, Salmon, ID 83467. Applicant's representative: R. A. Stonewall (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight and those injurious or contaminating to other lading), between Butte, Mont., and Salmon, Idaho; from Butte over U.S. Highway 91 to Divide, Mont., thence over Montana Highway 43 to U.S. Highway 93 at Lost Trail Pass, thence over U.S. Highway 93 to Salmon, Idaho, and return over the same route, serving Divide, Wise River, Wisdom, and Jackson, Mont., as intermediate points. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Pocatello or Boise, Idaho.

No. MC 87661 (Sub-No. 2), filed December 17, 1970. Applicant: RICH'S EXPRESS, INC., Post Office Box D, Malaga, NJ 08328. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue, NW, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, in bags*, from the plantsite of J. S. Morle & Sons at Mauricetown, N.J., to New York, N.Y., and Elizabeth, N.J. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 95540 (Sub-No. 792), filed December 18, 1970. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, in vehicles*

equipped with mechanical refrigeration, from Tampa, Fla., to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Miami, Fla.

No. MC 95540 (Sub-No. 793), filed December 18, 1970. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). 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* (except hides and commodities in bulk), from Carrollton, Ga., to points in Florida, Alabama, Tennessee, North Carolina, South Carolina, Virginia, Washington, D.C., New York, Pennsylvania, Connecticut, Delaware, New Jersey, Illinois, Ohio, Indiana, Kentucky, West Virginia, Louisiana, and Mississippi. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 96892 (Sub-No. 3), filed December 9, 1970. Applicant: H. GEORGE RIPLEY and DOROTHY R. RIPLEY, a partnership, doing business as BUTTE-BOZEMAN DELIVERY SERVICE, 712 East Main, Bozeman, MT 59715. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk and commodities which because of weight and size require special equipment), between Bozeman and West Yellowstone, Mont., over U.S. Highway 191, serving all intermediate points. Note: If a hearing is deemed necessary, applicant requests it be held at Bozeman or West Yellowstone, Mont.

No. MC 100666 (Sub-No. 178), filed December 14, 1970. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, LA 71107. Applicant's representatives: Paul Caplinger (same address as applicant), and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board*, from Miami, Okla., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico, and (2) *wood chips and wood waste*, from points in Texas, Louisiana, Arkansas, Missouri, Kansas, Mississippi, and Tennessee to Miami, Okla. Note: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons inter-

ested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 106398 (Sub-No. 516) (Correction), filed November 18, 1970, published in the FEDERAL REGISTER issue of December 10, 1970, and republished as corrected, this issue. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representatives: Irvin Tull (same address as above), and Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, complete, knocked down, or in sections, including all component parts, materials, supplies, and fixtures, and when shipped with such buildings, accessories used in the erection, construction and completion thereof*, from Terre Haute, Ind., to points in Arizona, California, Colorado, Delaware, Florida, Idaho, Kansas, Maryland, Minnesota, Montana, Nebraska, Nevada, New Jersey, North Dakota, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, and the District of Columbia. Note: Applicant states that the requested authority can be tacked with authority held by its wholly owned subsidiary, Whitehouse Trucking Inc., under MC 106760 (Sub-No. 45). The purpose of this republication is to include the tacking information as set forth. No duplicating authority is sought. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106398 (Sub-No. 518), filed December 14, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representatives: Irvin Tull (same address as applicant), and Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, designed to be drawn by passenger automobiles, in initial movements, from points in Gaston County, N.C., to points in the United States (except Alaska and Hawaii)*. Note: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests that it be held at Charlotte, N.C.

No. MC 107010 (Sub-No. 42), filed December 16, 1970. Applicant: BULK CARRIERS, INC., Post Office Box 423, Auburn, NE 68305. Applicant's representative: Charles J. Kimball, 300 N.S.E.A. Building, 14th and J Streets, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Anhydrous ammonia, fertilizer, and fertilizer solutions*, from the plantsite and storage facilities of Phillips Petroleum Co. at or near Hoag, Nebr., to points in Oklahoma. Note: Applicant states tacking is not intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, — or Omaha, Nebr.

No. MC 107295 (Sub-No. 478), filed December 17, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, IL 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass*, from Monroe County, Mich., to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Columbus, Ohio.

No. MC 107515 (Sub-No. 722), filed December 16, 1970. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Seabrook, N.J., to points in Pennsylvania on and west of U.S. Highway 15. Note: Applicant states the requested authority can be tacked with its existing authority under Sub 296 from Chambersburg, Pa., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 723), filed December 16, 1970. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products* other than frozen, from Houston, Tex., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, Kentucky, Ohio, Michigan, Virginia, West Virginia, Washington, D.C., Maryland, Pennsylvania, New York, New Jersey, and Delaware. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

## NOTICES

No. MC 107515 (Sub-No. 724), filed December 16, 1970. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: B. L. Gundlach (same address as above) and Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Hagerstown, Md., New York City, N.Y., Elizabeth, N.J., to points in North Carolina, South Carolina, Georgia, and Florida. Note: Applicant states that it could tack with its existing authority at points in North Carolina and Georgia to provide through service to points in Alabama, Mississippi, Louisiana, Tennessee, and Texas, however, such tacking is not intended at the present time. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or New York City, N.Y.

No. MC 111002 (Sub-No. 24) filed December 10, 1970. Applicant: FAME, INC., F.D. No. 2, Milton, Northumberland County, PA 17847. Applicant's representative: Preston L. Davis, 37 Arch Street, Milton, PA 17847. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Strip steel* in rolls or coils not requiring the use of special equipment because of size or weight, from plants of Jones & Laughlin Steel Corp. in Youngstown, Ohio, and the Rodney Metals Co. in New Bedford, Mass., to the plant of Sylvania Chemical and Metallurgical Division, Sylvania Electric Products, Inc. in Towanda, Pa., under contract with Sylvania Chemical and Metallurgical Division, Sylvania Electric Products, Inc., Towanda, Pa. Note: If a hearing is deemed necessary, applicant requests it be held at Williamsport, Pa.

No. MC 111231 (Sub-No. 169) filed December 7, 1970. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Applicant's representative: James B. Blair, 111 Holcomb Street, Post Office Box 869, Springdale, AR 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *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), between (a) Fort Smith, Ark., and points in Arkansas, Oklahoma, Missouri, Kansas, and Texas; (b) between Catoosa and Muskogee, Okla., on the one hand, and on the other, points in Arkansas, Kansas, and Oklahoma; (2) *machinery, including scales*, from Webb City, Mo., to points in Arizona, Georgia, Illinois, Kentucky, Michigan, Minnesota, Ohio, Oklahoma, and Texas; (3) *aluminum and steel cable and commodities* used in the erection, construction, and maintenance of power transmission lines or substations thereof (except commodities which because of size or weight require the use of special equipment), from Springdale, Ark., to points in Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri,

Oklahoma, Tennessee, and Texas; and (4) *iron and steel articles* from Carlinville, Ill., to points in Arkansas, Missouri, Oklahoma, and Texas. Note: Applicant states that it proposes to tack with existing authorities in its base certificate MC 111231. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 111545 (Sub-No. 147), filed December 4, 1970. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE, Post Office Box 6426, Station A, Marietta, GA 30060. Applicant's representative: Robert E. Born, Post Office Box 6426, Station A, Marietta, GA 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road construction machinery and equipment* as described in appendix VIII to the report of the Commission in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209; (2) *self-propelled vehicles* (except motor vehicles as defined in Section 203 (a)(B) of the Interstate Commerce Act); (3) *paving, curbing, spreading, grading, and finishing machinery and equipment*; and (4) *parts, attachments, and accessories* for commodities listed in (1), (2), and (3) above, from Minneapolis, Minn., points in Hennepin County, Minn., and points in Blackhawk County, Iowa, to points in the United States (except Alaska and Hawaii). Note: Applicant states it does not affirmatively intend to tack the authority and therefore, does not identify the territory that could be served; however, applicant would object to restriction of the authority unless shown to be required. No duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 111545 (Sub-No. 149) filed December 11, 1970. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE, Marietta, GA 30060. Applicant's representative: Robert E. Born, Post Office Box 6426, Station A, Marietta, GA 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, regardless of how they are equipped (except tractors used for pulling highway trailers); *scrapers*; *motor graders*, regardless of how they are equipped; *wagons*; *engines*; *generators*; *engines and generators combined*; *welders*; *road rollers*; and *trucks* designed for off-highway use, in initial movements, in truckaway service; and (2) *parts, attachments, and accessories* for the commodities described in (1) above, from the plantsites of Caterpillar Tractor Co. at or near Peoria, Aurora, Joliet, Mossville, Decatur, and Morton, Ill., to points in Mississippi, restricted to traffic originating at the named plantsites. Note: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111729 (Sub-No. 306) filed December 14, 1970. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representatives: John M. Delaney (same address as above), and Russell S. Bernhard, 1625 K Street NW, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media* of all kinds, between International Airport, Philadelphia, Pa., on the one hand, and, on the other, Wilkes-Barre, Pa., on traffic having an immediately prior or subsequent movement by air; (2) *Exposed and processed film and prints, complementary replacement film, incidental dealer handling supplies and advertising literature* moving therewith (except motion picture film used primarily for commercial theatre and television exhibition), between Ft. Lauderdale, Jacksonville, Miami, Orlando, and Tampa, Fla., on the one hand, and, on the other, points in Florida, on traffic having an immediately prior or subsequent movement by air; (3) *Blood and blood derivatives, cancer smears and pathology tissues, and related documents and records*, (a) between Anderson, S.C., on the one hand, and, on the other, points in Banks, Barrow, Bartow, Catoosa, Chattooga, Cherokee, Clarke, Columbia, Dade, Dawson, Elbert, Fannin, Floyd, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Glascock, Gordon, Greene, Habersham, Hancock, Hart, Jackson, Lincoln, Lumpkin, Madison, McDuffie, Morgan, Murray, Oconee, Oglethorpe, Pickens, Putnam, Rabun, Richmond, Stephens, Taliaferro, Towns, Union, Walker, Walton, Warren, White, Whitfield, and Wilkes Counties, Ga.; Anderson, Blount, Bradley, Carter, Clarendon, Cocke, Grainger, Greene, Hamblen, Hamilton, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, Marion, McMinn, Monroe, Morgan, Polk, Rhea, Roane, Sevier, Sullivan, Union, and Washington Counties, Tenn.; and (b) between Anderson and Columbia, S.C., on the one hand, and, on the other, points in North Carolina; and (4) *Cut flowers and decorative greens*, having an immediately prior or subsequent movement by air or motor vehicle, (a) between points in North Carolina, and (b) between points in South Carolina. Note: Common control and dual operations may be involved. Applicant states tacking possibilities. However, it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 111785 (Sub-No. 49), filed December 10, 1970. Applicant: BURNS MOTOR FREIGHT, INC., Post Office Box 149, U.S. 219 North, Marlinton, WV 24954. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue

NW, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal*, in bags or in boxes, *wood chips*, *lighter fluid*, and *barbecue base material* (vermiculite), other than crude, in mixed loads in the same vehicle with charcoal, from Parsons, W. Va., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and the District of Columbia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va., or Washington, D.C.

No. MC 112822 (Sub-No. 177), filed December 17, 1970. Applicant: **BRAY LINES INCORPORATED**, Post Office Box 1191, 1401 North Little Street, Cushing, OK 74023. Applicant's representative: Thos. Lee Allman, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal litter and pet supplies* (a) from Houston, Tex., to points in Arkansas, Louisiana, Mississippi, New Mexico, and Oklahoma; (b) from points in the Kansas City, Mo.-Kans. commercial zone to points in the United States; and (2) *Animal litter and pet supplies, bleaching, cleaning, laundry and scouring compounds, and materials and supplies* (except commodities in bulk in tank vehicles), from Atlanta, Ga., to points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Kansas City, Mo.

No. MC 113009 (Sub-No. 5) filed December 14, 1970. Applicant: **L. J. BEAL & SON, INC.**, 212 South Main Street, Brooklyn, MI 49230. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives, including binding and treating ingredients*, in bulk, in pneumatic equipment, between points in Michigan on the one hand, and, on the other, points in Ohio and Indiana. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 113267 (Sub-No. 250) filed December 17, 1970. Applicant: **CENTRAL & SOUTHERN TRUCK LINES, INC.**, 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, meat articles* distributed by meat packinghouses, as described in sections A and C of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and foodstuffs, when transported in mixed loads with meats and meat products, etc., from Fort Dodge, Iowa, to points in California, Oregon, Washington, and Las Vegas, Nev. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

*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) and *foodstuffs*, from Memphis, Tenn., to points in Mississippi, on and south of U.S. Highway 98, New Orleans, Baton Rouge, and Shreveport, La., and Mobile, Ala. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 113267 (Sub-No. 251), filed December 28, 1970. Applicant: **CENTRAL & SOUTHERN TRUCK LINES, INC.**, 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, packinghouses products and articles distributed by meat packinghouses* as described in sections A and C of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and foodstuffs, when transported in mixed loads with meats and meat products, etc., from Fort Dodge, Iowa, to points in Illinois, Indiana, and Iowa, and *bottles, containers, and commodities intended for use in the advertising of beverages*, from points in Illinois, Indiana, and Iowa to Omaha, Nebr. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 114457 (Sub-No. 97), filed December 17, 1970. Applicant: **DART TRANSIT COMPANY**, a corporation, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, non-alcoholic beverages, and related advertising materials*, from Omaha, Nebr., to points in Illinois, Indiana, and Iowa, and *bottles, containers, and commodities intended for use in the advertising of beverages*, from points in Illinois, Indiana, and Iowa to Omaha, Nebr. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115092 (Sub-No. 14), filed December 16, 1970. Applicant: **WEISS TRUCKING, INC.**, Post Office Box O, Vernal, UT 84078. Applicant's representative: William S. Richards, 900 Walker Bank Building, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and lumber mill products*, between points in Uintah County, Utah, on the one hand, and, on the other, points in Texas, Wyoming, and Oklahoma; and (2) *feed and feed ingredients*, between points in Illinois, Texas, Iowa, Nebraska, New Mexico, Oklahoma, Arizona, Colorado, Utah, and Idaho, on the one hand, and, on the other, points in Idaho and Utah. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 116073 (Sub-No. 148), filed December 24, 1970. Applicant: **BARRETT MOBILE HOME TRANSPORT, INC.**, 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements, in truckaway service and *buildings* in sections, transported on wheeled undercarriages, from points in Nelson County, N. Dak., to points in the United States (including Alaska but excluding Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked

## NOTICES

with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 116073 (Sub-No. 149), filed December 28, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles and *buildings* complete or in sections; from Maricopa County, Ariz., to points in the United States (except Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 116073 (Sub-No. 150), filed December 28, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements and *buildings*, complete or in sections, from Crawford, Wood, and Williams Counties, Ohio, to points in the United States (excluding Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio.

No. MC 116073 (Sub-No. 151), filed December 28, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings*, complete or in sections, from points in Texas (except Stephens County), to points in the United States (except Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 116073 (Sub-No. 152), filed December 29, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements and *buildings*, complete or in sections, from Schuylkill County, Pa., to points in the United States (except Hawaii). Note: Applicant states that

the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 117492 (Sub-No. 3), filed December 22, 1970. Applicant: D & H TOWING, INC., 20814 Aurora Road, Cleveland, OH 44146. Applicant's representative: Rufus E. Wilson, 2012 Lorraine Avenue, McLean, VA 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, abandoned, or repossessed motor vehicles* by use of wrecker equipment only, *repair parts* for the motor vehicles specified above, and *replacement motor vehicles* for wrecked or disabled motor vehicles, between points in Summit County, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia. Note: Applicant states it will tack at Summit County, Ohio, to perform a through service with its present authority. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Columbus, or Cincinnati, Ohio.

No. MC 118159 (Sub-No. 107), filed December 2, 1970. Applicant: EVERETTE LOWRANCE, INC., 4916 Jefferson Highway, Post Office Box 10216, New Orleans, LA 70121. Applicant's representative: David D. Brunson, 419 Northwest Sixth, Oklahoma City, OK 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts* as described in sections A and C of *Descriptions in Motor Carrier Certificates* 61, M.C.C. 209 and 766, from the plantsite and storage facilities of Texas Meat Packers, Inc., at Dallas and Lubbock, Tex., to points in Oklahoma, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, and Tennessee. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., Oklahoma City, Okla., Washington, D.C., or New Orleans, La.

No. MC 118263 (Sub-No. 14) filed December 14, 1970. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, IN 47131. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packing-houses*, 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), (A) from the plantsite and storage facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., to points in the States of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Washington, D.C.; and (B) *such commodities*

as are used by meat packers in the conduct of their businesses when destined to and for use by meat packers as described in sections D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Washington, D.C., to the plantsite and storage facilities of Illini Beef Packers, Inc., at or near Joslin, Ill. Restriction: Restricted to traffic originating at and destined to the named points. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119583 (Sub-No. 5), filed December 14, 1970. Applicant: L. E. BOLING, INC., 718 Commercial Street, Kewanee, IL 61443. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials*, from St. Louis, Mo., to Rock Island, Ill., and Davenport, Iowa, and (2) *Empty malt beverage containers, bottles and pallets*, from Rock Island, Ill., and Davenport, Iowa, to St. Louis, Mo. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 119777 (Sub-No. 196), filed November 27, 1970. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, KY 42431. Applicant's representative: Fred P. Bradley, 213 St. Clair Street, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulated metal siding and components*, except such commodities which because of size or weight require special equipment, from Lubbock County, Tex., to points in the United States. Note: Applicant holds contract carrier authority in MC 126970 and subs thereunder, therefore dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., Louisville, Ky., or Frankfort, Ky.

No. MC 119787 (Sub-No. 5), filed December 14, 1970. Applicant: F. W. GROVES TRUCKING COMPANY, a corporation, Route 1, Box 44, Leland, NC 28451. Applicant's representative: Vaughan S. Winborne, 1108 Capital Club Building, Raleigh, NC 27601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated poles, pilings, and other wooden products* from points in New Hanover and Brunswick Counties, N.C., to points in Virginia, West Virginia, Maryland, Pennsylvania, and the District of Columbia, and *untreated wood products* from points in Virginia, West Virginia, Maryland, Pennsylvania, and the District of Columbia, to points in New Hanover and Brunswick Counties, N.C. Note: Applicant states that the requested

authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 119873 (Sub-No. 7), filed December 14, 1970. Applicant: FRANCIS AND FRANCIS, INC., 11th and Meldon Avenue, Donora, PA 15033. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, PA 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, from points in New Jersey to points in Allegheny County, Pa., under a continuing contract with Monongahela Iron and Metal Co. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 123157 (Sub-No. 18) (Correction), filed December 4, 1970, published in the FEDERAL REGISTER issue of December 30, 1970 and republished in part as corrected this issue. Applicant: CEMENT TRANSPORTERS, INC., Rillito, Ariz. 85246. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, Phoenix, AZ 85012. Note: The purpose of this partial republication is to show the correct docket number as MC 123157 (Sub-No. 18) in lieu of MC 123154 (Sub-No. 18) which was erroneously shown in the previous publication. The rest of the application remains as previously published.

No. MC 124245 (Sub-No. 14) filed December 10, 1970. Applicant: ALBERT V. MEILSTRUP, doing business as ACE REFRIGERATED TRUCKING SERVICE, 219 East Tutt Street, South Bend, IN 46614. 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: *Meats, 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 766 (except hides, skins and pieces thereof)* between South Bend, Ind., on the one hand, and, on the other, points in Clark, Crawford, Daviess, Dubois, Floyd, Gibson, Greene, Harrison, Jackson, Jefferson, Jennings, Knox, Lawrence, Martin, Ohio, Orange, Perry, Pike, Posey, Scott, Spencer, Sullivan, Switzerland, Vanderburgh, Warrick, and Washington Counties, Ind., and points in Allen, Auglaize, Butler, Champaign, Clark, Clinton, Darke, Defiance, Fulton, Greene, Hamilton, Hancock, Hardin, Henry, Logan, Mercer, Miami, Montgomery, Paulding, Preble, Putnam, Shelby, Van Wert, Warren, and Williams Counties, Ohio. Note: Applicant states it will tack at South Bend, Ind., serving points in Ohio and Southern Indiana counties contained in instant application. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 124247 (Sub-No. 14), filed December 14, 1970. Applicant: DAN LODESKY TRUCKING, INC., Post Office

Box 236, Gurnee, IL 60031. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded perlite and diatomaceous earth*, from the site of the facilities of the Johns-Manville Perlite Corp. located at Rockdale, Ill., to points in Indiana, Iowa, Ohio, Wisconsin, Missouri, Michigan, Kentucky, and Nebraska. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124333 (Sub-No. 15), filed December 11, 1970. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Pyles Lane, New Castle, DE. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, in tank vehicles, from Claymont, Del., to Bishop, Md., under contract with Dover Equipment & Machine Co., Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124735 (Sub-No. 12), filed December 11, 1970. Applicant: R. C. KER-CHEVAL, JR., 4424 Fourth Avenue South, Seattle, WA 98134. Applicant's representative: Joseph O. Earp, 607 Third Avenue, Seattle, WA 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automotive and trailer springs, suspensions and parts thereof, trailer hitches, tire changing machines, wheels, wheel parts and wheel attaching parts, and wheel weights and hub caps*, from points in California to Spokane, Wash.; and (2) *automotive and trailer wheels and wheel parts*, from Spokane, Wash., to points in California, under contract with Northwest Wheel, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 126243 (Sub-No. 7), filed December 14, 1970. Applicant: ROBERTS TRUCKING CO., INC., 111 North McKenna, Poteau, OK 74953. Applicant's representative: Dean Williamson, 600 Leininger Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other loading)* (1) between Fort Towson and Heavener, Okla., from Fort Towson over U.S. Highway 70 to Broken Bow, Okla., thence over Oklahoma Highway 259 to Heavener, and return over the same route, serving all intermediate points; and (2) between Valliant and Broken Bow, Okla., from Valliant over Oklahoma Highway 98 to junction Oklahoma Highway 198, thence over Oklahoma Highway 198 to

Wright City, Okla., thence over Oklahoma Highway 198 to junction Oklahoma Highway 98, thence over Oklahoma Highway 98 to junction Oklahoma Highway 7, thence over Oklahoma Highway 7 to Broken Bow, and return over the same route, serving all intermediate points. Note: If a hearing is deemed necessary, applicant requests it be held at Fort Smith, Ark., or Oklahoma City, Okla.

No. MC 126514 (Sub-No. 29), filed December 17, 1970. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, a partnership, 5200 West Bethany Home Road, Glendale, AZ 85301. Applicant's representative: George A. Olsen, 69 Tonelle Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calendar desk pads, calendars, calendar backs, calendar mounts, paper and paper products*, from Milwaukee, Wis., to points in Arizona, New Mexico, California, Oregon, and Washington. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Los Angeles, Calif.

No. MC 127505 (Sub-No. 38), filed December 14, 1970. Applicant: RALPH H. BEOLK, doing business as R. H. BOELK TRUCK LINES, Mendota, IL 61342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Container parts and commodities* used in the manufacture, sale, and distribution of containers; between Okolona, Ky., and Mendota and Chicago, Ill., (2) *crates*, from Mendota, Ill., to points in the United States (except Alaska and Hawaii); and (3) *commodities* used in the manufacture, sale, and distribution of crates, from the destination States listed in (2) above to Mendota, Ill., restricted against commodities in bulk in (1), (2), and (3) above. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127526 (Sub-No. 2), filed December 7, 1970. Applicant: CECIL N. BUCHOLZ, 201 Second Avenue SW., Watertown, SD 57201. Applicant's representative: D. K. Loucks, 17 Second Avenue SW., Watertown, SD 57201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt, beverages, advertising matter and supplies*, from Milwaukee, Wis., and Omaha, Nebr., to Watertown, S. Dak.; and (2) *empty containers*, from Watertown, S. Dak., to Milwaukee, Wis., and Omaha, Nebr., on return, under contract with George L. Kahnke and Lynell Popham, doing business as Kahnke's Watertown Beverage Co. and Alfred L. Brewster, doing business as Brewster Distributing Co., both of Watertown, S. Dak. Note: If a hearing is deemed necessary, applicant requests it be held at Watertown, S. Dak.

No. MC 128285 (Sub-No. 5), filed December 17, 1970. Applicant: MELLOW

## NOTICES

TRUCK EXPRESS, INC., Post Office Box 17063, Portland, OR 97217. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, and fertilizer* (except liquid in bulk), from points in California to points in Oregon and Washington, under a continuing contract with H. J. Stoll & Sons, Inc. Note: No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 128685 (Sub-No. 12) filed December 10, 1970. Applicant: DIXON BROS., INC., Post Office Box 636, Newcastle, WY 82701. Applicant's representative: Robert S. Staufer, 3539 Boston Road, Cheyenne, WY 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the plant-site of U.S. Plywood-Champion Papers Inc., located at or near Newcastle, Wyo., to points in Colorado, Iowa, Kansas, Minnesota, North Dakota, and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak., Denver, Colo., or Cheyenne, Wyo.

No. MC 128772 (Sub-No. 5) (Amendment) filed November 2, 1970, published in the *FEDERAL REGISTER* issue of December 3, 1970, amended and republished as amended, this issue. Applicant: STAR BULK TRANSPORT, INC., 821 North Front Street, New Ulm, MN 56073. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, (a) from Clarkfield, New Ulm, Owatonna, and Rochester, Minn., and Alma, Wis., to points in Illinois, Michigan, Ohio, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Maryland, Missouri, and Florida; (b) from Clarkfield, New Ulm, Owatonna, and Rochester, Minn., to points in Wisconsin, and (c) from Alma, Wis., to Rochester, Minn.; and (2) *dairy equipment, dairy supplies and dairy materials*, (a) from points in Michigan, Illinois, Ohio, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Maryland, Missouri, and Florida, to Clarkfield, New Ulm, Owatonna, and Rochester, Minn., and Alma, Wis., and (b) from points in Wisconsin to Clarkfield, New Ulm, Owatonna, and Rochester, Minn., all under contract with Associated Milk Producers, Inc. Note: The purpose of this republication is to broaden the territorial scope. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, or St. Paul, Minn.

No. MC 128909 (Sub-No. 14) (Correction), filed November 18, 1970, published in the *FEDERAL REGISTER* issue December 17, 1970, and republished in part, as

corrected this issue. 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. The purpose of this partial republication is to show the origin in (1)(a) and the destination in (2) as the plantsite of Commodore Mobile Homes, Inc., of California located at Galt, Calif. The rest of the application remains as previously published.

No. MC 129645 (Sub-No. 30), filed December 8, 1970. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, MI 49801. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring systems; hardwood flooring; lumber and lumber products, and accessories and supplies* used in the installation thereof, (1) from the plant and warehouse sites of Robbins Flooring Co., at or near Ishpeming, Mich., and White Lake, Wis., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, District of Columbia, and east of U.S. Highway 183 in Nebraska, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities above from the above-named destination States to Ishpeming, Mich., and White Lake, Wis. (plant and warehouse sites of Robbins Flooring Co.). Note: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also holds temporary contract carrier authority under its No. MC 127093 (Sub-No. 11 TA). If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 133014 (Sub-No. 2), filed December 16, 1970. Applicant: WOODCREST L & S CO., a corporation, 1301 West 22d Street, Oak Brook, IL 60521. Applicant's representative: Arnold L. Burke, Suite 2220, Brunswick Building, 69 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are sold by retail mail order houses, between Chicago, Ill., on the one hand, and, on the other, points in Alabama, Delaware, Illinois, Indiana, Ohio, Michigan, West Virginia, Maryland, New Jersey, New York, Wisconsin, Iowa, Nebraska, Kansas, Kentucky, Missouri, Tennessee, Pennsylvania, Arkansas, Georgia, North Carolina, South Carolina, Florida, Virginia, District of Columbia, Connecticut, Massachusetts, Minnesota, Texas, Colorado, Louisiana, Mississippi, Rhode Island, and Oklahoma.* Restriction: The operations sought herein are limited to a transportation service to be performed under a continuing contract, or contracts with Spiegel, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133859 (Sub-No. 2), filed December 15, 1970. Applicant: JAMES S. GRIMES, Route 3, Frederick, MD 21701. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, inoperative, stolen, abandoned, repossessed, and replacement motor vehicles* (except house trailers and mobile homes designed to be drawn by passenger automobiles), and *parts therefor*, in truckaway service, between points in Maryland on and south of U.S. Highway 40, and points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Virginia, West Virginia, Pennsylvania, Ohio, North Carolina, South Carolina, Georgia, and the District of Columbia. Note: Applicant states that the requested author-

ity can be tacked with its existing authority under MC 133859 Sub-No. 1, which authorizes service between points in Carroll, Howard, Frederick, and Washington Counties, Md., and Berkeley and Jefferson Counties, W. Va., on the one hand, and, on the other, points in Connecticut, Delaware, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134533 (Sub-No. 1) (Correction), filed August 13, 1970, published in the *FEDERAL REGISTER* issue of September 3, 1970, and republished as corrected this issue. Applicant: MID-NORTH FURNITURE TRANSPORT, INC., 1175 South Cleveland, St. Paul, MN 55116. Applicant's representative: Mark Hertz (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from St. Paul, Minn., to points in Minnesota, North Dakota, South Dakota, Wisconsin, and those points on and north of U.S. Highway 30 in Iowa, under contract with The Dearborn Co., Fox Manufacturing Co., S. Bent Manufacturing Co., Tell City Chair Co., Mid-North Furniture Distributing Center, Madison Furniture Industry, and St. John's Inc. Note: The purpose of this republication is to reflect the additional supporting shippers under contract with, incorrectly shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 134798 (Sub-No. 2), filed December 14, 1970. Applicant: BLAIR CARGO, INC., 13658 Auburn Road, Newbury, OH 44065. Applicant's representative: Bernard S. Goldfarb, 1625 The Illuminating Building, 55 Public Square, Cleveland, OH 44113. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, and related materials, premiums, and malt beverage dispensing equipment* in mixed loads with malt beverages, from Buffalo, N.Y., to Madison, Ohio. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 134922 (Sub-No. 3), filed December 16, 1970. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Applicant's representative: William J. Boyd, 29 South LaSalle Street, Chicago, IL 60603. 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 appendix I to the report in *Descriptions in Motor Carrier Certifi-*

*cates*, 61 M.C.C. 209 and 766 and *equipment, materials and supplies* used in the conduct of meat packing business, between the plantsite and facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., on the one hand, and, on the other, points in Oklahoma, Missouri, Texas, Kansas, Louisiana, Arkansas, Mississippi, Arizona, and New Mexico. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135045 (Sub-No. 2), filed December 16, 1970. Applicant: BERTSCH TRUCKING, INC., Hillsboro, N. Dak. 58045. Applicant's representative: Philip W. Getts, 630 Osborn Building, St. Paul, MN 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal, including crushed scrap automobile bodies*, from points in Minnesota and North Dakota to ports of entry on the United States-Canadian border at Pembina, N. Dak., and Noyes, Minn. Note: Applicant states that the requested authority cannot be tacked to its existing authority. Applicant presently holds contract carrier authority under MC 123544 Subs 1, 2, and 3, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or Minneapolis, Minn.

No. MC 135149, filed December 2, 1970. Applicant: TITUS TRUCKING CO., INC., Post Office Box 745, Sweet-home, OR 97386. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (a) from Haines, Alaska, to Fairbanks, Alaska; (b) between Haines, Alaska, and the port of entry at or near Porcupine, Alaska, on the Alaska-Yukon International boundary line; and (c) between Fairbanks, Alaska, and the port of entry west of the boundary line between the United States and Canada at or near Boundary, Alaska, on the Alaska-Yukon International boundary line. Note: If a hearing is deemed necessary, applicant requests it be held at Juneau, Alaska.

No. MC 135165, filed December 10, 1970. Applicant: JOHN E. HICKS, doing business as A-1 PIANO & ORGAN MOVERS, 34 Pioneer Street, Dayton, OH 45405. Applicant's representative: Gerald F. Wadkowski, 85 East Gay Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pianos, organs, household appliances, radios, television sets, stereo sets, and new furniture*, between Dayton, Ohio, and points in Indiana and Kentucky, under contract with B. H. A., Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Dayton, Columbus, or Cincinnati, Ohio.

No. MC 135193, filed December 14, 1970. Applicant: BILBO TRANSPORTS, INC., 2722 Singleton Boulevard, Dallas, TX 75212. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks

Building, Austin, TX 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products, including plywood and particle board*, from the plantsites of Georgia-Pacific Corp., at or near Corrigan and New Waverly, Tex., to points in Arkansas, Kansas, Louisiana, Mississippi, Missouri, and Oklahoma. Note: Applicant holds a pending application for contract carrier authority under MC 134547, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, or Ft. Worth, Tex.

No. MC 135197 (Sub-No. 2), filed November 23, 1970. Applicant: LEESEER TRANSPORTATION, INC., Post Office Box 545, Palmyra, MO 63461. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, MO 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia*, in bulk, in tank vehicles, from storage facilities of C. F. Industries, Inc., located at Palmyra, Marion County, Mo., to points in Illinois, Iowa, and Missouri, and (2) *fertilizer and fertilizer ingredients*, dry in bags and in bulk, from the plantsite of Missouri Farmers Association, Inc., at South River, located near Palmyra, in Marion County, Mo., to points in Illinois, Iowa, Minnesota, Nebraska, and South Dakota. Note: If a hearing is deemed necessary, applicant requests it be held at Jefferson City or St. Louis, Mo.

No. MC 135202, filed December 10, 1970. Applicant: LEON PARENT TRUCKING CO., INC., 11635 West Grand Avenue, Northlake, IL 60164. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, plaster, and materials and accessories* used in the installation and distribution thereof, from Fort Dodge, Iowa, and Grand Rapids, Mich., to points in DuPage and Cook Counties, Ill., under contract with Georgia-Pacific Corp., Grand Rapids Gypsum Co., Parent Building Materials, Inc., and Johns Manville Sales Corp. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135203, filed December 17, 1970. Applicant: TEPICO, INC., 150 Lincoln Boulevard, Middlesex, NJ 08846. Applicant's representative: George A. Olsen, 69 Tonelle Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paint* (except in bulk), from Middlesex, N.J., to points in California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Louisiana, Maryland, Massachusetts, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Texas, and Virginia; and (2) *clay* (except in bulk), from points in Georgia, New York, and Pennsylvania to Middlesex, N.J. Restriction: The op-

## NOTICES

erations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts with Chemray Ratings Corp. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 135205, filed December 14, 1970. Applicant: P. RODNEY HOFFMAN, 247 Hopewell Street, Birdsboro, PA 19508. Applicant's representatives: John C. Bradley, 519 Walnut Street, Reading, PA 19603, and Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, in bulk, and *silicon metal*, in bulk, from the warehouse and storage sites of P. Rodney Hoffman in Exeter Township, Berks County, Pa., to points in Pennsylvania on and east of U.S. Highway 15. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

## MOTOR CARRIER OF PASSENGERS

No. MC 50655 (Sub-No. 27), filed December 11, 1970. Applicant: GULF TRANSPORT COMPANY, a corporation, 505 South Conception Street, Mobile, AL 36603. Applicant's representative: J. H. Bachar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) Over regular routes: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Memphis, Tenn., and Chattanooga, Tenn., over U.S. Highway 64, serving all intermediate points; and (2) over irregular routes: *Passengers and their baggage*, in special and charter operations, beginning and ending at points on the route described in (1) above and extending to points in the United States, including Alaska. Note: Applicant states that no authority is requested to originate charters or special parties on the route described above at points west of the eastern boundary of Shelby County, Tenn., and points east of the western city limit boundary of the city of South Pittsburg, Tenn. Applicant holds authority as a motor common carrier of property under MC 86761 and Subs. Applicant states it is a wholly-owned subsidiary of the Gulf, Mobile, and Ohio Railroad Co. If a hearing is deemed necessary, applicant requests it be held at Lawrenceburg, Nashville, or Fayetteville, Tenn.

No. MC 58915 (Sub-No. 55), filed December 14, 1970. Applicant: LINCOLN TRANSIT CO., INC., Route 46, East Paterson, NJ. Applicant's representative: Robert E. Goldstein, 8 West 40th Street, New York, NY 10018. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers* in the same vehicle with passengers, (a) between junction Monmouth County Highway 524 and U.S. Highway 9 and junction Monmouth County Highway 537 in Freehold Town-

ship, N.J., from junction Monmouth County Highway 524 and U.S. Highway 9, over Monmouth County Highway 524 to junction Stillwells Corner Road, and thence over Stillwells Corner Road to junction Monmouth County Highway 537, and return over the same route, serving all intermediate points; and (b) between junction Stonehurst Boulevard and Stillwells Corner Road and junction U.S. Highway 9 in Freehold Township, N.J., from junction Stonehurst Boulevard and Stillwells Corner Road, over Stonehurst Boulevard to junction Schanck Road, and thence over Schanck Road to junction U.S. Highway 9, and return over the same route, serving all intermediate points. Note: Applicant proposes to tack routes (a) and (b) above to applicant's present authority in MC 58915 to provide service to and from New York, N.Y. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 127120 (Sub-No. 1), filed December 14, 1970. Applicant: STANLEY BOLLMAN, doing business as BOLLMAN CHARTER SERVICE, Rural Delivery No. 1, Route 1, Everett, PA 15537. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round trip, sightseeing, and pleasure tours, beginning and ending at points in Bedford County, Pa., and extending to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Lower Peninsula of Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. Note: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh or Harrisburg, Pa.

No. MC 135134, filed November 16, 1970. Applicant: HENAUT TRANSPORT INC., 38 de Courval Street, Victoriaville, County of Arthabaska, PQ Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in round trip charter operations, beginning and ending at ports of entry on the International Boundary line between the United States and Canada located in New York, Vermont, New Hampshire, and Maine, and extending to points in the United States (except Alaska and Hawaii). Note: If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., or Albany, N.Y.

## APPLICATION FOR FREIGHT FORWARDER

No. FF-209 (Sub-No. 2) (LYONS TRANSPORT, INC., Extension—Export), filed December 31, 1970. Applicant: LYONS TRANSPORT, INC., 2800 West 38th Street, Chicago, IL 60632.

Applicant's representative: H. Neil Garrison, 417 West Broad Street, Suite 203, Falls Church, VA 22046. Authority sought under Section 410, Part IV of the Interstate Commerce Act, for a permit to extend operation as a *freight forwarder*, in interstate or foreign commerce, through use of the facilities of common carriers by rail, motor carrier, and water carrier in the transportation of: *General commodities*, from points in Indiana and Illinois (except those points in Indiana and Illinois in the Chicago, Ill., commercial zone as defined by the Commission), Iowa, Michigan, Minnesota, Ohio, and Wisconsin to points in Alabama, California, Florida, Louisiana, Oregon, Virginia, and Washington when consigned for export. Note: No duplicating authority is sought by this application.

## APPLICATION FOR WATER CARRIER

No. W-1254 (RIVER LOGGING COMPANY—Contract Carrier Application), filed November 27, 1970, and amended December 29, 1970. Applicant: RIVER LOGGING COMPANY, a corporation, Frohna, Mo. Applicant's representative: Francis Toohey, Jr., 11 North Main Street, Perryville, MO 63775. By application filed November 27, 1970, and amended December 29, 1970, applicant seeks to operate as a *contract carrier* by water in the transportation of logs from various islands and points not designated as ports along the Mississippi River between Keokuk, Iowa, and Memphis, Tenn.; the Missouri River below Jefferson City, Mo.; and the Illinois River below Peoria, Ill., to Wittenberg, Mo., and Memphis, Tenn.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 71-436 Filed 1-13-71; 8:45 am]

[Notice 228]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 8, 1971.

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 Com-

mission, Washington, D.C., and also in field office to which protests are to be transmitted.

## MOTOR CARRIERS OF PROPERTY

No. MC 100449 (Sub-No. 16 TA), filed January 5, 1971. Applicant: MALINGER TRUCK LINE, INC., Otho, Iowa 50569. Applicant's representative: Larry D. Knox, 4044 Southeast 14th Street, Des Moines, IA 50320. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packinghouses* as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from Waterloo, Iowa, to St. Paul and Minneapolis, Minn., and their commercial zones, for 180 days. Supporting shipper: Rath Packing Co., Waterloo, Iowa 50704. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 106919 (Sub-No. 2 TA), filed December 31, 1970. Applicant: A. L. Chipman, doing business as GOODWIN MOVING AND STORAGE COMPANY, 623 Broadway, Vallejo, CA 94590. Applicant's representative: John Paul Fischer, 140 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Alameda, Contra Costa, Marin, Sonoma, Lake, Napa, Yolo, San Francisco, Solano, Sacramento, San Joaquin, Mendocino, San Mateo, Santa Clara, Stanislaus, Calaveras, and Tuolumne Counties, Calif. Note: Applicant states it intends to tack with presently held authority in MC 106919, for 180 days. Supporting shippers: Cartwright Van Lines, Inc., International Division, 4250—24th Avenue West, Seattle, WA 98199; Astron Forwarding Co., Post Office Box 161, Oakland, CA 94604. Send protests to: District Supervisor William E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 111812 (Sub-No. 414 TA), filed January 5, 1971. Applicant: MIDWEST COAST TRANSPORT, INC., Post Office Box 1233, 405½ East Eighth Street, Wilson Terminal Building, Sioux Falls, SD 57101. Applicant's representative: Ralph H. Jinks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Minneapolis-St. Paul, Minn., and the commercial zones thereof, to points in Montana, Utah, Oregon, Washington, Idaho, and Nevada, for 180 days. Supporting shipper: Geo. A. Horner & Co., Austin, Minn.; Richard A. Chr, Traffic Manager. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, SD 57501.

No. MC 113427 (Sub-No. 4 TA), filed December 30, 1970. Applicant: HARRY GIBSON, Rural Route 2, Wellsville, KS 66092. Applicant's representative: John L. Richeson, First National Bank Building, Ottawa, KS 66067. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream mix and ice milk mix*, in cans, and return *empty cans*, from Sedalia, Mo., to Soft Freeze stores in Johnson, Wyandotte, and Leavenworth Counties, in Kansas, and Jackson County, Mo., for 150 days. Supporting shipper: Beatrice Foods Co., 111 West Fifth Street, Sedalia, MO 65301. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, KS 66603.

No. MC 114632 (Sub-No. 33 TA), filed January 5, 1971. Applicant: APPLE LINES, INC., Post Office Box 507, 225 South Van Epps, Madison, SD 57042. Applicant's representative: Robert Appelwick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and packinghouse products* as set forth in sections A and C, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Estherville, Iowa, to points in Kansas and Missouri, and from Sioux Falls, S. Dak., to Chicago, Ill., for 180 days. Supporting shipper: John Morrell & Co., Sioux Falls, S. Dak.; Claude Stewart, Traffic Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, SD 57501.

No. MC 115331 (Sub-No. 293 TA), filed January 5, 1971. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131. Applicant's representative: J. R. Ferris (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* in containers, from Mendota and Wyoming, Ill., to points in Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Virginia, Wisconsin, and Missouri, for 180 days. Supporting shipper: Elanco Products Co., Indianapolis, IN 46206. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 120184 (Sub-No. 4 TA), filed January 5, 1971. Applicant: PEP LINES TRUCKING CO., 15120 Third Street, Highland Park, MI 48203. Applicant's representative: Eugene C. Ewald, Suite

1700, One Woodward Avenue, Detroit, MI 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail general mercantile establishments, and in connection therewith, *materials and supplies in the conduct of such business*, between points in Cook, Du Page, Kane, Kendall, Lake, McHenry, and Will Counties, Ill., and those in Lake and Porter Counties, Ind., under continuing contract with Montgomery Ward & Co., Inc., for 180 days. Supporting shipper: Montgomery Ward, Post Office Box 7337, Chicago, IL 60680. Send protests to: District Supervisor Melvin F. Kirsch, Bureau of Operations, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell, Detroit, MI 48226.

No. MC 124573 (Sub-No. 9 TA), filed January 5, 1971. Applicant: STILL FERTILIZER AND GRAIN COMPANY, Steele, Mo. 63877. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, TN 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from Jefferson Island, La., to points in Reynolds County, Mo., for 150 days. Supporting shipper: Leo A. Vossen, Senior Traffic Analyst-Motor, Diamond Crystal Salt Co., St. Clair, Mich. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 125506 (Sub-No. 14 TA), filed January 5, 1971. Applicant: JOSEPH ELLETO TRANSFER, INC., 31 West St. Marks Place, Valley Stream, NY 11580. Applicant's representative: Morris Honig, 150 Broadway, New York, NY 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail specialty shops (excluding new furniture and appliances for resale) *store fixtures and displays*, between shipper's stores, distribution points, warehouses and vendors located at New York, N.Y., and Paramus and Eatontown, N.J., for 180 days. Supporting shipper: Lane Bryant, Edward Sados, 1501 Broadway, New York, NY 10036. Send protests to: Interstate Commerce Commission, Anthony Chiusano, District Supervisor, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 129645 (Sub-No. 33 TA) (Correction), filed December 17, 1970, and published *FEDERAL REGISTER* issue December 30, 1970, and republished in part as corrected this issue. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, MI 49801. Applicant's representative: Basil J. Smeester (same address as above). Note: The purpose of this partial republication is to add the State of West

## NOTICES

Virginia as a destination State, which was inadvertently omitted from previous publication, the rest of publication remains as previously published.

No. MC 134651 (Sub-No. 2 TA), filed January 5, 1971. Applicant: GIBSCO TRANSPORT LIMITED, 2111 Lakeshore Road East, Clarkson, ON Canada. Applicant's representative: William J. Hirsch, 35 Court Street, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, from the port of entry between the United States and Canada located on the Niagara River at Buffalo, N.Y., to the plantsite of Wyandotte Cement, Inc., located in the city of Buffalo, N.Y., and *returned shipments* in the reverse direction, for 90 days. Supporting shipper: St. Lawrence Cement Co., Clarkson, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, NY 14203.

No. MC 134910 (Sub-No. 3 TA), filed December 31, 1970. Applicant: CALLIS TRUCKING, INC., Clay and Market Streets, Box 25, Centerton, IN 46116. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from points in Stark and Tuscarawas Counties, Ohio, to points in that area of Indiana, bounded on the north by Indiana Highway 218 at the Indiana-Ohio State line; thence extending in a westerly direction along said State Highway 218 to junction Indiana Highway 15; thence northwesterly along Indiana Highway 15 to junction Indiana Highway 16; thence westerly along Indiana Highway 16 to junction U.S. Highway 41; thence north along U.S. Highway 41 to junction Indiana Highway 114; thence westerly along Indiana Highway 114 to the Indiana-Illinois State line; and on the south by U.S. Highway 50, for 180 days. Supporting shipper: Architectural Brick Sales, 7172 North Keystone Avenue, Indianapolis, IN 46240. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 135206 TA, filed January 5, 1971. Applicant: NORMAN KRUCKENBERG, doing business as N. K. TRUCKING, 204 Fifth Avenue East, Kalispell, MT 59901. Applicant's representative: Jeremy G. Thane, Savings Center Building, Missoula, MT 59801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Flathead, Lake, and Lincoln Counties, Mont., to points in North Dakota, South Dakota, Minnesota, Iowa, Wisconsin, Illinois, and Nebraska, for 180 days. Supporting shippers: Superior Buildings Co., Post Office Box

D, Columbia Falls, MT 59912; Kalispell Pole and Timber Co., Post Office Box 1039, Kalispell, MT 59901; Rocky Mountain Lumber Co. Inc., Post Office Box 158, Columbia Falls, MT 59912; Broeder Brothers Lumber Co., Route No. 4, Kalispell, MT 59901; F. H. Stoltze Land & Lumber Co., Columbia Falls, MT 59912; Joseph Adair Lumber Co., Post Office Box 17254, Portland, OR 97217. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, MT 59101.

No. MC 135207 TA, filed January 5, 1971. Applicant: L. M. X. EXPRESS INC., 42-33 66th Street, Woodside, NY 11377. Applicant's representative: Robert V. Delaney, Owings Mills, Md. 21117. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cups, lids, straws, plates, dishes, bowls, dispensers and packaging containers, paper and plastic*, from New York, N.Y., to points in Union, Essex, Bergen, Passaic, and Hudson Counties in New Jersey; Nassau, Suffolk, Westchester, Rockland, Orange, Dutchess, Sullivan, Ulster Counties in New York. Note: Returns of merchandise from consignees in aforementioned counties to carriers terminal in New York City, N.Y., for consolidation and tender to common carrier, for 180 days. Supporting shipper: Sweetheart Cup, Division of Maryland Cup Corp., Owings Mills, MD 21117. Send protests to: Interstate Commerce Commission, Bureau of Operations, Anthony Chiusano, District Supervisor, 26 Federal Plaza, New York, NY 10007.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 71-507 Filed 1-13-71; 8:49 am]

[Notice 227]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 11, 1971.

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 Commis-

sion, Washington, D.C., and also in field office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 47583 (Sub-No. 10 TA), filed January 6, 1971. Applicant: ED HOLE-STINE TRUCK LINES, INC., 41 Lyons Avenue, Kansas City, KS 66118. Applicant's representative: Lester L. Tollie, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel articles*, from points in Kansas City, Mo.-Kans, commercial zone to points in Kansas and Oklahoma, for 90 days. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 52657 (Sub-No. 673 TA), filed January 6, 1971. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, IL 60620. Applicant's representative: S. J. Zangri (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and trailer chassis*, in secondary truck-away movement, to, from, and between the Brown Trailer Division plants in Reading, Pa., and Michigan City, Ind.; Brown Trailer Division sales and service branches; Brown Trailer Division dealer points; and points at which are located other contractors not affiliated with Brown Trailer Division but who service Brown Trailer Division Products, located in the following points, Everett, Mass.; Linden, N.J.; Reading, Pa.; Baltimore, Md.; Buffalo, N.Y.; Charlotte, N.C.; Michigan City, Ind.; Chicago, Ill.; Cleveland, Ohio; Cincinnati, Ohio; Dearborn, Mich.; Grand Rapids, Mich.; Nashville, Tenn.; Philadelphia, Pa.; Pennsauken, N.J.; Morgantown, Pa.; Montoursville, Pa.; Girard, Ohio; Levittown, Pa.; Belleville, Pa.; New York, N.Y.; commercial zone, East Hartford, Conn., for 180 days. Supporting shipper: Clark Equipment Co., Brown Trailer Division, Michigan City, Ind. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 87720 (Sub-No. 103 TA), filed January 6, 1970. Applicant: BASS TRANSPORTATION CO., INC., Old Cotton Road, Star Route A, Post Office Box 391, Flemington, NJ 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household cleaning products*, except in bulk, from Bristol, Pa., to points in Connecticut, Rhode

Island, Massachusetts, Vermont, New Hampshire, and Maine, and (2) materials and supplies, used in the manufacture, sale, or distribution of the aforementioned commodities, except in bulk, from the destination territory, to Bristol, Pa., and (3) returned shipments. Restriction: Under a contract with Purex Corp., Ltd., for 180 days. Supporting shipper: Purex Corp., Ltd., Radcliffe Street at Fillmore, Bristol, PA 19007. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Second Floor, Trenton, NJ 08608.

No. MC 111302 (Sub-No. 63 TA), filed January 6, 1971. Applicant: HIGHWAY TRANSPORT, INC., Post Office Box 588, Brickyard Road, Powell, TN 37849. Applicant's representative: George W. Clapp, Post Office Box 10188, Greenville, SC 29603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Edible tallow and lard, in bulk, in tank vehicles, from Knoxville, Tenn., to Atlanta, Ga., Charlotte, N.C., Cincinnati, Ohio; and Roanoke, Va., for 180 days. Supporting shipper: East Tennessee Packing Co., Post Office Box 200, Knoxville, TN 37901. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, 803-1808 West End Building, Nashville, TN 37203.

No. MC 112801 (Sub-No. 114 TA), filed January 6, 1971. Applicant: TRANSPORT SERVICE CO., Post Office Box 50272, 5100 West 41st Street, Chicago, IL 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid feed, from Muscatine, Iowa, to points in Illinois, Indiana, Wisconsin, and Missouri, for 150 days. Supporting shipper: Kent Feed, Inc., Muscatine, Iowa 52761. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, Room 1086, 219 South Dearborn Street, Chicago, IL 60604.

No. MC 117068 (Sub-No. 12 TA), filed January 6, 1971. Applicant: MIDWEST HARVESTORE TRANSPORT, INC., 2118 17th Avenue NW, Rochester, MN 55901. Applicant's representative: Paul F. Sullivan, Suite 701, Washington Building, 15th and New York Avenue NW, Washington, DC 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Seat cabs and parts therefor when moving therewith, from Rochester, Minn., to Deerfield, Ill., for 180 days. Supporting shipper: Allis-Chalmers Manufacturing Co., Deerfield, Ill. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 117686 (Sub-No. 119 TA), filed January 6, 1971. Applicant: HIRSCH-BACH MOTOR LINES, INC., Post Office

Box 417, 3324 Highway 75 North, Sioux City, IA 51102. 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 defined by the Commission, from Plainview, Tex., to points in Alabama, Arkansas, Georgia, Illinois, Iowa, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, South Dakota, Tennessee, and Oklahoma, for 180 days. Supporting shipper: Missouri Beef Packers, Inc., Amarillo, Tex. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 304 Post Office Building, Sioux City, IA 51101.

No. MC 123233 (Sub-No. 33 TA), filed January 6, 1971. Applicant: PROVOST CARTAGE INC., 7887—Second Avenue, Ville d'Anjou 437, PQ Canada. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Carbon tetrachloride, in bulk, in tank vehicles, from the port of entry on the United States-Canada Boundary line at or near Roosevelttown, N.Y., to Bayonne, N.J. Restricted to traffic originating in Canada for 150 days. Supporting shipper: Canadian Industrial Limited, Edifice CIL, C.P. 10, Montreal 101, PQ Canada. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 125440 (Sub-No. 9 TA) (Correction), filed December 18, 1970, and published FEDERAL REGISTER issue December 29, 1970, and republished in part as corrected this issue. Applicant: JULES TISCHLER AND PAUL JOHNSON, doing business as, RARITAN MOTOR EXPRESS, 129 Lincoln Boulevard, Middlesex, NJ 08846. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Note: The purpose of this partial republication is to show the duration of days (150) which was inadvertently omitted in previous publication, the rest of publication remains as previously published.

No. MC 127042 (Sub-No. 71 TA), filed January 6, 1971. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leed Station, Sioux City, IA 51108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C of appendix 1 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 utilized by Aristo Kansas Meat Packers, Inc., Holton, Kans., to points in Illinois and Wisconsin, for 150 days. Supporting shipper: Kansas Meat Packers, Post Office Box 327, Holton, KS 66436. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce

Commission, Room 304, Federal Building, Sioux City, IA 51101.

No. MC 128285 (Sub-No. 6 TA), filed January 6, 1971. Applicant: MELLOW TRUCK EXPRESS, INC., Post Office Box 17063, 9801 North Vancouver Way, Portland, OR 97201. Applicant's representative: Earle V. White, Farley Building, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Industrial maintenance and sanitation supplies and equipment, from Santa Clara, Calif., to points in Oregon, and Washington, under contract with Zep Manufacturing Co., for 180 days. Supporting shipper: Zep Manufacturing Co., 1310 Seaboard Industrial Boulevard NW, Atlanta, GA 30301. Send protests to: District Supervisor W. J. Huettig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, OR 97204.

No. MC 128652 (Sub-No. 6 TA), filed January 5, 1971. Applicant: LARSON TRANSFER & STORAGE CO., INC., 9450 Bloomington Freeway, Minneapolis, MN 55431. Applicant's representative: W. D. Larson (same address as above). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Internal combustion engines, from New Holstein and Grafton, Wis., to Windom, Minn., via Minneapolis, Minn., stopping in transit to partially unload, in connection with carrier's regular authorized service from the above-described points to Windom, Minn. Note: Applicant proposes to render service for the shipper at Minneapolis, Minn. in conjunction with its presently held authority in MC 128652 from the same origins, to Windom, Minn., for 120 days. Supporting shipper: Toro Manufacturing Corp., 8111 Lyndale Avenue South, Minneapolis, MN 55420. Send protests to: District Supervisor A. N. Spath, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building & U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 135113 (Sub-No. 1 TA), filed January 5, 1971. Applicant: WELLINGTON REALTY CORP., Transportation Division, Post Office Box 244, Madison, GA 30650. Applicant's representative: Archie B. Culbreth, Suite 417, 1252 West Peachtree Street NW, Atlanta, GA 30309. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Cotton or synthetic rope, twine, cord, mops and mop heads, mop handles, cotton yarn clothes lines, venetian blind cords, winch ropes, tow bridle ropes, ski ropes, ski rope handles, and component parts, materials and supplies used in the manufacture and distribution of such products, (a) between the plantsite and warehouse facilities used by Wellington Puritan Mills, Inc., at or near Athens, Ga., Madison, Ga., Elizabethton, Tenn., Hendersonville, N.C., Louisville, Ky., Stockton, Calif., and Seattle, Wash.; the Wellington Georgia Mills, Inc., at or near

Whitesburg, Ga.; and the Wellington Puritan Mills of Texas, Inc., at or near West, Tex., and (b) from the plantsites and warehouse facilities specified in (1) (a) above, to points in the United States (except Alaska and Hawaii); (2) cotton and synthetic yarns, twine, cord and rope, sisal, fiberglass yarn, barytes (crude sulphate), mop handles, bronze or steel wire, and component parts, materials and supplies used in the manufacture and distribution of products specified in (1) above, from points in Illinois, Missouri, Tennessee, and Mississippi, and points in that portion of the United States located east thereof, and Texas, to the plantsites and warehouse facilities used by (1), Wellington Puritan Mills, Inc., at or near Athens, Ga., Madison, Ga., Elizabethton, Tenn., Hendersonville, N.C., and Louisville, Ky.:

(2) Wellington Georgia Mills Inc., at or near Whitesburg, Ga., and (3) Wellington Puritan Mills of Texas, Inc., at or near West, Tex.; (3) plastic laminated particleboard, from the plantsite and warehouse facilities used by Wellington Forest Products, Inc., at or near Summerville, S.C., to points in Alabama, Florida, Connecticut, Georgia, Massachusetts, New Jersey, New York, Pennsylvania, South Carolina, Tennessee, Virginia, Missouri, and New Hampshire; (4) plastic film or sheeting, from Columbus, Ohio; Medina, Ohio; and Brooklyn, N.Y., to the plantsite and warehouse facilities used by Wellington Forest Products, Inc., at or near Summerville, S.C.; (5) plastic webbing and plastic or synthetic yarn, from the plantsite or warehouse facilities used by Wellington Synthetic Fibres, Inc., at or near Leesville, S.C., to points in Florida, Georgia, North Carolina, New Jersey, New York, Pennsylvania, Tennessee, and Texas; (6) plastic resins, from points in Texas and West Virginia to the plantsites and warehouse facilities used by (a) Wellington Synthetic Fibres, Inc., at or near Leesville, S.C., and Pilot Mountain, N.C., and (b) Poly-Fibers, Inc., at or near Birmingham, Ala.; (7)

plastic or synthetic yarn, from Odenton, Md., to the plantsite and warehouse facilities used by Wellington Synthetic Fibres, Inc., at or near Leesville, S.C.; (8) plastic or vinyl products, vinyl-coated fiberglass screening, outdoor furniture, plastic webbing, plastic re-web kits and renew kits therefor, with or without clips or screws, from the plantsite and warehouse facilities used by Wellington Synthetic Fibres, Inc., at or near Paterson, N.J., to points in the United States (except Alaska and Hawaii); (9) synthetic yarns, from Odenton, Md., and Pawtucket, R.I., to the plantsite and warehouse facilities used by Wellington Synthetic Fibres, Inc., at or near Paterson, N.J.;

(10) Vinyl sheet or sheeting, from Avenel, N.J., and Hickory, N.C., to the plantsite and warehouse facilities used by Wellington Synthetic Fibres, Inc., at or near Paterson, N.J.; (11) synthetic yarn, synthetic rope, extruded vinyl products, and vinyl-coated wire cable, from the plantsite and warehouse facilities used by Wellington Synthetic Fibres, Inc., at or near Pilot Mountain, N.C., to points in the United States (except Alaska and Hawaii); (12) synthetic yarn and rope, from the plantsite and warehouse facilities used by Poly-Fibers, Inc., at or near Birmingham, Ala., to points in Alabama, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, and South Carolina; (13) office supplies and corrugated fibreboard boxes, between the plantsites and warehouse facilities used by Wellington Synthetic Fibres, Inc., and Poly-Fibers, Inc., located at or near Leesville, S.C., Paterson, N.J., Pilot Mountain, N.C., and Birmingham, Ala.; (14) books, between the plantsites and warehouse facilities used by Wellington Book Co., Inc., at or near Montebello, Calif., and between such plantsites and warehouse facilities, on the one hand, and, on the other, points in California, Connecticut, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, New

York, New Jersey, Pennsylvania, Ohio, Tennessee, Texas, and Virginia; (15) aluminum foil, from the plantsite and warehouse facilities used by Wellington Films & Foil, Inc., at or near Englewood, N.J., to points in California, Kentucky, and Virginia, for 180 days. Supporting shippers: Wellington Puritan Mills, Inc., Madison, Ga.; Wellington Georgia Mills, Inc., Whitesburg, Ga.; Wellington Puritan Mills of Texas, Inc., West, Tex.; Wellington Forest Products, Inc., Summerville, S.C.; Wellington Synthetic Fibres, Inc., Paterson, N.J.; Poly-Fibers, Inc., Birmingham, Ala.; Wellington Book Co., Inc., East Rutherford, N.J.; Wellington Book-West, Inc., Montebello, Calif.; Wellington Films & Foils, Inc., Englewood, N.J. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 135135 (Sub-No. 1 TA), filed January 6, 1971. Applicant: DELANO DURTZ, doing business as MINOT FERTILIZER & STORAGE CO., Post Office Box 225, Minot, ND 58701. Applicant's representative: Gerald G. Glaser, Dakota National Bank, 212 North Fourth Street, Bismarck, ND 58501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Sioux Falls, S. Dak., to points in North Dakota, on and west of U.S. Highway 281, for 180 days. Supporting shipper: Farmers Union Grain Terminal Association, Feed Operations, Box 1149, Minot, ND 58701. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

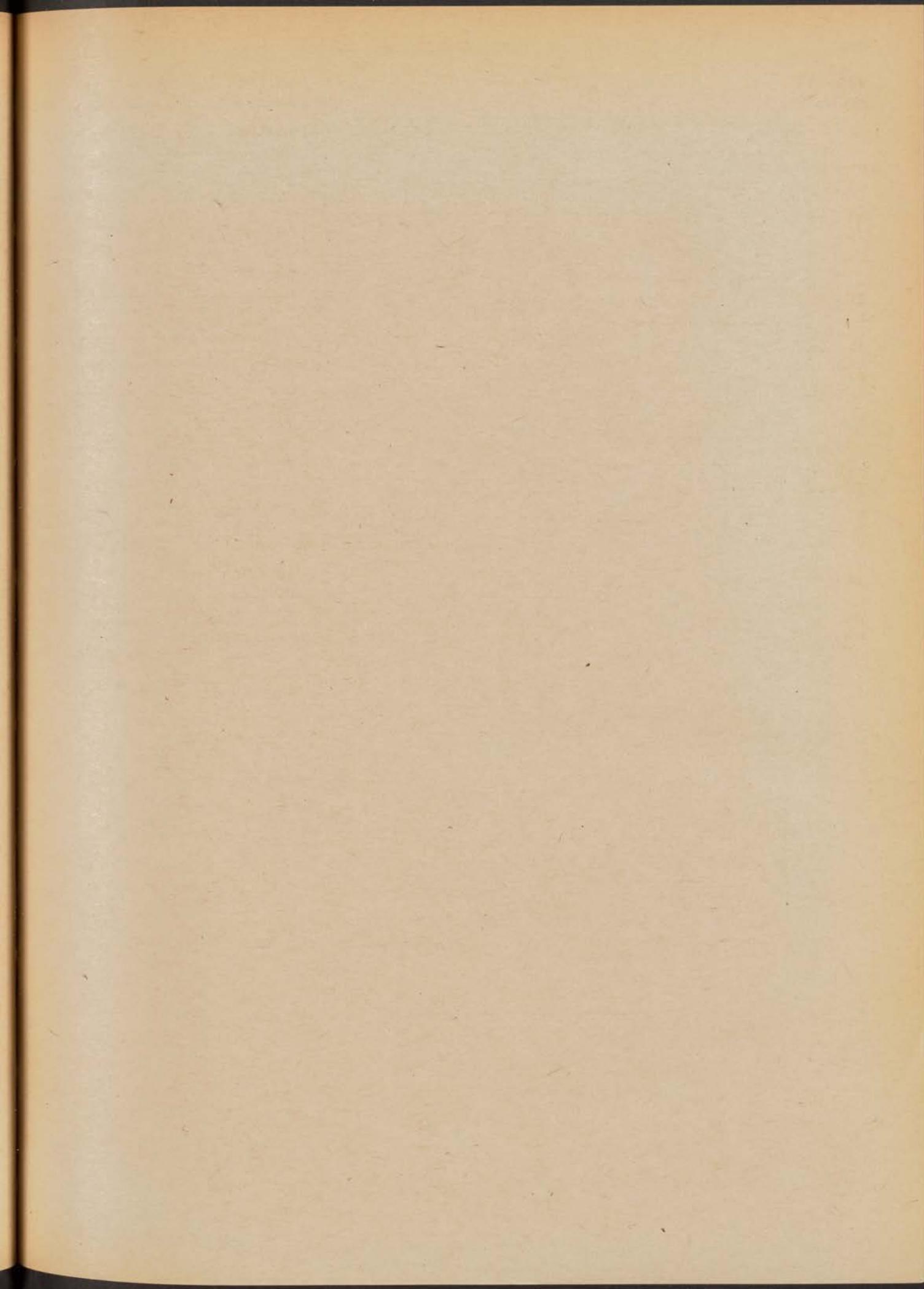
[FR Doc. 71-508 Filed 1-13-71; 8:49 am]

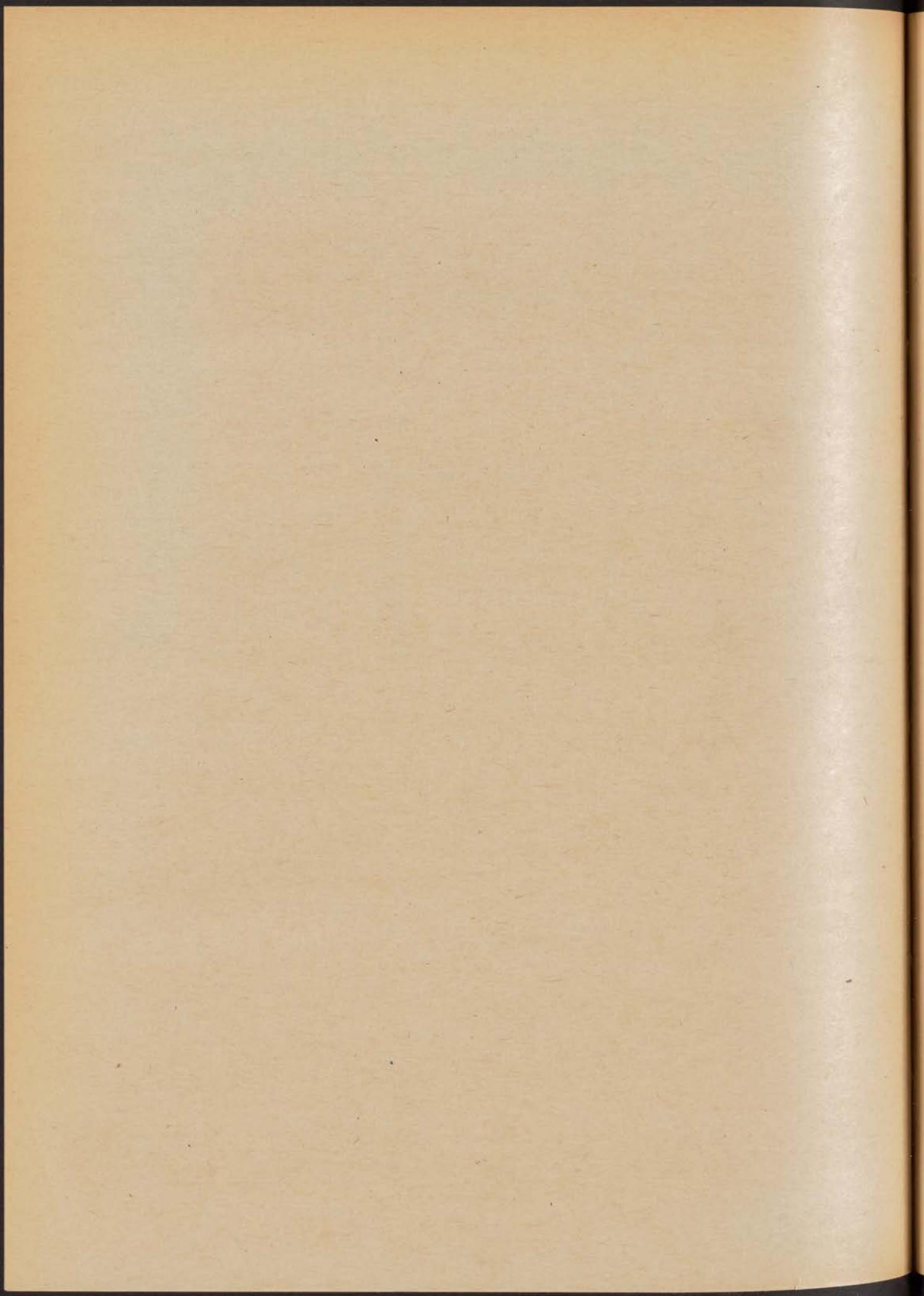
## CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

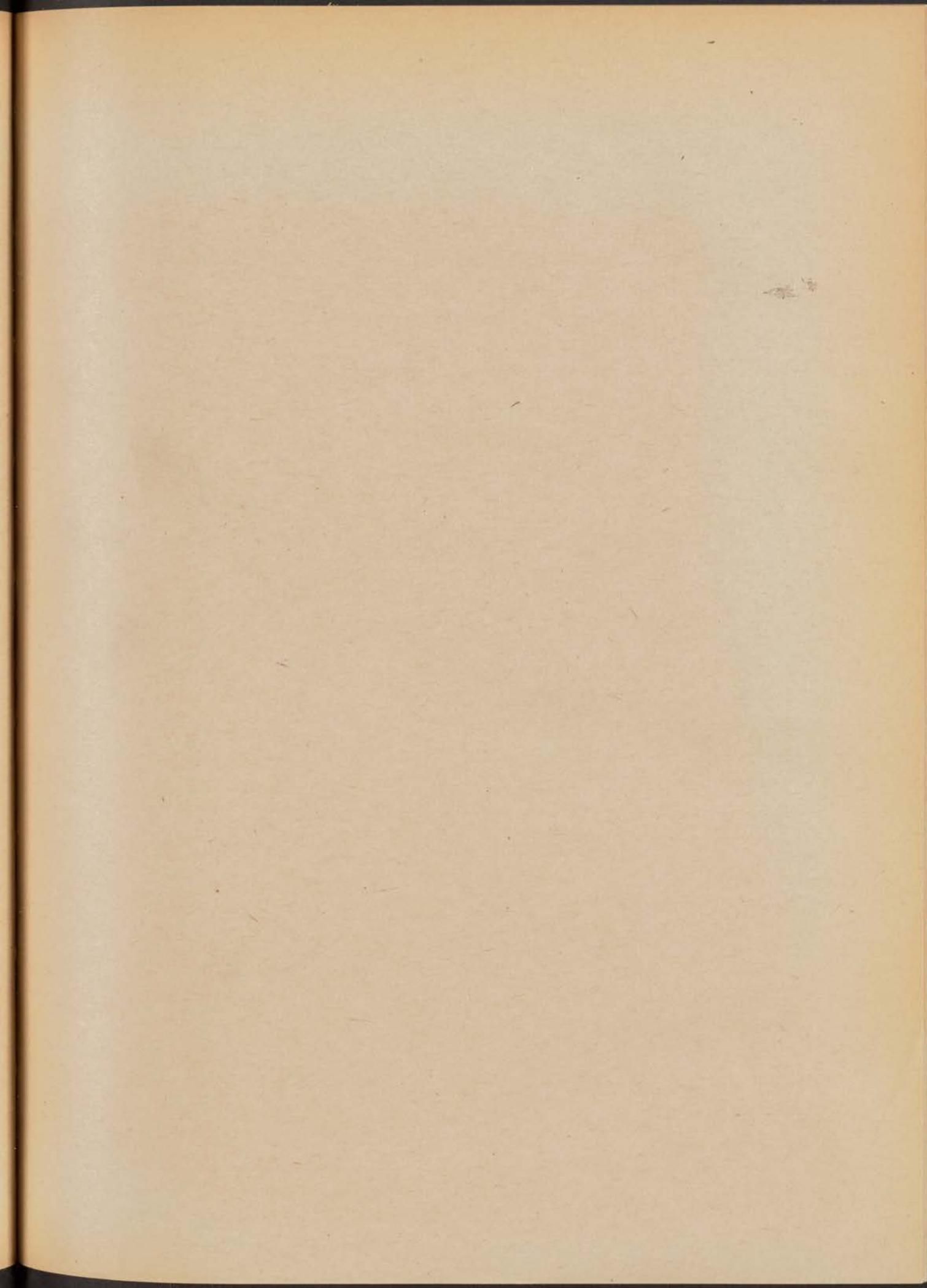
The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

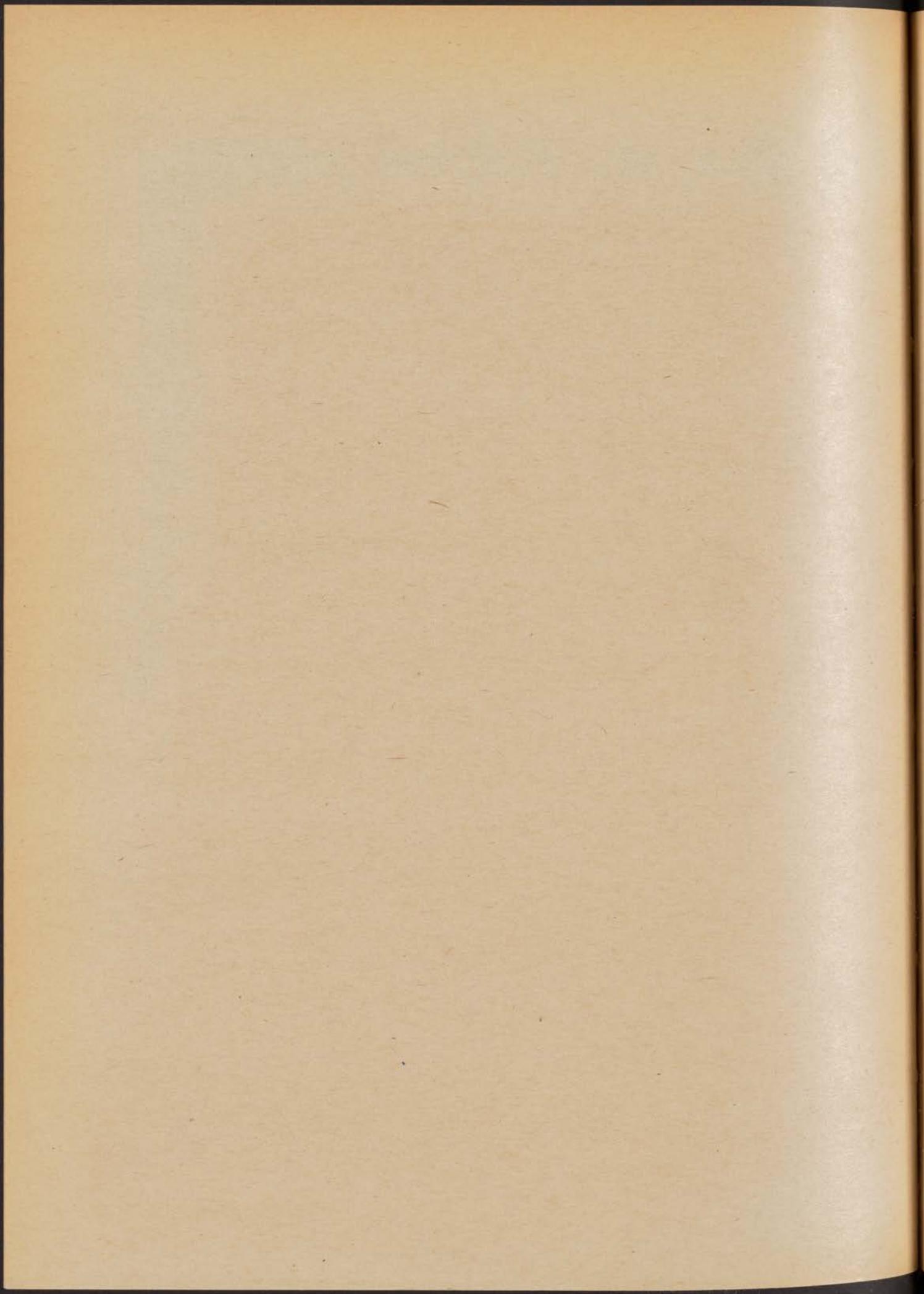
Page	Page	Page	Page
<b>3 CFR</b>		<b>13 CFR</b>	
PROCLAMATIONS:		121	43, 213, 315, 421
3548 (see Proc. 4026)	5	PROPOSED RULES:	
3558 (see Proc. 4026)	5	121	294
3562 (see Proc. 4026)	5	<b>14 CFR</b>	
3597 (see Proc. 4026)	5	1	43
3709 (see Proc. 4026)	5	37	15
3790 (see Proc. 4026)	5	39	15, 214, 421, 422
3822 (see Proc. 4026)	5	71	44, 147, 214–216, 319, 494
3856 (see Proc. 4026)	5	73	44
3870 (see Proc. 4026)	5	75	44, 494
3884 (see Proc. 4026)	5	91	43
4026	5	97	147, 353
EXECUTIVE ORDERS:		121	45
10427 (revoked by EO 11575)	37	135	45
10737 (revoked by EO 11575)	37	PROPOSED RULES:	
11495 (revoked by EO 11575)	37	37	23
11575	37	71	165, 224, 225, 323–325, 556
11576	347	73	435
11577	349	75	165
<b>5 CFR</b>		91	325
213	11, 39, 261, 315, 353	<b>15 CFR</b>	
2410	315	PROPOSED RULES:	
<b>7 CFR</b>		7	113
0	413	1020	547
20	40	1025	547
270	261	1030	547
301	139, 261	1035	547
401	262	1040	547
722	11, 40	1050	547
725	11	<b>16 CFR</b>	
730	139, 140	421	45
812	140	422	354
814	141	PROPOSED RULES:	
815	11	415	226
905	40, 41	429	437
906	143	430	379
907	144, 213, 543	432	379
910	41, 315	<b>18 CFR</b>	
966	41	101	508
971	421	104	509, 519
1421	41, 42	105	511, 525
PROPOSED RULES:		141	512, 530
68	545	154	45
907	22	201	366, 512
908	22	204	515, 530
987	112	205	516, 537
1061	370	260	366, 517, 543
<b>8 CFR</b>		PROPOSED RULES:	
3	316	2	437
100	316	154	69, 167
103	316	201	377
212	317	260	377
234	317	<b>19 CFR</b>	
242	317	PROPOSED RULES:	
243	317	2	437
<b>9 CFR</b>		154	69, 167
76	14, 144, 265, 318, 353, 493	201	377
78	493	260	377
<b>10 CFR</b>		<b>20 CFR</b>	
30		121	615
40		<b>21 CFR</b>	
70		19	495
170		20	422
		120	423
		121	423, 495
		135a	424
		135c	423
		135e	495
		135g	496
		148h	148
		420	424
		PROPOSED RULES:	
		121	224
		<b>24 CFR</b>	
		200	424
		203	216
		207	216
		220	216
		1914	263
		1915	264
		<b>26 CFR</b>	
		1	266
		13	150
		44	505
		45	506
		154	151
		301	506
		PROPOSED RULES:	
		1	17, 70, 106, 292, 370
		31	20
		42	107
		<b>29 CFR</b>	
		4	285
		6	287
		524	50
		619	221
		661	221
		672	427
		683	428
		721	428
		723	52
		724	429
		725	222
		726	427
		870	367
		PROPOSED RULES:	
		525	69
		<b>30 CFR</b>	
		PROPOSED RULES:	
		71	252
		<b>32 CFR</b>	
		10	432
		13	433
		16	433
		25	433
		54	433
		1710	367

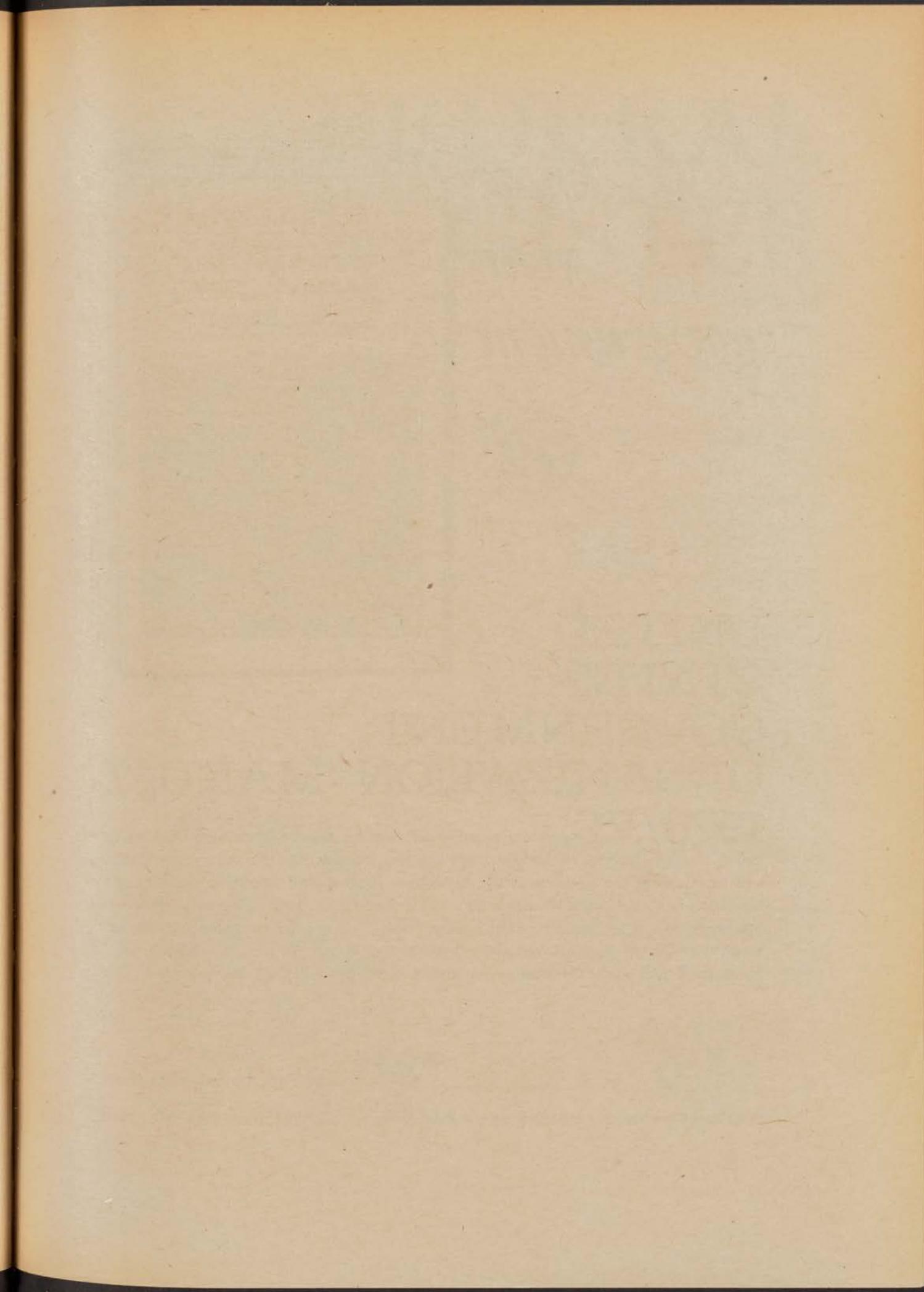
<b>32A CFR</b>	Page	<b>41 CFR</b>	Page	<b>45 CFR</b>	Page
OIA (Ch. X):		1-1	288	177	62
OI Reg. 1	52, 320	1-2	288		
NSA (Ch. XVIII):		1-16	217		
AGE 2	429	3-1	56	<b>46 CFR</b>	
PROPOSED RULES:		3-7	56	390	368
Ch. X	224	3-16	56		
		5A-2	157, 505	<b>47 CFR</b>	
		5A-8	157	0	158, 505
		5A-16	157	97	158
		5A-72	15	PROPOSED RULES:	
		50-201	288	73	329, 557-562
		50-203	288		
		114-26	59	<b>49 CFR</b>	
		114-38	59	1	367, 430
		114-45	59, 221	5	430
		114-47	221	7	63, 430
				9	431
				95	431
				99	431
				173	64
				391	222
				571	289, 503
				1033	64
				1056	158
				1201	64
				PROPOSED RULES:	
				71	225
				173	292
				571	166, 326
				575	557
				Ch. X	226
				1100	438
<b>36 CFR</b>		<b>42 CFR</b>		<b>50 CFR</b>	
1	154	481	222	28	368, 369, 506
6	156	PROPOSED RULES:		33	16, 322, 369, 431
7	55, 156, 506	481	226, 293, 435, 436	240	158
12	154			PROPOSED RULES:	
55	154			80	370
251	156				
PROPOSED RULES:					
2	167				
<b>38 CFR</b>					
6	368				
8	368				
17	320				
36	320, 543				
<b>39 CFR</b>					
171	157				
3001	396				
PROPOSED RULES:					
124	433				









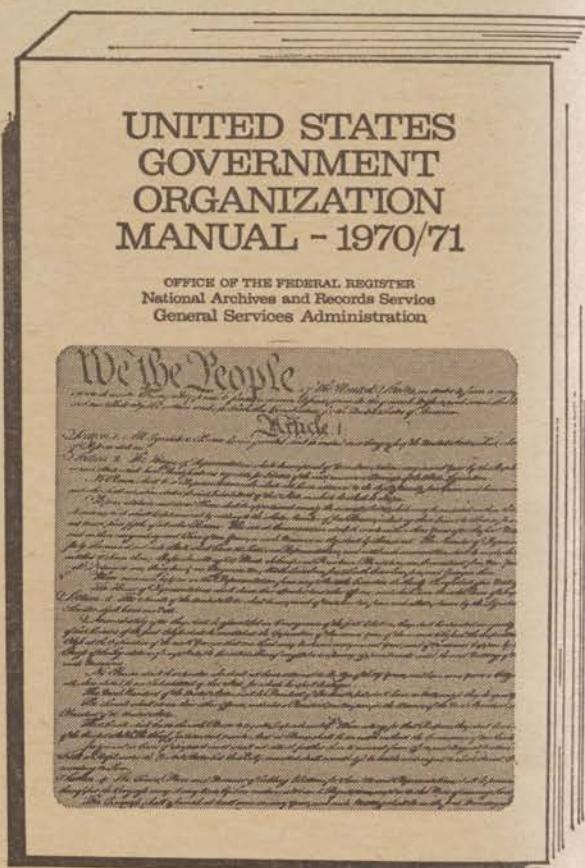


*know  
your  
government*



# UNITED STATES GOVERNMENT ORGANIZATION MANUAL 1970/71

presents essential information about Government agencies (updated and republished annually). Describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches. This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government. The United States Government Organization Manual is the official guide to the functions of the Federal Government, published by the Office of the Federal Register, GSA.



**\$3.00**

per copy. Paperbound, with charts

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402