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Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-506]

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 Ohio, and a new paragraph (e)(8) relating to the State of Ohio is added to read:

(8) *Ohio.* That portion of Clinton County bounded by a line beginning at the junction of State Highways 22, 3, and State Highway 73; thence, following State Highway 73 in a southeasterly direction to the Clinton-Highland County line; thence, following the Clinton-Highland County line in a northeasterly direction to State 72; thence, following State Highway 72 in a northwesterly direction to State Highways 22, 3; thence, following State Highways 22, 3 in a southwesterly direction to its junction with State Highway 73.

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

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

The amendment quarantines a portion of Clinton County, Ohio, 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 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 14th day of January 1971.

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

[FR Doc.71-758 Filed 1-19-71;8:46 am]

[Docket No. 71-505]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, the introductory portion of paragraph (e) is amended by adding the name of the State of New Hampshire, and a new paragraph (e)(17) relating to the State of New Hampshire is added to read:

(17) *New Hampshire.* That portion of Hillsboro County comprised New Ipswich town.

2. In § 76.2, inparagraph (e)(5) relating to the State of Missouri, subdivision (i) relating to Lafayette County is deleted.

3. In § 76.2, the reference to the State of Minnesota in the introductory portion of paragraph (e) and paragraph (e)(13) relating to Freeborn and Mower Counties in the State of Minnesota are deleted, and paragraph (f) is amended by adding thereto the name of the State of Minnesota.

(Secs. 47, 23 Stat. 32, as amended, secs 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

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

The amendments quarantine a portion of Hillsboro County, N.H., 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 amendments also exclude a portion of Lafayette County, Mo., and portions of Freeborn and Mower Counties in Minnesota, from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the areas excluded from quarantine. The amendments release Minnesota from the list of States quarantined because of hog cholera.

The amendments add the State of Minnesota to the list of hog cholera eradication States in § 76.2(f).

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

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

Done at Washington, D.C., this 14th day of January 1971.

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

[FR Doc.71-759 Filed 1-19-71;8:46 am]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 730—RICE

Subpart—1971–72 Marketing Year

STATE RESERVE ACREAGES, COUNTY ACREAGE ALLOTMENTS AND RESERVE ACREAGES, 1971 CROP RICE

The provisions of §§ 730.1504 and 730.1505 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) (referred to as the "act") with respect to the 1971 crop of rice. The purpose of these provisions is to establish (1) State reserve acreages, (2) county acreage allotments and reserve acreages in farm States, and (3) State productivity pool acreages in farm States. The regulations for determination of acreage allotments for 1969 and subsequent crops of rice (§§ 730.61 to 730.87, 33 F.R. 14520, 17764, 34 F.R. 3733, 5629, 35 F.R. 5995, 11454) (referred to as the "allotment regulations") contain the designation of farm States and producer States and govern allocations of allotments and reserves established by these provisions.

Notice that the Secretary was preparing to make determinations with respect to these provisions was published in the FEDERAL REGISTER on September 18, 1970 (35 F.R. 14620), in accordance with the provisions of 5 U.S.C. 553. Data, views, and recommendations were submitted pursuant to such notice and consideration given thereto to the extent permitted by law.

The act requires that, insofar as practicable, notices of farm acreage allotment be mailed to the farm operator in sufficient time to be received prior to the holding of the referendum respecting the national marketing quota. Since such referendum will be held during the period January 18 to 22, 1971, it is essential that §§730.1504 and 730.1505 be made effective as soon as possible so that the local committees may issue the notices of farm acreage allotment. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and §§ 730.1504 and 730.1505 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 730.1504 State reserve acreages.

The State reserve acreages set forth in the table in this section were established on the basis of recommendations by the State committees. The State reserve for new farms or new producers, if any, and the State reserve in producer States for appeals and corrections, missed producers and adjustments in factored allotments were established accordance with section 353 of the act.

State	State reserve acreage for new farms or new producers	State reserve acreages for appeals, etc. in producer States [1]
Arizona	7.6	0
Arkansas	0	
California	0	50
Florida	32.0	68
Illinois	0	
Louisiana:		
Farm administrative area	0	
Producer administrative area	0	0
Mississippi	0	
Missouri	0	
North Carolina	0	
Oklahoma	0	
South Carolina	0	0
Tennessee	0	0
Texas	0	50

[1] For appeals and corrections, missed producers, and adjustments in factored allotments in producer States and the "Producer administrative area" in Louisiana.

§ 730.1505 County acreage allotments and reserve acreages and State productivity pool in farm States.

The farm acreage allotments for the 1971 crop of rice in the producer States will be established primarily on the basis of past production of rice by the producer on the farm in lieu of past production of rice on the farm. Therefore, the 1971 State acreage allotments of rice for producer States will be apportioned directly to farms and county acreage allotments and reserve acreages will not be determined for producer States. The county reserve acreages were established on the basis of recommendations by the State and county committees in the farm States. Such county reserves are available for appeals and corrections, missed farms and adjustments in factored allotments. The State productivity pool is the allotment attributable to history pooled as a result of productivity adjustments in the exchange of rice farm acreages allotments and upland cotton farm acreage allotments under § 730.79(d) of the allotment regulations. Such State productivity pool shall not be allocated to producers, counties, and farms. The county acreage allotments in farm States were established by apportioning the State acreage allotment less any State reserve for new farms and less any State productivity pool among the counties in the State in the same proportion that they shared in the total acreage allotted in 1956, as provided by section 353(c) (1) and (6) of the act, except that in the farm administrative area of Louisiana, prior to apportionment among counties, 19 acres were reserved from the State allotment to adjust the county allotment for Rapides Parish for an upward trend in acreage pursuant to section 353(c) (1) of the act. The following table sets forth the county acreage allotments and reserve acreages and State productivity pool in the farm States for the 1971 crop of rice.

ARKANSAS

County	County acreage allotment	County reserve acreages [1]
Arkansas	77,263	8.0
Ashley	6,550	0
Chicot	10,153	0
Clark	563	0
Clay	8,076	0
Conway	11	0
Craighead	17,548	0
Crittenden	7,008	0
Cross	35,676	0
Dallas	72	0
Desha	14,148	0
Drew	4,530	0
Faulkner	467	0
Grant	34	34.0
Greene	5,415	0
Hot Spring	481	4.0
Independence	878	0
Jackson	20,981	0
Jefferson	18,103	0
Lafayette	891	0
Lawrence	8,420	0
Lee	8,435	0
Lincoln	8,821	0
Little River	414	0
Lonoke	39,478	0
Miller	762	0
Mississippi	1,503	0
Monroe	14,771	0
Perry	1,010	0
Phillips	5,189	0
Poinsett	39,178	.6
Prairie	40,675	0
Pulaski	2,465	0
Randolph	2,358	0
St. Francis	18,850	0
White	1,166	0
Woodruff	20,758	0
Productivity Pool	230	
State total	443,331	46.6

ILLINOIS

Adams	22	0
State total	22	0

LOUISIANA, FARM ADMINISTRATIVE AREA

Acadia	93,753	75.0
Allen	24,857	15.0
Avoyelles	2,788	139.4
Beauregard	4,689	0
Bossier	67	0
Calcasieu	68,007	0
Cameron	12,593	0
Evangeline	45,654	30.0
Grant		
Iberia	6,563	2.0
Jefferson Davis	98,072	25.0
Lafayette	10,305[2]	15.0
Rapides	766	0
St. Landry	17,563	5.0
St. Martin	4,184	12.0
St. Mary	3,299	164.0
Vermillion	115,701	25.0
Productivity Pool	43	
State reserve	19	
State total, Farm Administrative Area	508,923	507.4

MISSISSIPPI

Bolivar	22,177	0
Coahoma	1,906	0
De Soto	1,291	0
Hancock	186	0
Humphreys	2,135	0
Issaquena	108	0
Leflore	3,761	0
Panola	80	0
Quitman	864	0
Sharkey	1,064	0
Sunflower	4,569	0
Tallahatchie	515	0
Tate	121	0
Tunica	3,456	0
Washington	9,608	0
Productivity Pool	17	
State total	51,858	0

See footnote at end of table.

MISSOURI

County	County acreage allotment	County reserve acreages [1]
Butler	1,820	0
Holt	2	0
Lewis	9	0
Lincoln	38	0
Marion	342	0
Mississippi	98	0
New Madrid	123	0
Pemiscot	659	0
Ripley	432	0
St. Charles	40	0
Scott	123	0
Stoddard	1,600	0
State total	5,286	0

NORTH CAROLINA

Brunswick	10	0
Hyde	33	0
State total	43	0

OKLAHOMA

McCurtain	166	0
State total	166	0

[1] County reserve acreage for appeals and corrections, missed farms, and adjustments.

(Secs. 344a(h), 353, 375, 79 Stat. 1197, as amended, 52 Stat. 61, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344b(h), 1353, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 14, 1971.

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

[FR Doc.71-778 Filed 1-15-71;2:30 pm]

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

[Lemon Reg. 462, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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

(2) It is hereby further found that it it impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraphs (b)(1) (i), (ii), and (iii) of § 910.762 (Lemon Reg. 462, amdt. 1) are hereby amended to read as follows:

§ 910.762 Lemon Regulation 462.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 38,000 cartons;

(ii) District 2: 69,000 cartons;

(iii) District 3: 113,000 cartons.

* * * * *

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

Dated: January 15, 1971.

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

[FR Doc.71-803 Filed 1-19-71;8:50 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 71-22]

PART 545—OPERATIONS

Real Estate Loans by Federal Savings and Loan Associations

JANUARY 12, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend § 545.6-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-1) for the following purposes:

1. Broadening the lending authority of Federal savings and loan associations with respect to loans in excess of 80 percent of value on the security of single-family dwellings as follows:

(a) Increasing the maximum loan amount from $31,500 to $36,000.

(b) Increasing the percentage of assets which may be invested in such loans from 20 percent to 30 percent.

(c) Removing an existing prohibition against the making of such loans on condominiums in high-rise structures.

2. Increasing from 15 percent to 20 percent of assets the limitation on certain loans by Federal savings and loan associations on the security of "other dwelling units" as authorized by an amendment of section 5(c) of the Home Owners' Loan Act of 1933, contained in section 907 of the Housing and Urban Development Act of 1970.

Accordingly, the Federal Home Loan Bank Board hereby amends said § 545.6-1 by revising paragraphs (a)(4) and (b)(4) to read as follows, effective January 19, 1971:

§ 545.6-1 Lending powers under sections 13 and 14 of Charter K.

* * * * *

(a) *Homes or combination of homes and business property.* * * *

(4) *Loans in excess of 80 percent of value.* The limitation of 80 percent set forth in subdivision (i) of subparagraph (1) of this paragraph shall be 90 percent in the case of any loan which is made in an amount not in excess of $36,000 and with respect to which the following requirements are met:

(i) The loan is made upon the security of a first lien upon a single-family dwelling; the amount by which such a loan exceeds 80 percent of the value of the improved real estate shall not be disbursed until construction has been completed, and, if such single-family dwelling is being constructed for sale, until the property has been sold and title has been conveyed to a purchaser who has executed an agreement with the association assuming and agreeing to pay the loan;

(ii) The loan does not exceed (*a*) $36,000 or (*b*) 90 percent of the value of the real estate or, if the loan is made to finance the purchase of the real estate, 90 percent of the purchase price set forth in the certification specified in subdivision (vi) of this subparagraph, whichever is less;

(iii) The loan contract requires that, in addition to interest and principal payments on the loan, the equivalent of one-twelfth of the estimated annual taxes, assessments, and insurance premiums on the real estate security be paid monthly in advance to the association;

(iv) The borrower, including a purchaser who assumes the loan, has executed a certification in writing stating (*a*) that no lien or charge upon such property, other than the lien of the association or liens or charges which will be discharged from the proceeds of the loan, has been given or executed by the borrower or has been contracted or agreed to be so given or executed, and (*b*) that the borrower is actually occupying the property as a dwelling or that the borrower in good faith intends to do so;

(v) If the loan is sought or assumed for the purpose of enabling a purchaser to acquire the security property, the vendor or vendors have executed a certification in writing stating that no lien or charge upon such property, other than the lien of the association or liens or charges which will be discharged from the proceeds of the loan, has been given or executed to the vendor or vendors by the purchaser or has been contracted or agreed to be so given or executed;

(vi) If the loan is sought or assumed for the purpose of enabling a purchaser to acquire the security property, the purchaser and the vendor or vendors have jointly executed a certification in writing stating the purchase price of the security

property and the items comprising such price;

(vii) The resulting aggregate of the principal amount of such loan and of the association's investment in the principal amount of all other loans made under this subparagraph, exclusive of any such loan with respect to which the unpaid principal balance has been reduced to an amount not in excess of 80 percent of the value of the property according to the appraisal on which such loan was made (or 80 percent of the purchase price set forth in the certification specified in subdivision (vi) of this subparagraph, if such purchase price is less than such value), does not, at the time the association makes or invests its funds in such loan, exceed 30 percent of the association's assets; and

(viii) In the case of a loan purchased by a Federal association from other than a Federal association, each certification required by subdivisions (iv), (v), and (vi) of this subparagraph (4) shall contain a statement that the certification is made for the purpose of inducing a Federal savings and loan association to purchase the loan.

(b) *Other dwelling units, combination of dwelling units, including homes, and business property involving only minor or incidental business use.* * * *

(4) *Loans not subject to the limitations of § 545.6–7.* Loans made under subparagraphs (1), (2), and (3) of this paragraph, by a Federal association whose aggregate general reserves, surplus, and undivided profits equal or exceed 5 percent of its withdrawable accounts, shall not be subject to the limitations of § 545.6–7 if the following requirements are met:

(i) The security property is located within the association's regular lending area;

(ii) The amount of the loan (unless an insured or guaranteed loan) does not exceed the lesser of (*a*) the maximum percentage of the value of the security authorized by subparagraphs (1), (2), and (3) of this paragraph and (*b*) an amount per dwelling unit within the limits set forth in section 207(c)(3) of the National Housing Act, with such increases therein as may be made from time to time by the Federal Housing Commissioner in accordance therewith, plus an amount that is not in excess of 75 percent of the value of such part of the security as is used for business purposes; and

(iii) The amount of such loan, plus the unpaid balances of outstanding loans meeting the requirements of this subparagraph, plus the amount of outstanding investments made pursuant to paragraph (a) of § 545.6–4 in participation interests in such loans, does not aggregate a total in excess of 20 percent of the association's assets.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since it is in the public interest that the authority contained in the amendment become effective as soon as possible, the Board hereby finds that notice and public procedure on said amendment are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since the amendment relieves restriction, publication for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendment is unnecessary; and the Board hereby provides that the amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.71–810 Filed 1–19–71;8:50 am]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 71–23]

PART 563—OPERATIONS

Nationwide Lending by Insured Institutions

JANUARY 12, 1971.

Resolved that, notice and public procedure having been duly afforded (35 F.R. 17361) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to amend paragraph (a) of § 563.9 of the rules and regulations for Insurance of Accounts (12 CFR 563.9(a)) for the following purposes:

1. Defining the word "State" for the purpose of said paragraph (a);

2. Deleting the regulatory requirement that the servicer of a loan made pursuant to subparagraph (4) of said paragraph (a) must be the originator of such loan;

3. Increasing from 5 percent to 10 percent of assets the regulatory limit on the amount of funds which may be invested in such loans at any one time; and

4. Deleting the regulatory requirement that the real estate security for such a loan must be located in a Standard Metropolitan Statistical Area and substituting therefor the regulatory requirement that such real estate must be located within 100 miles of the principal or a branch office of the servicer of such loan.

Accordingly, the following portions of said paragraph (a) of said § 563.9 are hereby amended to read as follows, effective January 19, 1971:

§ 563.9 Loans and investments.

(a) *General provisions.* Except as provided herein, no insured institution may make, or invest its funds in, loans on the security of real estate located outside its normal lending territory without the prior approval of the Corporation. For the purpose of this paragraph, the term "State" shall include the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

* * * * *

(4) Any insured institution which, at the close of its most recent semiannual period, had a ratio of scheduled items (other than assets acquired in a merger instituted for supervisory reasons) to specified assets of less than 2.5 percent may, to the extent that it has legal power to do so, make, or invest its funds in, loans serviced by or through (i) an institution the accounts or deposits of which are insured by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation or (ii) an approved Federal Housing Administration mortgagee, in an aggregate amount not exceeding 10 percent of such institution's assets, on the security of real estate located outside its normal lending territory but within any State of the United States, subject to the following requirements:

(*a*) The real estate security must be located within 100 miles of the principal or a branch office of the servicer of such loans;

(*b*) Any such approved Federal Housing Administration mortgagee must have been continuously and principally engaged in the business of originating and servicing loans for other lenders and investors for a period of at least 5 years, and such approved mortgagee must furnish to such insured institution documentation showing that it has been so engaged and is then approved by the Federal Housing Administration; and

(*c*) The insured institution must have obtained a signed report of appraisal of the real estate security for the loan by an appraiser, designated by such institution, who has no interest, direct or indirect, in the real estate or in any loan on the security thereof.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.71–811 Filed 1–19–71;8:50 am]

Chapter VII—National Credit Union Administration

PART 740—ADVERTISEMENT OF INSURED STATUS

On December 5, 1970, notice of proposed rule making regarding advertisement of insured status of insured credit unions was published in the FEDERAL REGISTER (35 F.R. 236). After consideration of all such relevant matter as was presented by interested persons, the rules as so proposed are hereby adopted, subject to the following changes:

1. In § 740.1 *Definitions* in line three after the word "share" add the word "deposit" making it read "share deposit account".

2. In § 740.3 *Mandatory requirements with regard to the official sign and its display,* in paragraph (c) add after the last word "liabilities", "except in credit union centers, service centers or branches servicing more then one credit union where some of the credit unions are insured by the Administrator and some are not, there must be placed immediately above or beside each official sign displayed another sign stating 'only the following credit unions serviced by this facility are insured _____' (The full name of each credit union insured will follow the word insured). The lettering will be ⅜ inch high and easily visible to all members conducting share or share deposit transactions".

Effective date. These regulations shall be effective as of January 25, 1971.

H. NICKERSON, Jr.,
Administrator.

JANUARY 13, 1971.

Sec.
740.0 Scope.
740.1 Definition.
740.2 Advertising must be accurate.
740.3 Mandatory requirements with regard to the official sign and its display.
740.4 Mandatory requirements with regard to the official advertising statement and manner of use.

AUTHORITY: The provisions of this Part 740 issued under sec. 205, 84 Stat. 1002; Public Law 91-468.

§ 740.0 Scope.

The regulation contained in this part prescribes the requirements with regard to the official sign insured credit unions must display and the requirements with regard to the official advertising statement insured credit unions must include in their advertisements. It also prescribes an approved short title which insured credit unions may use at their option. It imposes no limitations on other proper advertising of insurance of shares or deposits by insured credit unions.

§ 740.1 Definition.

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

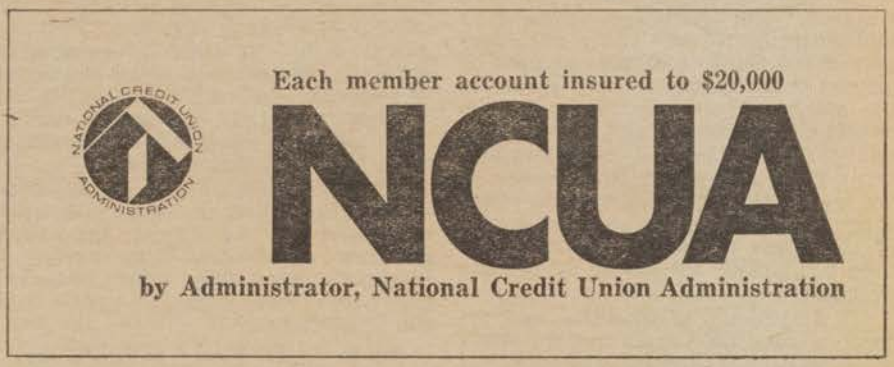
§ 740.2 Advertising must be accurate.

No insured credit union shall use advertising (whether printed, radio, display, or of any other nature) or make any representation which is inaccurate in any particular or which in any way misrepresents its services, contracts, investments, or financial condition. When an insured credit union is operating a branch office or offices outside of the municipality in which its principal office is located, all advertising of, or by, any such branch office, shall state clearly the location of the principal office of such insured institution.

§ 740.3 Mandatory requirements with regard to the official sign and its display.

(a) *Insured credit unions to display official sign.* Each insured credit union shall continuously display an official sign as hereinafter prescribed at each station or window where insured shares or deposits are usually and normally received in its principal place of business and in all its branches: *Provided,* That no credit union becoming an insured credit union shall be required to display such official sign until thirty (30) days after its first day of operation as an insured credit union. The official sign may be displayed by any insured credit union prior to the date display is required. Additional signs in other sizes, colors, or materials, incorporating the basic design of the official sign, may be displayed in other locations within an insured credit union.

(b) *Official sign.* The official sign referred to in paragraph (a) of this section shall be of the following design:



(1) All insured credit unions will automatically be furnished an initial supply of official signs, at no cost, from the National Credit Union Administration for compliance with paragraph (a) of this section. If the initial supply is not adequate for compliance with paragraph (a) of this section, an immediate request for additional signs must be made. Any credit union that does not have an adequate supply but requests additional signs from the Administrator, shall not be deemed to have violated this regulation on account of not displaying an official sign, or signs, unless the credit union shall omit to display such official sign or signs after receipt thereof.

(2) Official signs reflecting variations in color and materials and additional signs reflecting variations in size, color and materials for use other than as prescribed in paragraph (a) of this section may be procured by insured credit unions from commercial suppliers.

(c) *Receipt of deposits at same teller's station or window as noninsured credit union or institution.* An insured credit union is forbidden to receive deposits at any teller's station or window where any noninsured credit union or institution receives deposits or similar liabilities, except in credit union centers, service centers, or branches servicing more then one credit union where some of the credit unions are insured by the Administrator and some are not; there must be placed immediately above or beside each official sign displayed another sign stating "only the following credit unions serviced by this facility are insured _____" (The full name of each credit union insured will follow the word insured). The lettering will be ⅜ inches high and easily visible to all members conducting share or share deposit transactions.

(d) *Required changes in official sign.* The Administrator may require any insured credit union, upon at least 30 days' written notice, to change the wording of its official signs in a manner deemed necessary for the protection of share holders or others.

§ 740.4 Mandatory requirements with regard to the official advertising statement and manner of use.

(a) *Insured credit unions to include official advertising statement in all advertisements except as provided in paragraph (c) of this section.* Each insured credit union shall include the official advertising statement, prescribed in paragraph (b) of this section, in all of its advertisements except as provided in paragraph (c) of this section.

(1) An insured credit union is not required to include the official advertising statement in its advertisements until thirty (30) days after its first day of operation as an insured credit union.

(2) (i) In cases where the Administrator of the National Credit Union Administration shall find the application to be meritorious, that there has been no neglect or willful violation in the observance of this section and that undue hardship will result by reason of its requirements, the Administrator may grant a temporary exemption from its provision to a particular credit union upon its written application setting forth the facts.

(ii) Any application made by an insured credit union under this section should be filed with the Regional Director who will forward it with his recommendation to the Administrator. Such application should (*a*) be in writing, (*b*) be signed by the president or other managing officer of the board of directors of the credit union, and (c) state the reason for the request and why it should be granted.

(3) In cases where advertising copy not including the official advertising statement is on hand on the date the requirements of this section become operative, the insured credit union may cause the official advertising statement to be

included by use of an overstamp or by other means for a period of 6 months or until the supplies are expected whichever occurs first.

(b) *Official advertising statement.* The official advertising statement shall be in substance as follows: "This credit union is insured by the Administrator of the National Credit Union Administration." The word "the" and/or the words "of the" may be omitted. The words "This credit union is" or the name of the insured credit union followed by the words "is a" may be added before the word "insured." The short title "Insured by Administrator NCUA" and a reproduction of the official seal, may be used by insured credit unions at their option as the official advertising statement. The official advertising statement shall be of such size and print to be clearly legible.

(c) *Types of advertisements which do not require the official advertising statement.* The following is an enumeration of the types of advertisements which need not include the official advertising statement:

(1) Statements of condition and reports of condition of an insured credit union which are required to be published by State or Federal law or regulation;

(2) Credit union supplies such as stationery (except when used for circular letters), envelopes, deposit slips, checks, drafts, signature cards, deposit passbooks, and noninsurable certificates, etc.;

(3) Signs or plates in the credit union office or attached to the building or buildings in which the offices are located;

(4) Listings in directories;

(5) Advertisements not setting forth the name of the insured credit union;

(6) Display advertisements in credit union directory, provided the name of the credit union is listed on any page in the directory with a symbol or other descriptive matter indicating it is insured;

(7) Joint or group advertisements of credit union services where the names or insured credit unions and noninsured credit unions are listed and form a part of such advertisements;

(8) Advertisements by radio which do not exceed fifteen (15) seconds in time;

(9) Advertisements by television, other than display advertisements, which do not exceed fifteen (15) seconds in time;

(10) Advertisements which are of the type of character making it impractical to include thereon the official advertising statement including but not limited to, promotional items such as calendars, matchbooks, pens, pencils, and key chains;

(11) Advertisements which contain a statement to the effect that the credit union is insured by the Administrator, or that its deposits and shares or depositors are insured by the Administrator, NCUA to the maximum of $20,000 for each depositor or shareholder;

(12) Advertisements relating specifically and only to the making of loans by the credit union or loan services;

(13) Advertisements relating specifically and only to safekeeping box business or services;

(14) Advertisements relating specifically and only to traveler's checks on which the credit union issuing or causing to be issued the advertisement is not primarily liable;

(15) Advertisements relating specifically and only to loan life insurance.

(d) *Outstanding billboard advertisements.* Where an insured credit union has billboard advertisements outstanding which are required to include the official advertising statement and has direct control of such advertisements either by possession or under the terms of a contract, it shall, as soon as it can consistent with its contractual obligations, cause the official advertising statement to be included therein.

(e) *Official advertising statement in non-English language.* The non-English equivalent of the official advertising statement may be used in any advertisement: *Provided,* That the translation had had the prior written approval of the Administrator.

[FR Doc.71-747 Filed 1-19-71;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 71-WE-2-AD; Amdt. 39-1145]

PART 39—AIRWORTHINESS DIRECTIVES

General Dynamics Model 340, 440, and C-131E Airplanes

There have been three recent failures of either the main landing gear cylinder or the fulcrum arms in General Dynamics Model 340 airplanes modified per STC SA4-1100, resulting in considerable damage to the airplanes. Since this condition is likely to exist or develop in other airplanes of the same type, an airworthiness directive is being issued to require inspections for cracks in the main landing gears on all General Dynamics Model 340, 440, and C-131E airplanes including those converted to turbopropeller power.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GENERAL DYNAMICS. Applies to Model 340, 440, and C-131E airplanes including those airplanes converted to turbopropeller power, certificated in all categories.

Compliance required within the next 50 hours time in service after the effective date of this AD unless already accomplished within the last 200 hours time in service.

To prevent failures of the left and right main landing gears, accomplish the following:

(a) Inspect the entire outer surface of the main landing gear cylinders (P/N528002 or P/N528402), including the fulcrum arms, for cracks using magnetic particle or dye penetrant methods, or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(b) If cracks are found, before further flight either rework the cylinder in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region or replace the cylinder with a cylinder which has been inspected per (a) above and found free of cracks.

NOTE: Manufacturer's Service Bulletins are under development covering this problem. Additional AD rules, as appropriate, will be forthcoming.

This amendment becomes effective January 21, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on January 8, 1971.

ARVIN O. BASNIGHT,
Director,
FAA Western Region.

[FR Doc.71-770 Filed 1-19-71;8:47 am]

[Airspace Docket No. 70-CE-91]

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

Designation of Transition Area

On page 16686 of the FEDERAL REGISTER dated October 28, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Benson, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., April 1, 1971.

(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 Kansas City, Mo., on December 28, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (36 F.R. 2140), the following transition area is added:

BENSON, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Benson Municipal Airport (latitude 45°20'00" N., longitude 95°39'00" W.); and within 3 miles each side of the 323° bearing from Benson Municipal Airport extending from the airport to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 323° and 143° bearings from Benson Municipal Airport, extending from 6 miles southeast to 18½ miles northwest of the airport, excluding the portion which overlies the Morris, Minn., transition area.

[FR Doc.71-771 Filed 1-19-71;8:47 am]

[Airspace Docket No. 70-SO-97]

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

Designation of Transition Area

On December 4, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 18476), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Trenton, Tenn., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, it was learned that excessive delay had occurred in the initial preparation of the instrument approach procedure which would preclude utilization of the airport during instrument weather in the winter months. Early provision of this service is in the interest of public service and safety and improved utilization of airspace. To accomplish this objective, it is necessary to make this airspace designation effective on January 28, 1971, concurrent with the effective date of the instrument approach procedure. This effective date is not a regular charting date.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 28, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

TRENTON, TENN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Gibson County Airport (latitude 35°56'02" N., longitude 88°50'54" W.); excluding the portion within the Humboldt, Tenn. transition area.

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

Issued in East Point, Ga., on January 6, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-772 Filed 1-19-71;8:47 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

PART 50—SPECIAL SERVICES AND STUDIES BY THE BUREAU OF THE CENSUS

Fee Structure for Age Search and Citizenship Information

The following §§ 50.1 and 50.5 replace §§ 50.1 and 50.5 which were published in the FEDERAL REGISTER on December 15, 1964 (29 F.R. 17089), and in the Code of Federal Regulations, revised as of January 1, 1970 (15 CFR 50.1 and 50.5).

In accordance with the rule making provisions of Administrative Procedure 5 U.S.C. section 553, it has been found that notice and hearing on this schedule of fees and postponement of the effective date thereof is impracticable and unnecessary for the reason that such procedure, because of the nature of the rules, serves no useful purpose.

The fees for an age search are not changed. This amendment is to give notice that if additional information is needed to complete an age search, the information must be received within 120 days of the request or the case will be considered closed. A new fee will be required to reopen the case.

§ 50.1 General.

(a) Fee structure for age search and citizenship service, special population censuses, unpublished data from the 1960 Population and Housing Census, enumeration district maps, housing data from the 1960 Census of Housing, and for foreign trade and shipping statistics.

(b) In accordance with the provisions of the acts authorizing the Department of Commerce to make special statistical surveys and studies, and to perform other specified services upon the payment of the cost thereof, the following fee structure is hereby established. No transcript of any record will be furnished under authority of these acts which would violate existing or future acts requiring that information furnished be held confidential.

(c) Requests for age search and citizenship service should be addressed to the Personal Census Service Branch, Bureau of the Census, Pittsburg, KS 66762. Application forms may be obtained at Department of Commerce field offices or Social Security offices or by writing to the Pittsburg, Kans., office.

(d) If a search is unsuccessful and additional information for a further search is requested by the Bureau, such information must be received within 120 days of the request or the case will be considered closed. Additional information received after 120 days must be accompanied by a new fee and will be considered as a new request.

§ 50.5 Fee structure for age search and citizenship information.

Types of Service	*Fee*
Searches in regular turn of not more than two censuses for one person and one transcript of the most appropriate record	$4
Priority searches of not more than two censuses for one person and one transcript of the most appropriate record	5
Each additional copy of census transcript	1

Dated: January 13, 1971.

GEORGE H. BROWN,
Director, Bureau of the Census.

[FR Doc.71-780 Filed 1-19-71;8:48 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8622]

PART 13—PROHIBITED TRADE PRACTICES

American Brake Shoe Co.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Modified order to cease and desist, American Brake Shoe Company, New York, N.Y., Docket 8622, Nov. 27, 1970]

In the Matter of American Brake Shoe Co., a Corporation.

Order modifying a divestiture order dated April 10, 1968, 33 F.R. 7752, pursuant to a decision of the Court of Appeals, Sixth Circuit, 420 F. 2d 928, which required the omission of "or sale" of sintered metal friction material from the original order.

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

It is ordered, That respondent, American Brake Shoe Co. (now known as "Abex Corporation"), shall, within 6 months from the date of service upon it of this order, divest itself absolutely and in good faith to a purchaser or purchasers approved by the Federal Trade Commission, of all stock and of all right, title and interest in all assets, properties, rights and privileges, acquired by respondent as a result of its acquisition of the stock and assets of The S. K. Wellman Co., so as to restore that which formerly made up the Wellman Co. as a viable competitive entity in the friction materials and sintered metal friction materials industries in the United States.

It is further ordered, That respondent shall not sell or transfer the aforesaid stock or assets, directly or indirectly, to anyone who at the time of divestiture is a stockholder, officer, director, employee,

or agent of, or otherwise directly or indirectly connected with or under the control or influence of respondent.

It is further ordered, That pending divestiture, respondent shall not make any changes nor permit any deterioration in any of the plants, machinery, buildings, equipment or other property or assets of the former Wellman Co. which may impair present rated capacity or their market value, unless such capacity or value is restored prior to divestiture.

It is further ordered, That for a period of ten (10) years from the date of issuance of this order, respondent shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, without the prior approval of the Federal Trade Commission, the whole or any part of the stock, share capital, or assets of any corporation engaged in commerce and in the production of sintered metal friction material.

It is further ordered, That the hearing examiner's initial decision, as modified and supplemented by the findings and conclusions embodied in the accompanying opinion, be, and it hereby is, adopted as the decision of the Commission.

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

By the Commission.[1]

Issued: November 27, 1970.

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

[FR Doc.71-736 Filed 1-19-71;8:45 am]

[Docket No. C-1818]

PART 13—PROHIBITED TRADE PRACTICES

Benjamin Greenberg

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Benjamin Greenberg, New York, N.Y., Docket C-1818, November 17, 1970]

In the Matter of Benjamin Greenberg, an Individual Trading as Benjamin Greenberg

Consent order requiring a New York City manufacturer and wholesaler of furs to cease and desist from misbranding or deceptively invoicing his fur products.

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

It is ordered, That respondent Benjamin Greenberg, individually and trading as Benjamin Greenberg or under any other trade name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product, or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding any fur product by failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing any fur product by failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

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

Issued: November 17, 1970.

By the Commission.

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

[FR Doc.71-737 Filed 1-19-71;8:45 am]

[Docket No. C-1820]

PART 13—PROHIBITED TRADE PRACTICES

Marcus Haliczer and Noveltex Paper Products Co.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Marcus Haliczer et al., New York, N.Y., Docket C-1820, Nov. 17, 1970]

In the Matter of Marcus Haliczer, Individually and Doing Business as Noveltex Paper Products Co.

Consent order requiring a New York City individual engaged in the manufacture and distribution of disposable paper face masks to cease violating the Flammable Fabrics Act by distributing such paper face masks.

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

It is ordered, That respondent Marcus Haliczer, individually and trading as Noveltex Paper Products Co., or under any other name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce or selling or delivering after sale or shipment in commerce, any product, fabric or related material; or manufacturing for sale, selling, or offering for sale any product made of fabric or related material which has been shipped and received in commerce, as "commerce", "product", "fabric" or "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material, fails to conform to any applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondent notify all of his customers who have purchased or to whom have been delivered the products which gave rise to this complaint of the flammable nature of such products and effect recall of such products from said customers.

It is further ordered, That the respondent herein either process the products which gave rise to the complaint so as to bring them within the applicable flammability standards of the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondent herein shall, within ten (10) days after service upon him of this order, file with the Commission an interim special report in writing setting forth the respondent's intentions as to compliance with this order. This interim report shall also advise the Commission fully and specifically concerning the identity of the product which gave rise to the complaint, (1) the amount of such product in inventory, (2) any action taken and any further actions proposed to be taken to notify customers of the flammability of such product and effect recall of such products from said customers, and of the results of such action, (3) any disposition of such product since April 1970, and (4) any action taken or proposed to be taken to flameproof or destroy such products and the results of such action. Such report shall further inform the Commission whether respondent has in inventory any fabric, product or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or combinations thereof, in a weight of 2 ounces or less per square yard, or having a raised fiber surface made of cotton or rayon or combinations thereof. Respondent will submit samples of any such fabric, product,

[1] Chairman Kirkpatrick and Commissioner Dennison did not participate for the reason oral argument was heard and the opinion and original order were issued prior to their appointment to the Commission.

or related material with this report. Samples of the fabric, product, or related material shall be of no less than 1 square yard of material.

It is further ordered, That the respondent shall maintain complete and adequate records concerning all products subject to the Flammable Fabrics Act, as amended, which are sold or distributed by him.

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

Issued: November 17, 1970.

By the Commission.

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

[FR Doc.71-739 Filed 1-19-71;8:45 am]

[Docket No. C-1822]

PART 13—PROHIBITED TRADE PRACTICES

Hiraoka New York, Inc.

Subpart—Advertising falsely or misleadingly: § 13.245 *Specifications or standards conformance.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1595 *Condition of goods;* § 13.1680 *Manufacture or preparation;* § 13.1720 *Quantity.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Hiraoka New York, Inc., New York, N.Y., Docket C-1822, Nov. 27, 1970]

In the Matter of Hiraoka New York, Inc., a Corporation

Consent order requiring a New York City importer and distributor of foreign transistorized radios to cease misrepresenting the number of transistors and "Solid State" devices in its radios.

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

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

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

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

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

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

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

Issued: November 27, 1970.

By the Commission.

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

[FR Doc.71-738 Filed 1-19-71;8:45 am]

[Docket No. C-1819]

PART 13—PROHIBITED TRADE PRACTICES

Norman Raye Furs, Inc., and Norman Rosenberg

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 *Fur* Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Norman Raye Furs, Inc., et al., New York, N.Y., Docket C-1819, Nov. 17, 1970])

In the Matter of Norman Raye Furs, Inc., a Corporation, and Norman Rosenberg, Individually and as an Officer of Said Corporation

Consent order requiring a New York City manufacturer of furs to cease and desist from misbranding, falsely invoicing, and deceptively guaranteeing its fur products.

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

It is ordered, That respondents Norman Raye Furs, Inc., a corporation, and its officers, and Norman Rosenberg, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing directly or by implication on a label that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on an invoice that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That respondents Norman Raye Furs, Inc., a corporation, and its officers, and Norman Rosenberg, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced, or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in

the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

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

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

Issued: November 17, 1970.

By the Commission.

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

[FR Doc.71-740 Filed 1-19-71;8:45 am]

[Docket No. C-1821]

PART 13—PROHIBITED TRADE PRACTICES

Saunders, Silver & Weiss, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Saunders, Silver & Weiss, Inc., et al., Philadelphia, Pa., Docket C-1821, Nov. 17, 1970]

In the Matter of Saunders, Silver & Weiss, Inc., a Corporation, and Morton Saunders and Seymour Silver, Individually and as Officers of Said Corporation

Consent order requiring a Philadelphia, Pa., manufacturer and distributor of furs to cease and desist from misbranding, deceptively invoicing, and falsely guaranteeing its fur products.

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

It is ordered, That respondents Saunders, Silver & Weiss, Inc., a corporation, and its officers, and Morton Saunders and Seymour Silver, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing directly or by implication on a label that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on an invoice that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored

It is further ordered, That Saunders, Silver & Weiss, Inc., a corporation, and its officers, and Morton Saunders and Seymour Silver, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guarantee that any fur product is not misbranded, falsely invoiced, or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

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

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

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

Issued: November 17, 1970.

By the Commission.

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

[FR Doc.71-741 Filed 1-19-71;8:45 am]

[Docket No. C-1823]

PART 13—PROHIBITED TRADE PRACTICES

U.S. Industries, Inc.

Subpart—Advertising falsely or misleadingly: § 13.245 *Specifications or standards conformance.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1595 *Condition of goods;* § 13.1680 *Manufacture or preparation;* § 13.1720 *Quantity.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, U.S. Industries, Inc., New York, N.Y., Docket C-1823, Nov. 27, 1970]

In the Matter of U.S. Industries, Inc., a Corporation

Consent order requiring a New York City manufacturer and distributor of transistorized radios to cease misrepresenting the number of transistors and "Solid State" devices in its radios.

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

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

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

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

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions engaged in the manufacturing, advertising, offering for sale, sale, or distribution of radio receiving sets and transceivers.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change

in the corporate respondent relating to operating divisions or subsidiaries engaged in the manufacture, advertising, offering for sale, sale, or distribution of radio receiving sets, including transceivers such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation, or dissolution of subsidiaries or any other change in the corporation when any such change may affect compliance obligations arising out of this order.

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

Issued: November 27, 1970.

By the Commission.

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

[FR Doc.71-742 Filed 1-19-71;8:45 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER K—EXPERIMENTAL HOUSING INSURANCE

PART 233—EXPERIMENTAL HOUSING MORTGAGE INSURANCE

Subpart D—Eligibility Requirements—Projects

WAIVER OF PROJECT REQUIREMENTS

The following amendment to Title 24, Chapter II of the Code of Federal Regulations, authorizes the Assistant Secretary for Housing Production and Mortgage Credit to waive certain regulatory requirements with respect to mortgage insurance in the case of Operation Breakthrough projects. Examples of the requirements subject to waiver are: The payment of anticipated cost over and above the mortgage proceeds; the bonding requirement imposed upon the mortgagor; and the requirement for a working capital deposit.

Accordingly, Chapter II is amended as follows:

§ 233.505 Incorporation by reference.

(a) * * *

(4) In the case of Operation Breakthrough Prototype Site Developments involving expenditure of appropriated funds for research and technology above amounts available from insured mortgage proceeds, the mortgage may be insured without regard to one or more of the regulatory requirements which are not mandatory under controlling statutes.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 233, 75 Stat. 158, as amended; 12 U.S.C. 1715x)

Issued at Washington, D.C., January 14, 1971.

EUGENE A. GULLEDGE, *Federal Housing Commissioner.*

[FR Doc.71-804 Filed 1-19-71;8:50 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

PART 181—COMMERCE IN EXPLOSIVES

Correction

In F.R. Doc. 71-531, appearing at page 658 of the issue for Friday, January 15, 1971, the following changes should be made:

1. In the second sentence of § 181.125 (c), the last two words "or use" should be deleted.

2. In § 181.199, the footnote references in columns (3) and (4) of the table, and footnote 1 should be deleted.

3. A note should be added to § 181.200 immediately preceding footnote 1, and reading as follows:

NOTE: Recommended separation distances to prevent explosion of ammonium nitrate and ammonium nitrate-based blasting agents by propagation from nearby stores of high explosives or blasting agents referred to in the Table as the "donor." Ammonium nitrate, by itself, is not considered to be a donor when applying this Table. Ammonium nitrate, ammonium nitrate-fuel oil or combinations thereof are acceptors. If stores of ammonium nitrate are located within the sympathetic detonation distance of explosives or blasting agents, one-half the mass of the ammonium nitrate should be included in the mass of the donor.

These distances apply to the separation of stores only. The American Table of Distances shall be used in determining separation distances from inhabited buildings, passenger railways and public highways.

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGFR 70-150]

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

General Description

As required by 5 U.S.C. 552, 33 CFR Part 3 provides a description of the structure of the Coast Guard's organization for the performance of its assigned functions and duties. In general, the Coast Guard organization consists of the Commandant, assisted by the Headquarters staff, two Area Offices to act as intermediate echelons of operational command, and District Offices to provide regional direction and coordination. This document provides amendments to Part 3 which will bring this part into conformance with present administrative practices.

The amendments contained in this document are as follows: Subpart 3.01 has been revised to provide a current description of the Coast Guard's organization and assignment of functions; Subpart 3.04 has been added to provide a description of the Eastern and Western Area Offices which act as intermediate echelons of Coast Guard command; and changes in descriptions of jurisdictions have been made for the First, Third, Fifth, Seventh, Eighth, Fourteenth, and Seventeenth Coast Guard Districts for conformance with present administrative practices.

Since this is a matter relating to agency management, it is exempted from notice of proposed rule making and public procedure thereon by 5 U.S.C. 553 and the amendments may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

Accordingly, Part 3 is amended as follows:

1. The heading of Part 3 is revised to read as set forth above.

2. Subpart 3.01 is revised to read as follows:

Subpart 3.01—General Provisions

Sec.
3.01-1 General description.
3.01-5 Assignment of functions.

AUTHORITY: The provisions of this Subpart 3.01 issued under 80 Stat. 383, as amended, 63 Stat. 545, sec. 6(b), 80 Stat. 937; 5 U.S.C. 552, 14 U.S.C. 633, 49 U.S.C. 1655(b); 49 CFR 1.45 and 1.46.

Subpart 3.01—General Provisions

§ 3.01-1 General description.

(a) The structure of the Coast Guard's general organization for the performance of its assigned functions and duties consists of the Commandant, assisted by the Headquarters staff, two Area Offices to act as intermediate echelons of operational command, and District Offices to provide regional direction and coordination. The District Offices operate within defined geographical areas of the United States, its territories, and possessions, including portions of the high seas adjacent thereto. The description of the districts is established by the Commandant under the authority delegated by 49 CFR 1.45 and 1.46.

(b) The two Coast Guard Areas are the Eastern Area (see § 3.04-1) and the Western Area (see § 3.04-3). The Coast Guard Area Commander is in command of a Coast Guard Area and his offices may be referred to as a Coast Guard Area Office. The office of the Commander, Eastern Area, is located in the Third Coast Guard District and the Commander of that District shall serve collaterally as Commander, Eastern Area. The office of the Commander, Western Area, is located in the Twelfth Coast Guard District and the Commander of that District shall serve collaterally as Commander, Western Area. Area Commanders have the responsibility of determining when operational matters require the coordination of forces and facilities of more than one district.

(c) The Coast Guard District Commander is in command of a Coast Guard District and his office may be referred to as a Coast Guard District Office. (See § 1.01–1 of this subchapter.)

(d) An Officer in Charge, Marine Inspection, is in command of a Marine Inspection Zone and his office may be referred to as a Coast Guard Marine Inspection Office. (See § 1.01–20 of this subchapter.)

(e) The Captain of the Port is in command of a Captain of the Port Area and his office may be referred to as a Captain of the Port Office. (See § 1.01–30 of this subchapter.)

(f) Various Coast Guard floating units and shore units are under the cognizance of the Coast Guard District in which they are located except certain Headquarters' units performing specialized functions.

§ 3.01–5 Assignment of functions.

Sections 1.45 and 1.46 of Title 49, Code of Federal Regulations, authorize the Commandant of the Coast Guard to exercise certain functions, powers, and duties vested in the Secretary of Transportation by law. The general statements of policy in the rules describing Coast Guard organization are prescribed pursuant to 5 U.S.C. 552 (80 Stat. 383, as amended) and 14 U.S.C. 633 (63 Stat. 545).

3. Part 3 is amended by adding a new Subpart 3.04 to read as follows:

Subpart 3.04—Coast Guard Areas

Sec.
3.04–1 Eastern Area.
3.04–3 Western Area.

AUTHORITY: The provisions of this Subpart 3.04 issued under 80 Stat. 383, as amended, 63 Stat. 545, sec. 6(b), 80 Stat. 937; 5 U.S.C. 552, 14 U.S.C. 633, 49 U.S.C. 1655(b); 49 CFR 1.45 and 1.46.

Subpart 3.04—Coast Guard Areas

§ 3.04–1 Eastern Area.

(a) The Area Office is in New York, N.Y.

(b) The Eastern Area shall comprise the land areas and U.S. navigable waters of the First, Third, Fifth, Seventh, and Eighth Coast Guard Districts and the ocean areas lying east of a line extending from the North Pole south along 105° W. longitude to the North American land mass; thence along the west coast of the North, Central and South American land mass to the intersection with 70° W. longitude; thence due south to the South Pole. These waters extend east to the Eastern Hemisphere dividing line between the Eastern and Western Areas which, in the Northern Hemisphere, lies along 105° E. longitude and, in the Southern Hemisphere, lies along a line from the South Pole north along 60° E. longitude to position 25° S. 60° E.; thence to position 00° 83° E.; thence to the boundary between East Pakistan and Burma.

§ 3.04–3 Western Area.

(a) The Area Office is in San Francisco, Calif.

(b) The Western Area shall comprise the land areas and the U.S. navigable waters of the Eleventh, Twelfth, Thirteenth, Fourteenth, and Seventeenth Coast Guard Districts and the ocean areas lying west of a line extending from the North Pole south along 105° W. longitude to the North American land mass; thence along the west coast of the North, Central, and South American land mass to the intersection with 70° W. longitude; thence due south to the South Pole. These waters extend west to the Eastern Hemisphere dividing line between the Eastern and Western Areas which, in the Northern Hemisphere, lies along 105° E. longitude and, in the Southern Hemisphere, lies along a line from the South Pole north along 60° E. longitude to position 25° S. 60° E.; thence to position 00° 83° E.; thence to the boundary between East Pakistan and Burma.

Subpart 3.05—First Coast Guard District

4. Sections 3.05–1(b), 3.05–15, and 3.05–70(a) are revised to read as follows:

§ 3.05–1 First District.

* * * * *

(b) The First Coast Guard District shall comprise Maine and New Hampshire; Vermont, except the Counties of Orleans, Franklin, Grand Isle, Chittenden, Addison, and Rutland; Massachusetts, except the waters of Congamond Lakes; Rhode Island, with exception of Watch Hill Light Station; that portion of Connecticut containing the waters of Beach Pond in New London County; all U.S. naval reservations on shore in Newfoundland; the ocean area encompassed by the Search and Rescue boundary between Canada and the United States to longitude 63° W.; thence due south to latitude 41° N.; thence along a line bearing 219° T. to the intersection with the ocean boundary between the First and Third Coast Guard Districts, which is defined as a line extending 112° T. from Montauk Point Light; thence along this line to Montauk Point Light.

* * * * *

§ 3.05–15 Portland, Maine, Marine Inspection Zone.

(a) The Portland, Maine, Marine Inspection Office is in Portland, Maine.

(b) The Portland Marine Inspection Zone comprises Maine, New Hampshire, and Vermont north of 5 miles south of 43° N. latitude except the Counties of Orleans, Franklin, Grand Isle, Chittenden, Addison, and Rutland, in Vermont.

§ 3.05–70 Portland Captain of the Port.

(a) Portland Captain of the Port Office is in South Portland, Maine.

* * * * *

Subpart 3.10—Second Coast Guard District

5. Section 3.10–15 is amended by changing the second word in paragraph (b) from "Cairo" to "Paducah" and revising the heading and paragraph (a) to read as follows:

§ 3.10–15 Paducah Marine Inspection Zone.

(a) The Paducah Marine Inspection Office is in Paducah, Ky.

* * * * *

§§ 3.10–25, 3.10–65 [Amended]

6. Sections 3.10–25 and 3.10–65 are amended by changing the words "thence south along this river to 46°25′ N. latitude and 96°35′ W. longitude;" to "thence south along this river to 46°20′ N. latitude and 96°35′ W. longitude;".

7. Section 3.10–55 is amended by changing the second word in paragraph (b) from "Cairo" to "Paducah" and revising the heading and paragraph (a) to read as follows:

§ 3.10–55 Paducah Captain of the Port.

(a) The Paducah Captain of the Port Office is in Paducah, Ky.

* * * * *

Subpart 3.15—Third Coast Guard District

8. Sections 3.15–1(b), 3.15–10(b), 3.15–15(b), 3.15–25(b), and 3.15–65(a) are revised to read as follows:

§ 3.15–1 Third District.

* * * * *

(b) The Third Coast Guard District shall comprise the counties of Orleans, Franklin, Grand Isle, Chittenden, Addison, and Rutland in Vermont; Connecticut, but not including the waters of Beach Pond in New London County; Watch Hill Station in Rhode Island; that portion of Massachusetts containing the waters of Congamond Lakes in Hampden County; New York, except that part north of latitude 42° N. and west of longitude 74°-39′ W.; New Jersey; Pennsylvania east of longitude 79° W.; Delaware, including Fenwick Island Light but not including that portion of Delaware containing the reaches of the Nanticoke River and the Chesapeake and Delaware Canal; the ocean area encompassed by a line bearing 112° T. from Montauk Point Light to the southernmost point of the First Coast Guard District (39°00′ N., 65°05′ W.); thence along a line bearing 219° T. to the intersection with the ocean boundary between the Third and Fifth Coast Guard Districts which is defined as a line extending 122° T. from the coastal end of the Third and Fifth Coast Guard District land boundary; thence along this line to the coast.

§ 3.15–10 New York Marine Inspection Zone.

* * * * *

(b) The New York Marine Inspection Zone boundary starts at 40°03′ N. latitude on the New Jersey coast; thence westerly following the midchannel line of the Metedeconk River to Laurelton, N.J.; thence in a northwesterly direction to Washington Crossing, N.J.; thence along the east bank of the Delaware River to Tusten, N.Y.; thence due east to the New York-Connecticut State line; thence northeast, including the waters of the Congamond Lakes, and south, excluding the waters of Beach Pond, along

the Connecticut State line to Westerly, R.I.; thence in a southerly direction along the east shore of the Pawcatuck River to Watch Hill Light; thence due south to the Montauk Point Light. All of the islands along the Connecticut, New York, and New Jersey shorelines between the New Jersey coastline at 42°-03' N. latitude and the Connecticut-Rhode Island State line, including Long Island and other islands to and including Fishers Island, are under the jurisdiction of the New York Marine Inspection Office.

§ 3.15–15 Albany Marine Inspection Zone.

* * * * *

(b) The Albany Marine Inspection Zone boundary starts at the junction of the Massachusetts, Connecticut, and New York State lines; thence in a southerly direction along the New York-Connecticut State line to 41°34' N. latitude; thence due west to the east bank of the Delaware River (Tusten, N.Y.); thence in a northwesterly direction along the east bank of the Delaware River to 42° N. latitude; thence due east to 74°40' W. longitude; thence due north to the Canadian border; thence east along the Canadian border to the northeast corner of the Orleans County line in Vermont; thence following the eastern and southern boundary of Orleans, Franklin, Chittenden, Addison, and Rutland County lines to the Vermont-New York State line; thence south along the Vermont-New York State line to the junction of the Massachusetts, Connecticut, and New York State lines.

§ 3.15–25 Philadelphia Marine Inspection Zone.

* * * * *

(b) The Philadelphia Marine Inspection Zone boundary starts at 40°03' N. latitude on the New Jersey coast; thence westerly following the midchannel line of the Metedeconk River to Laurelton, N.J.; thence in a northwesterly direction to Washington Crossing, N.J.; thence north following the course of and including all the waters of the Delaware River until it meets the New York State line; thence west along the New York-Pennsylvania State line to 79° W. longitude; thence due south to the Pennsylvania-Maryland State line; thence east to the junction of the Maryland-Delaware State line; thence south and east along the Maryland-Delaware State line to the sea including Fenwick Island Light but not including that portion of Delaware containing the reaches of the Nanticoke River and the Chesapeake and Delaware Canal.

§ 3.15–65 Philadelphia Captain of the Port.

(a) The Philadelphia Captain of the Port Office is located in Gloucester, N.J.

* * * * *

Subpart 3.25—Fifth Coast Guard District

9. Section 3.25–1(b) is revised to read as follows:

§ 3.25–1 Fifth District.

* * * * *

(b) The Fifth Coast Guard District shall comprise Maryland, Virginia, District of Columbia, North Carolina, and that portion of Delaware containing the reaches of the Nanticoke River and the Chesapeake and Delaware Canal; the ocean area encompassed by a line bearing 122° T. from the coastal end of the Third and Fifth Coast Guard District land boundary to the southernmost point in the Third Coast Guard District (35°-18' N., 68°52' W.); thence along a line bearing 219° T. to the intersection with the ocean boundary between the Fifth and Seventh Coast Guard Districts which is defined as a line extending 122° T. from the coastal end of the Fifth and Seventh Coast Guard District land boundary; thence along this line to the coast.

10. Section 3.25–60 is revised to read as follows:

§ 3.25–60 Hampton Roads Area Captain of the Port.

(a) The Hampton Roads Area Captain of the Port Office is in Norfolk, Va.

(b) The Hampton Roads Area Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from Cape Charles Light in a south-southwesterly direction to a point located at 36°45'00" N., 76°00'00" W., thence west to 76°49'00" W., thence north to 37°15'-00" N., thence in an easterly direction to Cape Charles Light.

Subpart 3.35—Seventh Coast Guard District

11. Sections 3.35–1(b), 3.35–35(b), and 3.35–85(b) are revised to read as follows:

§ 3.35–1 Seventh District.

* * * * *

(b) The Seventh Coast Guard District shall comprise South Carolina, Florida, and Georgia, except that part of Florida and Georgia west of a line from the intersection of the Florida coast with longitude 83°50' W. due north to a position 30°15' N., 83°50' W., thence due west to a position 30°15' N., 84°45' W., thence due north to the intersection with the south shore of Jim Woodruff Reservoir, thence along the east bank of the Jim Woodruff Reservoir and the east bank of the Flint River up stream to Montezuma, Ga., thence to West Point, Ga.; the Panama Canal Zone; all of the island possessions of the United States pertaining to Puerto Rico and the Virgin Islands; all of the U.S. naval reservations in the islands of the West Indies and on the north coast of South America; and the ocean areas encompassed by a line bearing 122° T. from the coastal end of the Fifth and Seventh Coast Guard District land boundary to the intersection with the eastern boundary of the National Maritime Search and Rescue Region; thence along the eastern and southern boundary of the National Maritime Search and Rescue Region to the intersection with the off-shore boundary between the Seventh and Eighth Coast Guard Districts which is defined as a line extending 199° T. from the coastal end of the Seventh and Eighth Coast Guard District land boundary; thence along this line to the coast.

§ 3.35–35 Tampa Marine Inspection Zone.

* * * * *

(b) The Tampa Marine Inspection Zone comprises the land masses and inland and territorial waters of the State of Florida, as well as artificial islands in the Gulf of Mexico which are south of the Florida-Georgia State line; the area east of a line from the intersection of the Florida coast with longitude 83°50' W. due north to a position 30°15' N., 83°-50' W., thence due west to a position 30°-15' N., 84°45' W., thence due north to the southern boundary of Georgia; and the area west of a line drawn from the Florida-Georgia State line at 83° W. longitude and running 155° T. to a point at 28° N., 81°30' W. and thence due south to the Gulf of Mexico.

§ 3.35–85 Tampa Captain of the Port.

* * * * *

(b) The Tampa Captain of the Port area comprises all navigable waters of the United States and contiguous land area within the following boundaries: A line drawn 224° T. from point 25°53' N., 81°16' W. to point 25°48' N., 81°21' W.; thence 245° T. to point 25°41' N., 81°39' W.; thence 335° T. to point 26°20' N., 82°-W.; thence 306° T. to point 26°30' N., 82°-15' W.; thence 335° T. to point 27° N., 82°30' W.; thence 323° T. to point 27°30' N., 82°55' W.; thence west to meridian 83°05' W.; thence north to parallel 27°-45' N.; thence east to meridian 82°55' W.; thence north to parallel 28° N.; thence 009° T. to point 28°30' N., 82°50' W.; thence 335° T. to point 29° N., 83°05' W.; thence 324° T. to point 29°30' N., 83°-30' W.; thence 307° T. to point 29°46.6' N., 83°55' W.; thence 019° T. to meridian 83°50' W.; thence north to parallel 30°-03' N.; thence 128° T. to point 29° N. 82°-30' W.; thence south to parallel 28°-03' N.; thence east to meridian 82°20' W.; thence south to parallel 27°05' N.; thence east to meridian 82° W.; thence 148° T. to point 26°45' N., 81°46' W.; thence 168° T. to point 26° N., 81°36' W.; thence 111° T. to origin.

Subpart 3.40—Eighth Coast Guard District

12. Sections 3.40–1(b), 3.40–30(b), 3.40–60(b), 3.40–65(b), and 3.40–70(b) are revised to read as follows:

§ 3.40–1 Eighth District.

* * * * *

(b) The Eighth Coast Guard District shall comprise: New Mexico, Texas, and Louisiana; that part of Mississippi south of the southern boundaries of the counties of Washington, Sunflower, Leflore, Grenada, Calhoun, Chickasaw, and Monroe; that part of Alabama south of latitude 34° N.; and that part of Florida and Georgia west of a line from the intersection of the Florida coast with longitude 83°50' W. due north to a position 30°15' N., 83°50' W.; thence due west to

a position 30°15′ N., 84°45′ W.; thence due north to the intersection with the south shore of Jim Woodruff Reservoir; thence along the east bank of the Jim Woodruff Reservoir and the east bank of the Flint River up stream to Montezuma, Georgia; thence to West Point, Georgia; the Gulf of Mexico area west of a line bearing 199° T. from the coastal end of the Seventh and Eighth Coast Guard District land boundary.

§ 3.40–30 Mobile Marine Inspection Zone.

* * * * *

(b) The Mobile Marine Inspection Zone comprises those portions of the land masses, inland and territorial waters of the States of Mississippi, Alabama, Florida, and Georgia, as well as the artificial islands in the Gulf of Mexico, south of 34° N. latitude across the entire State of Alabama, south of the southern boundary of the counties of Monroe and Chickasaw in Mississippi; east of a line drawn from the southern boundary of Chickasaw County at 88°51′ W. longitude on a bearing of 184.5° T. to and across the Mississippi Sound touching the western tip of Cat Island and thence running 155° T. into the Gulf of Mexico; and west of a line starting at 34° N. latitude and drawn south along the Alabama-Georgia State line to West Point, Ga.; thence to Montezuma, Georgia, downstream along the east bank of the Flint River, the east bank of the Jim Woodruff Reservoir to the intersection of the south shore of the Jim Woodruff Reservoir with longitude 84°45′ W.; thence due south to latitude 30°15′ N.; thence due east to a point at latitude 30°15′ N., longitude 83°50′ W.; thence due south along longitude 83°50′ W. to the intersection of the Florida Coast; thence 199° T. into the Gulf of Mexico.

§ 3.40–60 Galveston Captain of the Port.

* * * * *

(b) The Galveston Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 94°15′ W. longitude; on the south a line extended from a point located at 29°20′ N. latitude, 94°15′ W. longitude, to a point located at 28°30′ N. latitude, 95°50′ W. longitude; on the west a line extended from a point located at 28°30′ N. latitude, 95°50′ W. longitude northwesterly to the mouth of the Colorado River; thence north-northwesterly along the Colorado River to the 29°35′ N. latitude; on the north the 29°35′ N. latitude; on the north the 29°35′ N. latitude to the 94°55′ W. longitude; thence north to the 30° N. latitude; thence east to the 94°15′ W. longitude.

§ 3.40–65 Houston Captain of the Port.

* * * * *

(b) The Houston Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 94°55′ W. longitude; on the south the 29°35′ N. latitude; on the west the Colorado River; and on the north the 30° latitude.

§ 3.40–70 Mobile Captain of the Port.

* * * * *

(b) The Mobile Captain of the Port area comprises all navigable waters and contiguous land areas within the following boundaries: Beginning at a point 31° N. 88°10′ W.; thence due east along latitude 31° N. to the east bank of the Flint River; thence downstream along the east bank of the Flint River and the east bank of the Jim Woodruff Reservoir to the intersection of the south shore of the Jim Woodruff Reservoir with longitude 84°45′ W.; thence due south along longitude 84°45′ W. to a point 30°15′ N., 84°45′ W.; thence due east along latitude 30°15′ N. to a point 30°15′ N., 83°50′ W.; thence due south along longitude 83°50′ W. to the Florida Coast; thence 199° T. to a point 29°20′ N., 84°05′ W.; thence due west along latitude 29°20′ N. to a point 29°20′ N., 88°10′ W.; thence due north along longitude 88°10′ W. to the point of origin.

Subpart 3.70—Fourteenth Coast Guard District

13. Section 3.70–1(b) is revised to read as follows:

§ 3.70–1 Fourteenth District.

* * * * *

(b) The Fourteenth Coast Guard District shall comprise the State of Hawaii; and the Pacific Islands belonging to the United States south of latitude 40° N., and west of a line running from 40° N., 150° W. through latitude 5° S., 110° W.; the ocean area west and south of a line running from position 51° N., 158° E. to position 43° N., 165° E.; thence due south to latitude 40° N.; thence due east to longitude 150° W.; thence southeasterly through latitude 5° S., longitude 110° W.

Subpart 3.85—Seventeenth Coast Guard District

14. Sections 3.85–1(b), 3.85–55(b), 3.85–60(b), and 3.85–65(b) are revised to read as follows:

§ 3.85–1 Seventeenth District.

* * * * *

(b) The Seventeenth Coast Guard District shall comprise the State of Alaska; the ocean area bounded by a line from the Canadian Coast at latitude 54°40′ N. due west to longitude 140° W.; thence southwesterly to position 40° N., 150° W.; thence due west to position 40° N., 165° E.; thence due north to latitude 43° N.; thence northwesterly to 51° N., 158° E.; thence north and east along the coastline of the continent of Asia to East Cape; thence north to the Arctic Ocean.

§ 3.85–55 Anchorage Captain of the Port.

* * * * *

(b) The Anchorage Captain of the Port area shall comprise all navigable waters of the United States and contiguous land areas bounded by a line between Cape Douglas and Cape Suckling northward to 62°46′ N. latitude and on the east and west by 143°55′ W. longitude and 154°30′ W. longitude, respectively, but not including Barren Islands, Cugach Islands, Kazak Island, or Wingham Island.

§ 3.85–60 Juneau Captain of the Port.

* * * * *

(b) The Juneau Captain of the Port area shall comprise all navigable waters of the United States and contiguous land areas in Southeast Alaska north of a line drawn from Cape Decision Light, 56°00.1′ N. latitude, 134°08.1′ W. longitude, to the mouth of the Stikine River, 56°40.0′ N. latitude, 132°20.0′ W. longitude, including Mitkof Island, but not including Prince of Wales Island, Zarembo Island, Farm Island, or the Stikine River. Thence along the United States-Canadian border on the east to 59°35′ N. latitude, thence along the shorelines of the inside waters to Cape Spencer, and then continuing coastal from Cape Spencer to Cape Decision Light.

§ 3.85–65 Ketchikan Captain of the Port.

* * * * *

(b) The Ketchikan Captain of the Port area shall comprise all navigable waters of the United States and contiguous land areas in Southeast Alaska from the southern Alaska United States-Canadian border north to a line drawn from Cape Decision Light, 56°00.1′ N. latitude, 134°-08.1′ W. longitude, to the mouth of the Stikine River, 56°40.0′ N. latitude, 132°-20.0′ W. longitude, and including all of Prince of Wales Island, Zarembo Island, Farm Island, and the Stikine River, but not including Mitkof Island.

(80 Stat. 383, as amended, 63 Stat. 545, sec. 6(b), 80 Stat. 937; 5 U.S.C. 552, 14 U.S.C. 633, 49 U.S.C. 1655(b); and 49 CFR 1.45 and 1.46)

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER (1–20–71).

Dated: January 15, 1971.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.71–791 Filed 1–19–71;8:49 am]

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 251—INTERRELATIONS OF MEDICAL ASSISTANCE PROGRAMS WITH OTHER PROGRAMS OR AGENCIES

Notice of proposed regulations was published in the FEDERAL REGISTER of June 4, 1970 (35 F.R. 8664) pertaining to the interrelations between the State agency administering the program under title XIX of the Social Security Act and the State health agency, State vocational rehabilitation agencies, and title V grantees. After consideration of views presented by interested persons, the

regulations as published are hereby adopted with the following change: § 251.10(a)(2)(ii) has been changed to clarify the joint responsibility of title V grantees and title XIX agencies for working out agreements related to reimbursement of title V grantees for care provided to title XIX recipients.

Chapter II of Title 45 of the Code of Federal Regulations is amended by adding a new Part 251 as set forth below:

§ 251.10 Interrelations with State health and State vocational rehabilitation agencies, and with title V grantees.

(a) *State plan requirements.* A State plan for medical assistance under title XIX of the Social Security Act must:

(1) Provide for and describe cooperative arrangements with the State health and State vocational rehabilitation agencies (including agencies which administer or supervise health or vocational rehabilitation services) which are directed toward maximum utilization of such services by the title XIX agency in the provision of medical assistance.

(2) Provide for cooperative arrangements with title V grantees for provision of services to recipients of medical assistance which shall:

(i) Provide that the title XIX agency will utilize title V grantees in furnishing the care and services which are available under title V plans or projects and are included in the State plan for medical assistance; and

(ii) Include, where requested by the title V grantee in accordance with the arrangements specified in subparagraph (3) of this paragraph, provision for reimbursement of the cost of care and services furnished by or through the title V grantee to an individual eligible therefor under the State plan for medical assistance. The cooperative arrangement, where such reimbursement is provided for, shall be in writing and the title XIX agency may pay the providers directly or may reimburse the title V grantee.

(3) Provide that the arrangements referred to in subparagraphs (1) and (2)(ii) of this paragraph will include a description, as appropriate, of:

(i) The mutual objectives and respective responsibilities of the parties to the agreement,

(ii) Arrangements for early identification of individuals under 21 years of age in need of medical or remedial care and services,

(iii) The services each offers and in what circumstances,

(iv) The cooperative and collaborative relationships at the State level,

(v) The kinds of services to be provided by local agencies,

(vi) Arrangements for reciprocal referrals,

(vii) Arrangements for payment or reimbursement,

(viii) Arrangements for exchange of reports of services provided to recipients of medical assistance under title XIX,

(ix) Methods to coordinate plans relating to the recipients of medical assistance,

(x) Plans for joint evaluation of policies that affect the cooperative work of the parties,

(xi) Arrangements for periodic review of the agreements and joint planning for changes in the agreements, and

(xii) Arrangements for continuous liaison and designation of staff responsible for liaison activities at State and local levels.

(b) *Definition.* As used in this section, the "title V grantee" is the agency, institution, or organization receiving Federal grants for any service program or project under title V of the Social Security Act, including those relating to Maternal and Child Health services, Crippled Children's services, Maternity and Infant Care projects, Children and Youth projects, and projects for Dental Health of children.

(c) *Federal financial participation.* Federal financial participation will be available in expenditures, for medical or remedial care and services to individuals eligible therefor under the State plan for medical assistance, made in accordance with the agreements between the title XIX agency and the title V grantees, pursuant to this section.

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Effective date. This amendment shall become effective 75 days following the date of publication in the FEDERAL REGISTER.

Dated: December 17, 1970.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: January 13, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-756 Filed 1-19-71;8:46 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 19071; FCC 71-36]

PART 42—PRESERVATION OF RECORDS OF COMMUNICATION COMMON CARRIERS

Reproduction of Records for Retention Purposes

Report and order. In the matter of amendment of Part 42, Preservation of Records of Communication Common Carriers, of the Commission's rules to permit the reproduction of records for retention purposes by any media and to make other minor changes, RM-1652.

1. The Commission adopted a notice of proposed rule making in the above entitled matter on October 28, 1970, which was published in the FEDERAL REGISTER on November 6, 1970 (35 F.R. 17119).

2. The notice presented for comment, on or before November 30, 1970 and for reply comment on or before December 14, 1970, a proposal of the American Telephone and Telegraph Co. (A.T. & T.), made on behalf of itself and the Bell System companies, that the Commission amend its rules with respect to preservation of records to permit the reproduction and retention of records in lieu of original records for the required retention periods on media other than microfilm. Certain other minor revisions to Part 42 were also proposed. Comments were specifically invited with respect to the advantages and disadvantages of allowing the carriers complete freedom in determining the media to be used where records are reproduced for retention purposes and to the relaxation of the requirements for certification as to the authenticity of the reproduced records.

3. Timely comments were received from A.T. & T., United States Independent Telephone Association (USITA), on behalf of its members, and Western Union Telegraph Co. (Western Union).[1] A.T. & T. comments consisted primarily of a resubmission of a copy of its petition for rule making dated July 10, 1970. USITA supported the proposed amendments and urged their prompt adoption by the Commission. Western Union also favored adoption of the proposal. No comments or briefs in reply to the original comments were received.

4. We received no comments of substance in response to our specific invitation to comment on the advantages and disadvantages of allowing the carriers complete freedom in determining the media to be used where records are reproduced for retention purposes. A.T.& T. pointed out that it does not believe that the proposed rules allow the carriers "complete freedom" in this area. It notes that the proposed rules provide that carriers must use a "generally acceptable media" of certified accuracy to produce readily retrievable and reproducible records. Accordingly, A.T. & T. contends, and correctly, that the carriers may use only those media which assure that the Commission's record retention requirements will be met. It further points out that carriers themselves have a proprietary interest in maintaining their records in useful form for substantial periods of time. With respect to the proposed provision pertaining to relaxation of the requirements for certification as to the authenticity of the reproduced records, A.T. & T. comments that it would be impossible to include an executed certificate in a continuous roll film produced by a computer from data stored in electronic devices. It suggests that a certificate could be microfilmed and spliced into a roll film or added as a frame to a microfiche or other microform. However, A.T. & T. points out that when records are stored in other media such as magnetic tape, video tape, etc.,

[1] An "unofficial" comment, original copy only, from Robert P. Bigelow of Hennessy, McCluskey, Earle & Kilburn, Attorneys at Law, which would not alter the provisions of this order, was received by the Chief, Common Carrier Bureau after the due date for filing comments.

the carrier would include the executed certificate in the container with the stored media or attach it to the outside of the case. This procedure appears satisfactory.

5. USITA states that it supports the proposed amendments and urges their prompt adoption. However, in responding to our specific request for comments on the relaxation of the requirements as they relate to certification of the authenticity of reproduced records, USITA recommends that the certification requirements be eliminated as they are unnecessary from a legal standpoint. We are not persuaded that it would be desirable to eliminate entirely the certification requirements. Therefore, the recommendation of USITA is not adopted.

6. Western Union states that the proposed rule changes will be beneficial to it in administering its records retention and retrieval program. In addition, Western Union points out that it feels the present rules would prevent the use of computer output microfilming of records for retention purposes.

7. *Accordingly, it is ordered,* That under authority contained in sections 4(i) and 220 of the Communications Act of 1934, as amended, Part 42, Preservation of Records of Communication Common Carriers, of the Commission's rules is amended as set forth below effective February 22, 1971, and;

8. *It is further ordered,* That this proceeding is hereby terminated.

(Secs. 4, 202, 48 Stat., as amended, 1066, 1070; 47 U.S.C. 154, 202)

Adopted: January 13, 1971.

Released: January 15, 1971.

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

Part 42, Preservation of Records of Communication Common Carriers, is amended as follows:

1. Section 42.1(b) is amended to read as follows:

§ 42.1 Scope of the regulations in this part.

* * * * *

(b) The regulations in this part shall not be construed as requiring the preparation of accounts, records, or memoranda not required to be prepared by other regulations, such as the Commission's Uniform Systems of Accounts, except as provided hereinafter.

* * * * *

2. Section 42.5, including the headnote, is amended to read as follows:

§ 42.5 Preparation and preservation of reproductions of original records.

(a) Records may be reproduced at any time in any generally acceptable media for storage and the reproductions retained in lieu of the original records, provided the procedures prescribed in paragraphs (b) through (f) of this section are followed.

(b) Records produced on media other than paperstock shall be arranged in an orderly sequence in a manner similar to accepted formats for records printed on paperstock. Each record series shall include a certificate or certificates stating that records therein are reproductions of the original records and that they have been made in accordance with prescribed procedures. Such certificate or certificates shall be executed by a person or persons having personal knowledge of the facts covered thereby.

(c) When existing records are to be reproduced, the records shall be so prepared, arranged, classified and identified as readily to permit the subsequent location, examination and processing of the reproductions thereof. Any significant characteristic, feature or other attribute of the original records which the reproduction process would not clearly reflect (e.g., that the record is a copy or that certain figures thereon are red) shall be clearly indicated on the records before being reproduced. When a number of the records to be reproduced have in common such a characteristic or attribute, an appropriate notation identifying the characteristic or attribute may be indicated in a statement at the beginning of each record series instead of on each individual record.

(d) The date prepared and any additional information necessary to afford a complete understanding of the contents of the reproduced material shall be provided at the beginning of each record series.

(e) The photographing or processing procedures used shall be such that reproductions on paperstock can be made, without significant loss of clarity or detail, during the period prescribed in this part for the retention of the records concerned. Sample tests shall be made to determine that satisfactory reproductions on paperstock can be made from such reproductions before the original records are destroyed. The carrier shall be prepared to furnish at its own expense appropriate standard facilities for both reading and copying the reproductions. If the Commission so requests, the carrier shall furnish printed reproductions of records stored on any storage media.

(f) All reproductions prepared for retention purposes shall be indexed and retained in such manner as will render them readily accessible and identifiable. They shall be stored in such manner as to provide reasonable protection from hazards such as fire, flood, theft, etc. The reproductions shall be cared for in such manner as to prevent cracking, breaking, splitting, etc.

3. Items 44–h, 73–g–(1), (2), and (3), and 75–a and b of § 42.9 are amended to read as follows:

§ 42.9 List of records.

* * * * *

Item No.	Description of records	Period to be retained
* * *	* * *	* * *
44	Service orders (including contract, line or other orders used to establish, change or discontinue service to customers) and plant assignment, repair service, trouble, inspection and testing records, including data which are stored in electronic data storage devices associated with computers:	
* * *	* * *	* * *
	h. Tickets, logsheets, subscriber line cards, toll circuit trouble records or other forms or electronic storage devices used to record individual trouble reports and conditions found:	
	(1) Historical records, such as subscriber line cards and toll circuit trouble history records.	Optional after record is superseded or is retired from active file.
	(2) Other records.	Optional.
* * *	* * *	* * *
73	Tickets and other detailed message records of telephone carriers:	
* * *	* * *	* * *
	g. Automatic message accounting tapes, tabulating cards and similar records:	
	(1) Central office tapes or other automatically produced basic detailed records of message handled.	Optional after data have been transferred to the accounting-office media used in processing data.
	(2) Accounting office tapes, tabulating cards or similar media used in sorting and assembling data from central office tapes or other basic message records and in computing, printing or otherwise producing printed tickets, statements or other written detailed message records (see items 73–a, 73–b, and 73–c) used for billing and accounting.	Optional after data have been transferred to the media used as a basis for billing and accounting.
	(3) Tapes, tabulating cards or similar media used only for operating or administrative purposes, not as a basis for billing or accounting.	Optional.
* * *	* * *	* * *
75	Customers' deposits with telephone carriers:	
	a. Copy of contracts or agreements covering customers' deposits.	As provided for item 70–a(6).
	b. Memorandum stubs, receipts or other records used to report customers' deposits.	As provided for item 77–a.
* * *	* * *	* * *

[FR Doc.71–793 Filed 1–19–71;8:49 am]

[Docket No. 16222; FCC 71-39]

PART 73—RADIO BROADCAST SERVICES

Standard Method for Calculating Radiation

Report and order. In the matter of amendment of Part 73 of the Commission's rules to specify, in lieu of the existing MEOV concept, a standard method for calculating radiation for use in evaluating interference, coverage and overlap of mutually prohibited contours in the standard broadcast service.

1. Having fully considered the comments filed in response to a notice of proposed rule making issued in this proceeding in October 1965, the Commission, on November 19, 1969, adopted a further notice, which embodied a proposed disposition of this matter substantially at variance with that set forth in the original notice. New comments were requested on or before February 9, 1970, and reply comments on or before March 13, 1970. Those dates were subsequently extended to April 9, 1970, and May 13. 1970.

2. In the further notice, the Commission proposed that for determinations of service provided and interference caused by a station utilizing a directional antenna, the basic radiation pattern employed be one in which the radiated fields, theoretically determined with a loss resistance of not less than 1 ohm assumed at the current loop of each array element, would be enlarged by two factors, one of which, a value equal to 3 percent of the root sum square of the fields of the individual elements, or 6 millivolts per meter, whichever was the greater value, multiplied by the vertical field distribution factor $f(\theta)$ for the shortest element in the array, would be added in quadrature to the theoretically determined radiation, and the other, equal to 5 percent of theoretically determined field in each direction, multiplied by $f(\theta)$, as defined above, would be added linearly to the field in that direction. It would require that the RMS of the pattern meet the requirements of § 73.189(b)(2) of the rules, and specific justification by the pattern designer, if a loss resistance greater than 1 ohm were utilized in the computation.

3. Measured fields could not exceed those indicated by the radiation pattern computed as described above. If this nevertheless occurred, these alternative procedures were to be followed, as appropriate:

(1) If a measured field in excess of that depicted on the pattern results in interference to any other station, the input power to the antenna must be reduced, to limit the measured field to the level depicted on the pattern, or

(2) If the excess radiation does not result in objectionable interference, a modified pattern must be submitted encompassing all measured fields, which will replace the original pattern for all service and interference determinations.

4. The Commission indicated its intention of adopting a procedure proposed by the Association of Federal Communications Consulting Engineers (AFCCE) and outlined in Appendix B to the further notice, to be employed by applicants where it is desirable or necessary to expand the basic pattern in particular directions.

5. In its comments, AFCCE had proposed when a proof of performance is made of a directional array, that the final result be submitted to the Commission only as a tabulation of measured values. A measured pattern would not be required. It suggested this procedure so that there would be, for each station employing a directional antenna, only a single radiation pattern available for each mode of directional operation, and confusion would be avoided as to the pattern to be employed in studies involving that station. The Commission did not adopt this proposal, noting that its implementation would leave the Commission without a readily available means for determining whether each station, in actual operation, is providing the minimum required service (there may be cases in which the measured fields fall seriously below the fields depicted on the proposed pattern). Further comments were requested on this aspect of the matter.

6. While the further notice proposed that a modified pattern for an existing station be prepared in general accordance with the procedures specified for new stations, it discussed the circumstances under which departures from this procedure might be desirable or necessary.

7. With respect to proposals that we, in effect, establish two patterns, one to which the operating fields would be adjusted, and a second, somewhat larger pattern for service and interference determinations—in this way providing for inevitable fluctuations of measured fields, especially in pattern minimums, about the adjustment values, we emphasized that we expected patterns would be designed providing a reasonable tolerance, in each protected direction, between the computed field and the maximum permitted field in that direction, to provide for day-to-day operating variations. Where these tolerances were unduly small, we would require a special showing of means by which the radiated fields would be maintained close to their computed values.

8. Finally, we indicated the conditions pursuant to which we might contemplate a waiver of the proposed rules to permit the employment of radiation patterns depicting radiated fields lower than 3 percent of the RSS of the array fields.

9. We have received timely comments in this proceeding from the following parties:

Columbia Broadcasting System, Inc. (CBS).
Robert A. Jones, Consulting Engineer (Jones).
Association of Federal Communications Consulting Engineers (AFCCE).
A. D. Ring and Associates (Ring).
Clear Channel Broadcasting Service (CCBS).
Association on Broadcasting Standards, Inc. (ABS).
A. Earl Cullum and Associates (Cullum).
WCAR, Inc. (WCAR).

The majority of those commenting agree generally with the proposals set forth in the further notice, but modifications or additions are suggested by several of the parties. A number of the matters raised can be disposed of rather simply, and we will address ourselves to these initially.

10. First, we note that AFCCE suggested the need for a better definition of terms. "For example, the distinction between the theoretical and computed pattern should be clearly defined." We have heretofore used the term "computed pattern" to describe the radiation envelope obtained by adding to the theoretical pattern linear and orthogonal components of specified size. However, the theoretical pattern is obviously a "computed" pattern, and we recognize that the continued use of the term to identify the enlarged pattern may lead to misunderstandings. Accordingly, we have decided to use the terms "standard pattern" or "standard radiation pattern" interchangeably to identify the enlarged pattern. These terms are defined in the appended rules, will be used henceforth in our discussion of this matter, and will be substituted for "computed pattern" when we summarize comments.

11. In setting the size of the orthogonal component as 3 percent of the RSS of the fields of the array, we, in effect, accepted the radiation "floor" of 3.5 percent of the theoretical pattern RMS proposed by AFCCE and somewhat arbitrarily set the RSS component at a lower figure in recognition of the fact that, in the majority of arrays, the RSS exceeds the RMS value. While ABS and CCBS [1] accept the 3 percent figure, AFCCE and Cullum both suggest that the differential may be more precisely determined—that the median ratio of RSS to RMS for a large number of existing arrays which they have studied is 1.4. Accordingly, an appropriate value for the orthogonal component is 3.5/1.4, or 2.5 percent of the array RSS. Jones opposes the setting of any minimum radiation level based on the array RSS.

12. Jones is alone in his position on this point. We will accept the modification offered by AFCCE and Cullum and establish the size of the orthogonal component as 2.5 percent of the array RSS.[2]

13. Several parties point out that we have proposed an absolute floor on pattern radiation of 6 mv/m, without regard to station power; while this is a satisfactory value for 1 kilowatt, it may be inadequate for stations of higher power. Ring notes that for array designs having RSS/RMS ratios appreciably less than 1 and powers in excess of 1 kilowatt, a minimum of only 2.5 percent of the RSS of the array may represent a value, which, in practice, is too low to be achieved and maintained. For such cases,

[1] But for the limited purpose of establishing the radiation pattern by conventional methods. See discussion of CCBS, pp. 10–11.

[2] While it may be obvious, we think it well to emphasize that the RSS value to be employed in the determination of the size of the orthogonal component is from the element field amplitudes which produce the theoretical pattern.

a higher floor should be provided. It suggests, as do others, that the 6 mv/m value be multiplied by the square root of the station power expressed in kilowatts, that is, the orthogonal component be 2.5 percent of the array RSS or 6 $\sqrt{Pkw}$, which is higher (either, of course, multiplied by $f(\theta)$ for the shortest tower in the array). Adoption of this standard would mean the setting of a radiation floor as low as 3 mv/m for stations with power of 250 watts, whereas, under the Commission's proposal, the lowest permissible radiation from a station of this power would be 6 mv/m. While we are persuaded of the general desirability of relating the radiation floor to power level, our examination of numerous proofs of performance has convinced us that inverse fields from a directional antenna appreciably below 6 mv/m are extremely difficult to establish accurately, and to maintain by monitoring observations. Accordingly, the rules which we adopt set a 6 mv/m minimum for powers of 1 kilowatt and less, with this figure multiplied by the square root of the power in kilowatts for higher power levels.

14. There is rather general agreement that, in the design of the theoretical pattern, a minimum loss resistance of 1 ohm should be assumed at the current loop of each array element with the option of employing a higher loss resistance, if such use is supported by an adequate technical justification. Jones renews his arguments, advanced in the original proceeding, that in some arrays effective losses would be overstated with the 1 ohm allowance, and measured patterns may exceed the standard patterns in size in such instances. While there is some justification for assuming a smaller loss resistance for short towers (less than 90° in electrical height), we see little need, even in such cases, for assuming a loss resistance of less than 1 ohm. We are providing, in the standard pattern, a 5-percent increase over the theoretical pattern size, and are specifying that the loss resistance be assumed at the base of towers less than 90° in electrical height (in such towers the effect of the loss resistance will be less than if added at the current loop). With these provisions, it appears unlikely that the effect Jones sees will occur.

15. We are adopting the AFCCE procedure, set forth in Appendix B to the further notice, for augmentation of the standard pattern. This procedure would normally be applied in the development of a modified standard pattern, which will encompass measured fields where these fields exceed the levels depicted on the original standard pattern in one or more specific directions. However, it may also be appropriate for application to the original pattern, where, for instance, it is desired to provide additional fill for one of two symmetrical nulls.

16. Ring argues that there is little justification from an engineering standpoint, and no useful purpose will be served by the addition of a "patch" to the radiation pattern where the measured field exceeds the pattern in a direction where there is no protection requirement, and such an uncorrectable excess should be ignored in the allocation process.

17. This argument appears to overlook the fact that the standard pattern established for each station defines, at the same time, not only the limits within which the station must operate, but also the rights of the station to radiate specific fields in specific directions. While interference considerations may place no limit on the inverse field produced by a station in a particular direction at the time the station is authorized, the value of this field may become critical if a new station is subsequently assigned to the channel in that direction from the existing station. The new station enjoys protection from the existing station based on the radiation shown on the existing station's pattern. If we followed the procedure advocated by Ring, the existing station may have been allowed to radiate more in that direction than the standard pattern depicts. While the excess radiation, from an engineering standpoint, may not have significant practical impact, it is quite clear that, should the existing station ever have occasion to make a new proof of performance, it would be required to lower its inverse field toward the new station to the standard pattern value. Since the excess field was originally permitted only because it could not feasibly be separately reduced, the only recourse to the existing station at that point might be to reduce the input power to its antenna, with a consequent overall reduction in pattern size. Had the existing station been permitted to modify its standard pattern to include the excess radiation at the time it was first discovered, the latter restriction might have been avoided.

18. Thus, while we concede the validity of Ring's technical criticism, we find that from practical and legal standpoints we must apply techniques to insure that the standard pattern includes all measured fields. (If measured fields systematically exceed pattern fields, a modified standard pattern somewhat larger than the original may be employed, if interference considerations permit; otherwise, input power to the antenna must be reduced to restrict critical measured fields to the pattern values. However, where excess fields are measured only in limited pattern sectors, the application of the AFCCE "patch" would appear to be the most feasible solution of the problem.)

19. AFCCE is the only party who responded to our request for comments on its proposal that the end result of a proof of performance of a directional antenna be submitted to the Commission in the form of a tabulation of measured fields vs. azimuths—no graphical representation of the pattern would be supplied. The principal advantage to be derived from this procedure would be that possible confusion as to the radiation pattern which should be employed would be avoided, since each station's file would contain only its standard pattern.

20. Our concern with the employment of this procedure was expressed in connection with the question of whether there should be a limit placed on the minimum size of the measured pattern, envisaging a situation where the measured patterns might be so small that the actual coverage of a station falls seriously short of that predicted.

21. In the rule amendments outlined in the further notice, we proposed to require that the measured pattern have an RMS value at least as great as that specified in § 73.189 of the rules for the class of station proposed. Cullum suggests that we stipulate that the measured RMS value equal or exceed the requirements of § 73.189, or be at least 90 percent of the RMS of the standard pattern.

22. AFCCE urges that "it is unlikely under the stricter requirements instituted in recent years on proofs of performance that one would encounter abnormally distorted patterns affecting RMS and coverage. As the FCC itself points out, most distortions of the nature that greatly affect the RMS are more due to 'faulty analysis and measurement procedure'. In any event, if the Commission desires to ascertain the coverage actually achieved by a station, it can be determined from the measured data."

23. As AFCCE states, the measured RMS value and the coverage produced by the measured fields can be determined from the measurement data.[4] The question is largely one of convenience. The availability of a measured pattern makes it easy to determine whether a serious departure from the standard pattern has occurred. We agree that under present procedures (and with the accumulated experience of engineers designing directional antennas) major discrepancies do not often occur. In recent years, such differences have usually resulted from the inadequate assessment and control of the losses occurring in antenna designs having high RSS/RMS ratios.

24. Because major discrepancies occasionally do occur, we cannot subscribe to AFCCE's position that we may safely assume that each measured pattern will be of adequate size. Therefore, while we will no longer require that a measured pattern be furnished in connection with a proof of performance, we will expect that a statement of the RMS value of such a pattern be included in the submission.

25. As to the minimum acceptable level for the measured RMS, we realize that for many arrays the predicted RMS field substantially exceeds that required by § 73.189, and an operating array which meets only this requirement may produce coverage which falls short of that predicted by a significant degree. Therefore, we are inclined to adopt Cullum's proposal. However, we believe that the alternative lower limit he proposes—90 percent of the RMS of the standard pattern—is somewhat too restrictive. In effect, Cullum would require that the RMS value of the measured pattern be at

[4] In fact, § 73.151(a)(5) requires that the 25 and 5 mv/m contours be plotted from the measured data, and AFCCE has not proposed that this requirement be eliminated.

least 94.5 percent of the theoretical pattern RMS, which usually will be based on a 1 ohm element loss. In most cases, this theoretical value probably will not be exceeded by the measured value. On the other hand, we expect negative departures to be more frequent, and we believe that the floor Cullum proposes may be somewhat too high. Consequently, we will require that the RMS value of the measured pattern be at least 85 percent of the standard pattern RMS, or meet the minimum specified in § 73.189 for the class of station involved, whichever is the higher value.

26. ABS notes that we have said that we will permit measured radiation to be initially adjusted up to the limits depicted by the standard pattern, but wili question the feasibility of a directional proposal where a reasonable tolerance is not provided between the standard pattern field in a particular direction and the maximum permissible field in that direction. ABS suggests that this tolerance should be sufficient to provide for increases in radiation resulting from day-to-day variations in the relative amplitudes and phases of currents in the array elements, and urges the Commission provide a standard in its rules for the establishment of an acceptable tolerance.

27. It states that Cullum had demonstrated in the earlier proceeding that such a time variant effect can be described in statistical terms, and offers the following criterion, presumably for inclusion in our rules.

> The computed directional pattern will be so designed as to provide that radiation of the array will not exceed the maximum permissible levels for protection purposes for more than 50 percent of the time.

28. We have examined this proposal, and conclude that it neither offers an adequate basis for the protection of other stations (as we read it it would seem to condone radiated fields in excess of the levels required for the protection of other stations, as long as they do not occur more than 50 percent of the time—this seems to negate the concept of a tolerance, which ABS believes is necessary), nor offers specific guidance in the formulation of standards.

29. We think a reasonable test, acceptable to the Commission, of whether a sufficient tolerance has been provided between the standard pattern inverse field in a particular direction and the maximum permissible inverse field in that direction is to add in quadrature to the pattern value a quantity which Cullum had suggested in the original proceeding for use in determining the effect of internal array variations, namely: [5]

$$E_q = \frac{E_{RSS} \times L}{1.64}$$

Where:

E_q is the tolerance to be added in quadrature to the pattern value in a direction toward an existing station.

E_{RSS} is the RSS value of the fields in the array.

L is the tolerance, expressed as a decimal, within which an applicant undertakes to maintain deviations in array parameters.

With the constant 1.64, E_q is of a magnitude which will not be exceeded more than 10 percent of the time.

30. The test is applied separately for phase and amplitude variations, the value ascribed to L in each case representing an assessment of the accuracy with which the proposed monitoring facilities can detect variations in the particular parameter. Thus, if it is determined that the monitoring system is incapable of detecting current amplitude deviations smaller than 5 percent, 0.05 is used for L. Phase deviations are converted to decimal form for insertion in the above equation on the assumption that a 1 percent change in current ratio is equivalent to a 0.6 degree change in phase. If the monitoring system is considered capable of detecting phase changes of no smaller than ±3°, this is reflected as a value for L of 0.05.[6] Generally, if it appears that L must be smaller than 0.05 if the permissible tolerance toward a protected station is not to be exceeded, the Commission will require a showing of the means which will be employed to insure those phase and amplitude deviations smaller than 3° and 5 percent can be reliably observed. Also, since an array whose parameters must be held within tolerances much smaller than these may require fairly frequently adjustment, the showing must demonstrate that the facilities for making these adjustments are readily available to the operators on duty, and necessary corrections can readily be made.[7]

31. While we have specified in the rules no formal procedure under which uncorrected reradiation effects at a proposed antenna site would be evaluated and expressed by suitable allowances in the radiation pattern, we fully recognize the necessity for investigating and quantitizing conditions found at each site. However, it appears to us that the procedure suggested by Cullum for this purpose, or a similar one, can be applied more appropriately in determining whether a radiation pattern incorporating the degree of suppression required for the protection of other stations can feasibly be employed at a particular site. The inclusion of an orthogonal component computed as specified herein in the construction of the standard pattern assures only that the minimum fields depicted in the standard pattern will be no less than 2.5 percent of the array RSS. An analysis of reradiation conditions in the vicinity of a proposed site may indicate that difficulties will be experienced in adjusting an array to such minimums. Under these circumstances, an appropriate additional amount of null fill, obtained by adjustment of the theoretical parameters of the array, should be indicated on the standard pattern to provide for the effects of reradiation which are not susceptible to correction. However, if it appears that with the degree of null fill fround necessary for this purpose the required level of protection will not be afforded other stations, the site may well be considered unsuitable for the proposed directional operation.

32. It has been the contention of CCBS in its comments in response both to the original and to the further notice that stations utilizing directional antennas which offer protection for other distant stations by severely restricting the fields radiated toward these stations, in fact, by a substantial margin fail to afford the degree of protection predicted by conventional methods. CCBS urges the adoption of more sophisticated procedures for interference evaluation, which take into account specific propagation phenomena and other effects occurring at points too distant from the directional antenna to influence measurements made to establish the required radiation pattern.

33. Absent the means for such a specific mathematical evaluation, or distant measurements in the individual case, it suggests that stations employing directional anennas be considered incapable of delivering at distant points signals of less intensity than would be produced by a radiated field approximating 10 percent of the horizontal pattern RMS (or RSS) value.

34. Whatever is done generally, CCBS believes that more stringent protection standards should be applied on the clear channels, where the path distances between stations are generally greater than on other channels, and protection requirements are greater.

35. In justifying its proposal with respect to skywave protection, CCBS describes experimental studies tending to support its contention that ionospheric scattering and other effects defeat efforts to achieve protection of distant stations by utilizing directional radiation patterns in which the fields toward these stations are highly restricted.

36. With respect to groundwave radiation, CCBS advances the theory that reradiation sources too distant from a directional array to affect measurements made to prove its radiation pattern,

[5] Such a test would be applied only in detemining the acceptability of a standard pattern for a new station, or for an existing station proposing a major change. Alternatively, an applicant may submit a detailed stability study, in which the tolerable variations of current amplitude and phase, as determined for each element in the array, are related to the monitoring system proposed.

[6] The appropriate values for phase and current deviations should be no less than twice the repeatability of the monitoring system. This figure depends not only on the basic characteristics of the monitoring instruments, but on the stability of the sampling system when subjected to temperature changes, moisture, wind, and vibration.

[7] In such cases, the applicable tolerances will be specified in each station's license. The proceeding in Docket 18930 contemplates the possible relaxation of operator requirements to permit, under stated conditions, the routine operation of stations using directional antennas by holders of radio telephone third class licenses with broadcast endorsement. Stations whose licenses set forth specific tolerances for relative phase and amplitude variations would not be permitted to take advantage of such a relaxation, even if it were granted in other cases.

while individually perhaps not significant, are so numerous (i.e., the number of sources increases as the square of the distance from the antenna) that their cumulative effect is far from insignificant. CCBS cites, as an example, the multiple sources of reradiation one might expect to find in a city lying in the main lobe of a directional antenna some 10 miles from the antenna. Measurements made in a different direction to establish a pattern null would not be affected appreciably by such reradiation. However, it is contended that at some tens of miles from the antenna along the protected radial the distant reradiation sources deliver a signal which may substantially exceed that which the directional antenna radiates in that direction.

37. The effect, of course, occurs. The critical question is one of its magnitude. CCBS offers no experimental data in support of its contention that it is substantial—the argument seems to run that since the distant possible reradiation sources are numerous, their effect must be substantial. We believe something more is required if the CCBS presentation were to be given serious consideration.

38. Assuming, however, that all of CCBS' contentions are well founded, and we adopt its proposal, we will preclude virtually all new nighttime assignments in the United States (other than Class IV stations), and place a rather severe restriction on new daytime assignments. Moreover, the possibility that we might persuade neighboring countries with which we have broadcast treaties to adopt the more stringent protection standards is extremely remote, and the interference we now experience from stations in more distant countries (principally in Central and South America) and over which we have no effective control, will continue to increase. Under such circumstances, even though a full reconsideration of the allocation standards in light of our present knowledge of propagation phenomena and other effects might recommend a more stringent restriction be placed on the use of directional antennas, the unilateral adoption of such standards would be inequitable, and to a large degree, futile. Finally, it should be observed that even under the perhaps imperfect standards which we employ, the controls which are exercised assure domestic stations better protection from interference from other U.S. stations, both on the clear channels and other channels, than they can expect to receive from foreign stations, even those in countries with which we have broadcast treaties.

39. Responding to the urging of several parties, we indicated in the further notice the conditions under which we would be willing to accept an application proposing a directional pattern in which the orthogonal component is smaller than the minimum permitted by the amended rules. Cullum asks that provision be made for the acceptance of such patterns in the rules, with a specification of applicable conditions, arguing that otherwise acceptance must be predicated on a waiver of the engineering rules—an action which he believes the Commission only takes reluctantly, if past experience is any criterion. He further contends that the limits on radiation from new assignments are, in general, so restrictive that there will be many instances where it will be necessary to utilize pattern minimus lower than those contemplated by the general rule.

40. We have given these arguments full consideration, but have decided not to establish rules governing the acceptability of standard patterns incorporating radiation minimums lower than those which the general rule would require. If we adopted such rules, they would be considered by some as an open invitation to bypass the newly established radiation floor. This floor is low—much lower than we originally proposed, and lower than the minimums suggested by a number of the parties who commented on this matter. If it is to be achieved and maintained in actual operation, something more than normal attention must be given to all details of design, construction, and operation. While we reiterate our willingness to consider applications embodying directional proposals in which the minimum fields are lower than the rules require, we will consider such proposals only on an individual basis and will act favorably thereon only when the applicant can convince us, by a suitable showing, that the proposed operation is susceptible to practical achievement. We have previously outlined the nature of the showing required. With some modification, we here restate it:

(a) A showing that the proposed antenna site is suitable in all respects for the establishment of the proposed antenna system, and that scattering or residual reradiation from structures on or near this site will be of insufficient magnitude to preclude the adjustment of the measured fields within the standard pattern. (In an instance where the Commission finds that such a showing is insufficient to demonstrate that the site is fully satisfactory for the proposed operation, it may permit partial or temporary construction and operation, and require measurements as further evidence of site suitability.)

(b) A showing that the electrical and physical design of the array will be such as to insure stable operation.

(c) A description of the proposed current and phase monitoring system, including the electrical components and physical design details, with a specific evaluation of the ultimate accuracy of the system in detecting changes in current amplitude or phase relationships.

(d) A showing that departures in relative current amplitudes and phases smaller than those which the monitoring system is capable of accurately indicating will not result in positive radiation deviations of a magnitude which could result in objectionable interference to other stations.

(e) A showing that phase or current deviations will be easily subject to correction by operators normally manning the directional installation.

41. Perhaps we have not sufficiently emphasized previously that we will make every effort to persuade Canada and Mexico to adopt the standard pattern for new assignments. Lacking mutually acceptable standards in this area, we have, in some instances, found it necessary to accept station assignments in these countries using directional antennas which give treaty protection to U.S. stations with radiation patterns indicating levels of radiation which we consider impractically low. In any event, before radiation patterns for existing stations in this country can be converted to standard pattern format, an understanding obviously must be reached with neighboring countries, since each standard pattern will be larger than the presently accepted theoretical pattern, and in many instances paper increases in the level of interference to stations in these countries may occur.

42. The kind of understandings necessary can be reached under the provisions of existing agreements, and we see no major legal impediment to their accomplishment. Assuming the success of this endeavor, the employment of the same pattern for each station for determining interference to both domestic and foreign stations—an important objective of this proceeding—should become feasible.

43. In the further notice, we set forth general criteria affecting the preparation of standard patterns for existing stations. We have received useful comments from several of the parties with respect to this matter. ABS has been particularly concerned with the application of the new rules to local site changes.[8][9]

44. In the interest of expediting this matter, facilitating coordination with neighboring countries, and making possible earlier action in Docket 18651, amendment of Part 73 of the Commission's rules regarding AM station assignment standards and the relationship between the AM and FM broadcast services, we are adopting rules which apply only to new assignments and to major changes (as defined in § 1.571(a)(1)) in existing assignments. Minor changes will be accomplished pursuant to existing

[8] ABS expresses concern that the proposal in Docket 18110 to prohibit major changes in broadcast facilities in markets where certain other full-time facilities are commonly owned would, if adopted, in some cases preclude modification of AM facilities made necessary be environmental changes. Local transmitter site changes, even those requiring rather substantial directional pattern modifications, are consistently treated as minor changes. The change in "station location", cited in § 1.57(a)(1) as a major change is a change in the community served by the station (see § 73.30).

[9] The specifications for construction of the standard pattern, set forth in § 73.150(b)(1)(i) of the rules set forth below require that the 5 percent linear component be applied after addition of the orthogonal component to the theoretical pattern. AFCCE has indicated that it intended the application of the components in this order in its original proposal. ABS favors such a procedure. This is acceptable to us, and, accordingly, we have adopted it.

procedures. Specifically, where a modification of a directional radiation pattern is required in connection with a minor change the modified pattern need not be constructed to meet standard pattern specifications.[10] The new requirements will apply only to applications for construction permits for new stations and major changes in existing stations filed after the effective date of the rule amendments adopted herein. Applications presently on file and filed before this date will be examined and processed in accordance with the rules and procedures which have applied hitherto.

45. At such time as it appears feasible to undertake the conversion of existing patterns to standard format further action will be taken. If it appears that a procedure may be adopted for this purpose which will not affect the substantive rights of licensees, a public notice will be issued containing appropriate instructions. Otherwise a rule making proceeding may be necessary. In either case, we would expect to draw on the comments filed in the instant proceeding in formulating rules or procedures and would incorporate them by reference in any new formal proceeding. We do not share ABS's fears that the rules we are adopting today, which apply only to new assignments and major changes in existing stations, will substantially limit our freedom of decision in Docket 18651. In fact, as noted above, we are taking this step as a desirable prelude to further action in that proceeding.

46. *Accordingly, it is ordered,* Effective February 22, 1971, that Part 73 of the rules and regulations is amended as set forth below.

47. Authority for the adoption of these rule amendments is found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

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

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

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

Section 73.150 is revised to read as follows:

§ 73.150 Directional antenna systems.

(a) For each station employing a directional antenna, all determinations of service provided and interference caused shall be based on the inverse fields shown on the standard radiation pattern for that station. As applied to nighttime operation the term "standard radiation pattern" shall include the radiation pattern in the horizontal (ground) plane, and radiation patterns at angles above this plane, as required by paragraph (b)(1) of this section.

(b) The following data shall be submitted with an application for authority to install a directional antenna:

(1) The standard radiation pattern for the proposed antenna in the horizontal plane, and where pertinent, azimuthal radiation patterns for angles of elevation up to and including 60°, with a separate pattern for each increment of 5°.

(i) The standard radiation pattern shall be constructed in accordance with the following mathematical expression:

$$E(\emptyset,\theta)_{std} = 1.05\ [(E(\emptyset,\theta)^2_{th} + Q^2]^{1/2}$$

where:

$E(\emptyset,\theta)_{std}$ represents the inverse fields at one mile which are deemed to be produced by the directional antenna in the horizontal and vertical planes.

$E(\emptyset,\theta)_{th}$ represents the expression which determines the basic pattern shape and size. It shall be developed with a lumped loss resistance of not less than 1 ohm assumed to exist at the current loop of each element of the directional array, or at the base of any element of less than 90° in electrical height. An application proposing an antenna design incorporating a loss resistance greater than 1 ohm will be accepted only if it includes an adequate technical justification for the employment of the greater value.

Q is the greater of the following quantities:

$$0.025f(\theta)E_{rss} \text{ or}$$
$$6.0f(\theta)(P_{kw})^{1/2}$$

where:

$f(\theta)$ is the vertical field distribution factor for the shortest tower in the array (see § 73.190, Figure 5).

E_{rss} is the root sum square value of the amplitudes of the inverse fields of the elements of the array in the horizontal plane, as used in the expression for $(E\emptyset,\theta)_{th}$.

P_{kw} is the input power to the array, expressed in kilowatts, with $P_{kw}=1$, for input power of 1 kilowatt or less.

(ii) Where the orthogonal addition of the factor Q to $E(\emptyset,\theta)_{th}$ results in a standard pattern whose minimum fields are lower than those found necessary or desirable, these fields may be increased by appropriate adjustment of the parameters of $E(\emptyset,\theta)_{th}$.

(2) The horizontal pattern shall be plotted to the largest scale possible on letter-size polar coordinate paper (main engraving approximately 7'' x 10'') using only scale divisions and subdivisions having 1, 2, 2.5, or 5 times $10^{n\text{th}}$, and oriented with the zero degree point corresponding to true North. Patterns for elevation angles above the horizontal plane, may be plotted in polar or rectangular coordinates with the pattern for each angle of elevation drawn on a separate page. Minor lobe and null detail occurring between successive patterns for specific angles of elevation need not be submitted. Values of field intensity less than 10 percent of the effective field intensity of any pattern shall be shown on an enlarged scale. The direction and distance shall be indicated on the horizontal plane pattern toward each existing station with which interference may be involved.

NOTE: All directions shall be determined by accurate computation or from a Lambert Conformal Conic Projection Map, such as U.S. Coast and Geodetic Survey Map No. 3060, or a map of equal accuracy, and all distances shall be determined by accurate computation or from United States Albers Equal Area Projection Map, scale 1/2,500,000, or a map of equal accuracy. These maps may be obtained from the United States Geological Survey, Department of the Interior, Washington, D.C. 20240, and the United States Coast and Geodetic Survey, Department of Commerce, Washington, D.C. 20235.

(3) The effective (RMS) field intensity of $E(\emptyset,\theta)_{std}$, $E(\emptyset,\theta)_{th}$ and the root sum square (RSS) value of the inverse fields at one mile of the array elements, derived from the equation for $E(\emptyset,\theta)_{th}$.

(4) Physical description of the array, showing:

(i) Number of elements.

(ii) Type of each element (i.e., guyed or self-supporting, uniform cross section or tapered (specifying base dimensions), grounded or insulated, etc.)

(iii) Details of top loading, or sectionalizing, if any.

(iv) Height of radiating portion of each element in feet (height above base insulator, or base, if grounded).

(v) Overall height of each element above ground.

(vi) Sketch of antenna site, indicating its dimensions, the location of the antenna elements thereon, their spacing from each other, and their orientation with respect to each other and to true north, the number and length of the radials in the ground system about each element, the dimensions of ground screens, if any, and bonding between towers and between radial systems.

(5) Electrical description of the array, showing:

(i) Relative amplitudes of the fields of the array elements.

(ii) Relative time phasing of the fields of the array elements in degrees leading [+] or lagging [−].

(iii) Space phasing between elements in degrees.

(iv) All assumptions made and the basis therefor, particularly with respect to the electrical height of the elements, current distribution along elements, efficiency of each element, and ground conductivity.

(v) Formulas used for computing $E(\emptyset,\theta)_{th}$ and $E(\emptyset,\theta)_{std}$ together with sample computations.

(vi) Complete tabulation of final computed data used in plotting patterns, including data for the determination of the RMS value of the pattern, and the RSS field of the array.

(6) Any additional information required by the application form.

Section 73.151 is revised to read as follows:

§ 73.151 Field strength measurements to establish performance of directional antennas.

(a) In addition to the information required by the license application form, the following showing must be submitted to establish for each mode of directional operation, that the effective measured field strength (RMS) at 1 mile is not less than 85 percent of the effective field strength specified for the standard radiation pattern for that mode of directional operation, or less than that specified in § 73.189(b) for the class of station involved, whichever is the higher value, and that the measured field strength at

[10] Unless, of course, the minor change is made in a station for which a standard pattern has been estabilished.

1 mile in any direction does not exceed the field shown in that direction on the standard radiation pattern for that mode of directional operation:

(1) A tabulation of inverse field intensities in the horizontal plane at 1 mile, as determined from field strength measurements taken and analyzed in accordance with § 73.186, and a statement of the effective field intensity (RMS), based on these measurements. Measurements shall be made in at least the following directions:

(i) Those specified in the instrument of authorization.

(ii) In major lobes. Generally at least three radials are necessary to establish a major lobe; however, additional radials may be required.

(iii) Along sufficient number of other radials to establish the effective field. In the case of a relatively simple directional antenna pattern, approximately five radials in addition to those in subdivision (i) and (ii) of this subparagraph are sufficient. However, when more complicated patterns are involved, that is, patterns having several or sharp lobes or nulls, measurements shall be taken along as many radials as may be necessary, to definitely establish the pattern(s).

(2) A tabulation of:

(i) The phase difference of the current in each other element with respect to the reference element, and whether the current leads (+) or lags (—) the current in the reference element, as indicated by the station's phase monitor.

(ii) The ratio of the amplitude of the current in each other element to the current in the reference element, as indicated on the station's phase monitor.

(iii) The value of the current at the base of each element, as read from the thermoammeter installed at the base of the element, and the ratio of the base current in each other element to the base current in the reference element. If there are substantial differences between the ratios established in subdivision (ii) of this subparagraph and the ratios computed in this subdivision (iii) and/or if there are substantial differences between the parameters established in subdivisions (i) and (ii) of this subparagraph and this subdivision (iii), and those used in the design of the standard radiation pattern, a full explanation of the reasons for these differences shall be given.

(3) The 25 and 5 mv/m field intensity contours and the nighttime interference-free contour, when the pattern is for nighttime operation, as well as any other contours specified by the instrument of authorization, plotted on a map which has the largest practical scale. These contours need not be shown for distances greater than 20 miles from the antenna except that the field intensity contours on the far side of the business and residential areas of the city in which the main studio is located shall be shown. When the station is limited by interference within the 5 mv/m contour the latter contour need not be shown. In the event the 5 mv/m contour includes and extends beyond the city and beyond 20 miles, the highest signal intensity contour that entirely includes the city may be plotted in lieu of the 5 mv/m contour; in the event that the 5 mv/m contour does not include the city, the contour of highest signal intensity encompassing the city shall be plotted in addition to the 5 mv/m contour.

(4) The actual field intensity measured at each monitoring point established in the various directions for which a limiting field was specified in the instrument of authorization together with accurate and detailed description of each monitoring point together with ordinary snapshots, clear and sharp, taken with the field intensity meter in itd measuring position and with the camera so located that its field of view takes in as many pertinent landmarks as possible. In addition, the directions for proceeding to each monitoring point together with a rough sketch or map upon which has been indicated the most accessible approaches to the monitoring points should be submitted.

§ 73.153 [Redesignated]

Present § 73.152 is redesignated § 73.153 and a new § 73.152 is added to read as follows:

§ 73.152 Modification of directional antenna data.

(a) If, after construction and final adjustment of a directional antenna, a measured inverse field at 1 mile in any direction exceeds the field shown on the standard radiation pattern for the pertinent mode of directional operation, an application shall be filed for a modification of permit, specifying a modified standard radiation pattern and/or such changes as may be required in operating parameters so that all measured effective fields will be contained within the standard radiation pattern. The following general principles shall govern such a situation:

(1) Where an excessive measured field in any direction will result in objectionable interference to another station which would not be computed if the standard pattern field in that direction were employed, the application shall specify the level at which the input power to the antenna shall be limited to maintain the measured field at a value not in excess of that shown on the standard pattern, and shall specify the common point current corresponding to this power level. This value of common point current will be specified on the license for that station.

(2) Where any excessive measured field does not result in objectionable interference to another station a modified standard radiation pattern shall be submitted, encompassing all measured fields, and shall supersede the previously submitted standard radiation pattern for that station in the pertinent mode of directional operation.

NOTE: Where measured fields exceed the values shown on the standard radiation pattern, but objectionable interference does not result, and, accordingly, a modified standard radiation pattern is submitted, the modified pattern may be larger than the original pattern (have a higher RMS value) if the measured fields systematically exceed the confines of the original pattern, or, where the measured field exceeds the pattern in discrete directions, may be expanded over sectors including these directions. A combination of both types of expansion may sometimes be desirable. Where sector expansion, or "augmentation" is desired, it shall be achieved by application of the following equation:

$$E_2=\left[E_1^2+Qf(\theta)\cos\left(180\frac{DA}{S}\right)^2\right]^{1/2}$$

where:

E_1 is the standard pattern field at some particular azimuth and elevation angle, before augmentation.

E_2 is the field in the direction specified above, after augmentation.

$Q=(E_2^2-E_1^2)^{1/2}$ in which the fields are those in the horizontal plane at an azimuth where the maximum degree of augmentation is applied.

$f(\theta)$ is the vertical plane distribution factor for the shortest element in the array (see § 73.190, Figure 5).

S is the angular range, or "span" over which augmentation is applied. At the limits of the "span" the augmented pattern sector merges into the unaugmented pattern.

D_A is the absolute horizontal angle between the azimuth at which the augmented pattern value is being computed, and the azimuth at which the maximum augmentation occurs. (D_A cannot exceed ½ S)

Where a standard radiation pattern is constructed using this method of augmentation, the specific limits of each augmented sector shall be depicted. Field values within an augmented sector computed prior to augmentation shall be depicted by a broken line.

[FR Doc.71-794 Filed 1-19-71;8:49 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1001, 1002, 1004, 1006, 1007, 1011–1013, 1015, 1030, 1032, 1033, 1036, 1040, 1043, 1044, 1046, 1049, 1050, 1060–1065, 1068–1071, 1073, 1075, 1076, 1078, 1079, 1090, 1094, 1096–1099, 1101–1104, 1106, 1108, 1120, 1121, 1124–1134, 1136–1138]

[Docket No. AO–10–A41, et al.]

MILK IN ST. LOUIS-OZARKS AND CERTAIN OTHER MARKETING AREAS

Decision and Order To Terminate Proceeding on Proposed Amendments to Marketing Agreements and to Orders

7 CFR part	Marketing area	Docket No.
1002	St. Louis-Ozarks	AO–10–A41.
1001	Massachusetts-Rhode Island-New Hampshire.	AO–14–A47–RO1.
1002	New York-New Jersey	AO–71–A59.
1004	Middle Atlantic	AO–160–A43–RO2.
1006	Upper Florida	AO–356–A5.
1007	Georgia	AO–366–A3.
1011	Appalachian	AO–251–A12.
1012	Tampa Bay	AO–347–A9.
1013	Southeastern Florida	AO–286–A17.
1015	Connecticut	AO–305–A25.
1030	Chicago Regional	AO–361–A2–RO1.
1032	Southern Illinois	AO–313–A18.
1033	Ohio Valley	AO–166–A40–RO1.
1036	Eastern Ohio-Western Pennsylvania.	AO–179–A32–RO1.
1040	Southern Michigan	AO–225–A22.
1043	Upstate Michigan	AO–247–A15.
1044	Michigan Upper Peninsula.	AO–299–A17.
1046	Louisville-Lexington-Evansville.	AO–123–A36.
1049	Indiana	AO–319–A15.
1050	Central Illinois	AO–355–A7.
1060	Minnesota-North Dakota	AO–360–A4.
1061	Southeastern Minnesota-Northern Iowa.	AO–367–A1.
1063	Quad Cities-Dubuque	AO–105–A31.
1064	Greater Kansas City	AO–23–A38.
1065	Nebraska-Western Iowa	AO–86–A23.
1068	Minneapolis-St. Paul	AO–178–A25.
1069	Duluth-Superior	AO–153–A17.
1070	Cedar Rapids-Iowa City	AO–229–A22.
1071	Neosho Valley	AO–227–A24.
1073	Wichita	AO–173–A24.
1075	Black Hills	AO–248–A12.
1076	Eastern South Dakota	AO–260–A15.
1078	North Central Iowa	AO–272–A17.
1079	Des Moines	AO–295–A20.
1090	Chattanooga	AO–266–A13.
1094	New Orleans	AO–103–A29.
1096	Northern Louisiana	AO–257–A18.
1097	Memphis	AO–219–A23.
1098	Nashville	AO–184–A28.
1099	Paducah	AO–183–A23.
1101	Knoxville	AO–195–A19.
1102	Fort Smith	AO–237–A18.
1103	Mississippi	AO–346–A11.
1104	Red River Valley	AO–298–A16.
1106	Oklahoma Metropolitan	AO–210–A28.
1108	Central Arkansas	AO–243–A20.
1120	Lubbock-Plainview	AO–328–A10.
1121	South Texas	AO–364–A1.
1124	Oregon-Washington	AO–368–A1.
1125	Puget Sound	AO–226–A21.
1126	North Texas	AO–231–A33.
1127	San Antonio	AO–232–A20.
1128	Central West Texas	AO–238–A23.
1129	Austin-Waco	AO–256–A16.
1130	Corpus Christi	AO–259–A20.
1131	Central Arizona	AO–271–A13.
1132	Texas Panhandle	AO–262–A20.
1133	Inland Empire	AO–275–A21.
1134	Western Colorado	AO–301–A11.
1136	Great Basin	AO–309–A15–RO1.
1137	Eastern Colorado	AO–326–A15.
1138	Rio Grande Valley	AO–335–A15.

A public hearing was held upon proposed amendments to the marketing agreements and the orders regulating the handling of milk in the aforesaid marketing areas. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Clayton, Mo., January 20–23, 1970, pursuant to notice thereof which was issued November 26, 1969 (34 F.R. 19078), and at New York City, February 17 and 18, 1970, pursuant to supplementary notices issued January 8, 1970 (35 F.R. 435), and January 29, 1970 (35 F.R. 2527).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on September 29, 1970 (35 F.R. 15396), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

Sixty-eight milk orders were listed in the notice of hearing. Eight of these orders have since been merged with other orders. Washington, D.C. (Part 1003), Delaware Valley (Part 1004), and Upper Chesapeake Bay (Part 1016) were merged into the Middle Atlantic order. Tri-State (Part 1005), Greater Cincinnati (Part 1033), Miami Valley (Part 1034), Columbus (Part 1035), and Northwestern Ohio (Part 1041) were merged into the Ohio Valley order.

As a result, this decision relates only to the existing 62 orders as merged. Such mergers have had no effect on the basic issue involved in this proceeding. This is because the decision herein deals with the matter of how Class I milk should be priced under all Federal milk orders. The uniform system proposed would have applied to each of the orders prior to merger or to the orders as merged. Therefore, the findings and conclusions of this decision are equally applicable to the orders as merged.

For the Massachusetts-Rhode Island-New Hampshire, Middle Atlantic, Chicago Regional, Ohio Valley, Eastern Ohio-Western Pennsylvania, and Great Basin markets the hearing constituted a reopening of prior hearings on matters relating to the particular markets, including issues other than the issue herein discussed.

The material issue, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. A paragraph is added at the end of the description of "Modifications Proposed and Supported."

2. The introductory statement under the heading "Findings and Conclusions" is revised.

3. The heading "Questions Presented by Proposal" is deleted, and the second paragraph as it appeared under that heading is revised.

4. Under the heading "(1) *Reliability of Performance,*" the second, sixth, eighth, ninth, 11th, 15th, 17th, 19th, 24th, 27th, 28th and 29th paragraphs are revised, a new paragraph is added following paragraphs fourteen and 28, respectively, and six new paragraphs are added at the end.

5. Under the heading "(2) *Interrelationship of Markets and Uses for Milk,*" the first, third and eighth paragraphs are revised, the fourth paragraph is deleted, and a new paragraph is added at the end.

6. Under the heading "(3) *Compatibility of Objectives,*" the first, second, fourth and ninth paragraphs are revised, the eighth paragraph is deleted, and three new paragraphs are added: two after the seventh paragraph, and the other after the tenth paragraph. A new heading, *"Other Operating Features,"* is inserted before the 11th paragraph, and the 11th, 13th, 16th, 17th and 19th paragraphs are revised.

7. The heading and text under "Summary" is deleted.

The material issue on the record relates to:

The material issue on the record of the hearing relates to:

Whether an "economic" formula should be adopted, changing the present basis for moving Class I prices under all Federal milk orders.

Description of the proposed formula. The National Milk Producers Federation, an organization of cooperative associations of dairy farmers and federations of such cooperative associations, proposed the "economic" formula. The member cooperatives of the Federation are dispersed throughout 49 States and the organization does business in all 50 States of the Union. Milk of one or more member cooperative associations is marketed in each of the areas regulated by a Federal order, and, in most instances, the majority of milk supplied to each Federal milk marketing order area originates through cooperative associations which are members of the Federation.

Following the annual convention of the National Milk Producers Federation in St. Louis, Mo., in November 1968, a Class I Price Policy Committee was appointed by the president of this producer organization for the purpose of considering the need for an "economic"

formula for use in all milk orders. This committee selected a Task Force of agricultural economists and dairy specialists to develop the formula and the rationale supporting it. The Task Force consisted of seven members and two alternates. Of the nine members, five were from producer organizations, three were university professors, and the other was an attorney who was legal counsel for the producer organization at the hearing. This Task Force developed the formula which the National Milk Producers Federation and others supported at the hearing.

The proposed formula utilized 12 prices or indexes set up in four groups. All prices and indexes are national averages except the prices of dairy products which are representative wholesale prices at midwestern pricing points. The groups and factors proposed were:

GROUP A

Disposable Personal Income Per Capita, current dollars, seasonally adjusted.
Consumer Price Index, all items.
Wholesale Price Index, all commodities.

GROUP B

Index of Prices Paid by Farmers, including interest, taxes, and wage rates.
Average Prices Paid by Farmers for Dairy Feed, 16 percent protein content.
Index of Composite Wage Rates for Hired Labor, seasonally adjusted.

GROUP C

Index of Prices Received by Farmers for all Farm Products.
Prices Received by Farmers for Beef Cattle.
Percent Unemployed, all Civilian Workers, seasonally adjusted (expressed inversely).

GROUP D

Price of Butter.
Price of Cheese.
Price of Nonfat Dry Milk.

An index was established for each variable in the first three factor groups and for the composite sum of the dairy product prices in the last category. The 1968 annual average was used as the base to construct the "economic" formula indexes.

The first group of factors (Group A) was described in the Task Force Report as a measurement of the ability and willingness of consumers to buy milk. The composite index for this group was a simple average of the three indexes.

The second group of factors (Group B) was characterized as cost factors in producing milk. Proponent stated that the index of prices paid reflects general changes in cost of producing milk as well as all other farm commodities, and feed prices and farm wages are the two most important items of cost in producing milk. The composite index for this group was a simple average of the index of prices paid by farmers (parity index), the feed price index, and the index of farm wage rates.

A third group of factors (Group C) was chosen to reflect alternative opportunities, farm and nonfarm, for the use of milk production resources. According to the Task Force, prices received by farmers for all farm products reflects the attractiveness of alternative farm enterprises for the use of resources. The price received by farmers for beef cattle was described as affecting milk supplies in two ways: First, as a closely related alternative farm enterprise, and second, as a factor affecting the rate of culling of milk cows. The study group indicated that milk supplies are affected also by opportunities in nonfarm employment and proposed the unemployment percentage to reflect this consideration.

The Task Force proposed that the unemployment percentage be used inversely as an index. By using it inversely all the indexes could be related positively to the Class I price. The procedure proposed in the formula would change the factor index by two-thirds point for each 0.1 change in the rate of unemployment. Thus, if unemployment increases by 0.1, the index is decreased by 0.7. After making this adjustment in the employment index, it was combined with the index of prices received for all farm products, and the index of prices received for beef cattle in a simple average to establish a composite index for the "alternative opportunity" factor group.

The fourth group of factors (Group D) was composed of prices of three dairy products—butter, nonfat dry milk, and cheese. A sum of the dairy product prices was computed by adding the price of 1 pound of cheese, 1 pound of butter, and 2 pounds of nonfat dry milk. This sum was converted to an index, which was the Group D composite index.

The four composite group indexes were combined in a simple average to make the "economic index". The Class I price effective in each order the month prior to the effective date the formula was adopted would be the base price. Starting with this base price the movements of Class I prices in all Federal order markets would take place simultaneously (upward or downward) based on the movement of the "economic index".

The proposed formula provided for "quarterly" pricing. A computation of the "economic index" on the 25th day of each December, March, June, and September, based on the latest available data at such time, would be used for establishing Class I prices under all orders for the next following quarter beginning on the first day of January, April, July, and October, respectively.

The proposed formula also would incorporate a bracketed system of pricing in 20-cent increments. The Task Force relied on the experience of fluid milk price movements during the 1960's to determine how much change in the "economic index" should signal a 20-cent change in the Class I price level. Their analysis based on the 1960's showed that Class I prices in that period changed by 7.027 cents for each change of one point in the proposed formula "economic index". Hence, the Task Force recommended that a movement of 2.85 points in the index should result in a 20-cent change in the Class I price.

The recommended table of bracketed prices provided an upper and lower limit for each bracket. The bracket itself from the lower to the upper limit incorporated either 1.5 or 1.6 points, respectively. There was an interval of 1.3 points after reaching the upper limit of one bracket to the lower limit of the next bracket. When the "economic index" fell in the interval between brackets the price would remain unchanged, and the effective price would reflect the price bracket through which the "economic index" had most recently passed. This interval was designed to prevent frequent price changes occurring as a result of shifting from one bracket to another with little change in the "economic index".

The proposed formula also included a contraseasonal provision which would prevent price decreases on July 1 and October 1. Price reductions indicated by the "economic index" could be made only for the quarters beginning January 1 and April 1.

The proposed formula further specified five conditions which could be used as "trigger devices" to indicate that a hearing should be called to review the operation of the "economic" formula. The Secretary was to determine if a hearing were necessary in any of these situations:

(1) When the composite index of manufactured dairy product prices (Group D) departed by more than seven index units from the most recent simple average of the other nine indexes included in the "economic index".

(2) When an index of the ratio of total U.S. milk production to sales of fluid milk products departed by more than 3 percent from a base of 100. The index of the most recent 12-month moving total of U.S. milk production, expressed inversely, would be multiplied by a demand index based on the most recent 12-month moving total of sales of fluid milk items in marketing areas of comparable markets as reported in the "Fluid Milk and Cream Report" issued monthly by U.S. Department of Agriculture. The 3 percent variation would be measured from a base reflecting data current at the time of the hearing.

(3) When purchases under the price support program (butterfat basis) during the immediately preceding 12 months exceeded 6 percent of the butterfat in total U.S. milk production.

(4) When the most recent quarterly index of per capita disposable income in the United States, deflated by the implicit price index used to deflate Gross National Product, departed from the "economic index" by more than five points.

(5) When the formula had been in effect for 18 months, and none of the other bases for hearing calls to review the formula had operated in the most recent 6 months.

Modifications proposed and supported. In their brief, the National Milk Producers Federation and other cooperatives modified their support of the formula proposal in regard to four of its components. First, they supported the Milk Industry Foundation recommendation that price changes be made in 15-cent increments rather than the original 20-cent proposal. This modification would change the Class I price 15 cents with a change in the "economic index" of 2.2

points rather than by 20 cents for each 2.85 points change in the index. To accommodate the 15-cent price changes, the size of the brackets would be reduced to 1.1 points with the interval between the upper limit of one bracket and the lower limit of the next bracket changed to 1.1 points.

In addition, the producer associations, in their brief, supported the announcement of Class I prices on the 5th day of each December, March, June, and September for the respective quarters beginning on the 1st of January, April, July, and October following.

The producer group proposed at the hearing that the base price should be the Class I price effective the last month before the "economic formula" is adopted. In their brief, they requested that during the first year such base price should be increased for the first month the formula is in effect by any amount that $4.71 exceeds the Minnesota-Wisconsin manufacturing milk price for the previous month, and then for each later month by any amount that the Minnesota-Wisconsin price for the preceding month exceeds $4.71.

On a fourth issue, producers revised their position regarding the conditions under which the Secretary should consider calling a hearing. The cooperative organizations supported calling a hearing within 5 days to review the operation of the formula, unless the Secretary issues a finding that a hearing is not necessary, if one of the following conditions should occur:

(1) Purchases under the price support program during the immediately preceding 12 months exceed 6 percent of the total U.S. milk production.

(2) The composite index of manufactured dairy product prices (Group D) departs by more than seven index units from the most recent simple average of the other nine indexes included in the "economic index".

(3) The formula has been in effect for 18 months, and none of the other bases for hearing calls to review the formula has operated in the most recent 6 months.

As previously stated, the formula, as proposed in the hearing notice, included five conditions which would trigger a hearing unless the Secretary issued a finding that a hearing was unnecessary. At the hearing, the cooperative organization described each of these trigger devices but stated that the five trigger devices were not an integral part of its proposal and were presented for review and consideration only. Even though data for the computation of a trigger device based on a supply-sales ratio and a device comparing the economic index to deflated disposable income were presented for consideration at the hearing, these devices were omitted from consideration in the brief filed by the cooperative associations.

Pure Milk Products Cooperative, a bargaining cooperative representing dairy farmers in the Wisconsin area, testified that the Minnesota-Wisconsin price series is a more appropriate measure to reflect manufacturing milk values than is the proposed sum of the prices of three dairy products. This cooperative stated that if manufactured product prices are used to reflect the value of manufacturing milk in the "economic" formula, the weighting chosen by the Federation to reflect the manufactured milk value should be revised.

The Milk Industry Foundation, a national trade association of fluid milk processors and distributors, urged the adoption of the Federation's proposed "economic" formula provided the formula were modified to include price changes in 15-cent multiples and at least a 25-day advance notification of any change in the Class I price. The Foundation represents a large proportion of handlers who are regulated by milk orders. At least one member is subject to the regulation of each Federal milk order effective at the present time. Foundation witnesses presented most of the testimony for handlers at the hearing. However, several individual handlers also supported the Foundation's position concerning 15-cent brackets and advance notice of prices.

Eastern Milk Producers Cooperative Association, Inc., a cooperative representing 8,500 members residing primarily in the States of New York, Pennsylvania, and Vermont, with a large majority of its members' milk marketed under Federal orders No. 1, 2, 4, 15, and 36 supported the idea of an "economic" formula but proposed a formula quite different from the one proposed by the National Milk Producers Federation.

Eastern proposed the establishment of an "economic index" based on three indexes: The U.S. Wholesale Price Index, an index of per capita disposable income, and an index of prices paid by farmers. The indexes of income and prices paid would reflect local conditions in each market, or in groups of closely related markets. In addition, this cooperative association proposed the inclusion of a supply-demand factor for each Federal order market, or regional combination of markets, based on local or regional comparisons of the milk supply with Class I sales. Also, Eastern would make the base Class I price in each market the prevailing price in such market including any premiums over order minimum prices.

The modifications proposed by Eastern would establish different "economic" formula price changes for individual markets or regions, rather than a single formula to move prices uniformly in all markets which was the basic issue considered at this hearing.

Findings and Conclusions

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

No action should be taken with respect to the proposed formula on the basis of this hearing record. The record does not establish that the proposed pricing system would tend to effectuate the declared policy of the Act.

Any pricing system adopted must meet the standards prescribed by the Agricultural Marketing Agreement Act of 1937 which requires that such milk prices be either "parity prices," or if parity prices are unreasonable "in view of the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk and its products in the marketing area," the prices established must be those which "will reflect such factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest."

The proposed formula is based on indexes of various prices and other statistical measures of economic conditions. However, in order to meet the statutory pricing standards, there must be reasonable assurance that the design and performance of the proposed formula will reflect accurately the economic forces which are most important in determining milk prices so as to maintain a reasonable equation between milk supply and fluid sales. Specifically, it cannot be concluded that the proposed formula will (1) accuratey reflect needed changes in fluid milk prices, (2) maintain appropriate price relationships among markets and uses of milk, and (3) be compatible with other program responsibilities of the Secretary.

(1) *Reliability of performance.* The essential feature of the proposed formula is the use of a group of index factors to determine changes in Class I milk prices to replace the single factor now used (the average price paid for manufacturing grade milk in Minnesota and Wisconsin).

Proponents of the formula claimed that whereas the manufacturing milk price reflects changes which have already taken place in supply and demand conditions for milk, the proposed economic index would signal the need for price changes before any change in milk supply or sales actually takes place. The record fails to demonstrate, however, that this proposed formula is so composed that it could reasonably be expected to reach that goal.

Proponents point out that the Secretary could call a hearing and modify the "economic" formula price if it did not reflect supply and demand conditions for milk, or if it did not appear to be in the public interest. They suggested specified conditions under which a public hearing could be called to consider whether the economic formula price should be modified.

Two conditions for hearing calls which proponents supported in their brief were (1) situations indicative of an oversupply of milk as reflected in excessive purchases of dairy products under the price support program, and (2) an excessive disparity between manufactured dairy product prices and other factors in the economic index. Several other situations were included in the hearing call and considered at the hearing for use as "trigger" devices. However, the above two conditions plus a regular review every 18 months were the only "trigger" provisions finally supported by the formula proponents.

The first condition (excessive price support purchases) would have suggested

nearly continuous review of the economic formula price at hearings from January 1962 through July 1965 and from December 1967 through April 1968. The second condition (disparity between manufactured product prices and other index factors) would have suggested hearings to supersede the economic formula in most of these same periods. In addition, the price disparity condition would have suggested hearings in three of four quarters in 1960 and for the price for the second quarter in 1961. Also, it would have required hearings in the last half of 1965 and the first half of 1966. Thus, the formula price would have been subject to review under the suggested hearing calls continuously during most of the sixties. Only in one year, 1969, would there have been no hearing call.

Since the "economic" formula would have been subject to almost continuous review in the 10-year period on which the formula was constructed, we cannot conclude that it would operate as an effective instrument for determining Class I price levels in Federal order markets.

Proponents did not attempt to show the amount and type of causal influence each factor of the proposed formula would have on future milk prices. They relied on past performance of the composite index as compared to actual prices during the 10-year period, 1960–69, to demonstrate its likely future price-setting performance.

Since the "economic" index was constructed so as to match milk price changes which occurred in the 1960's, it shows a close relationship of movement to actual prices when compared to that 10-year period. The Task Force found the "economic" index was correlated to milk price changes (dealer's average buying price for fluid distribution, United States) in the 1960–69 period at the high level 0.933. However, when a similar correlation is computed for the 10-year period, 1956–65, it is almost zero (.01), indicating no relationship between the proposed index and milk prices.

The individual components of the composite "economic" index do not appear to be the most appropriate measures of the economic forces they seek to reflect.

Proponents included three national indexes in the formula to reflect the ability and willingness of consumers to buy milk. These were disposable per capita personal income, consumer prices, and wholesale prices. Proponents selected these indexes as a measure of the ability and willingness of consumers to purchase goods and services and as indicative of the demand for milk for fluid use.

Total United States per capita sales of fluid milk products on a product weight basis [1] in 1960 were 309 pounds per person. By 1969 such per capita sales had dropped to 296 pounds, a decrease of 4 percent per person. In the same period per capita disposable income in current dollars rose about 60 percent. The Consumer Price Index rose 24 percent and the Wholesale Price Index rose 12 percent. The fact that all three selected indexes moved up in this period while per capita sales declined indicates some other factor was more important in determining the sales trend.

The three indexes selected by proponents to represent cost of milk production were: Prices paid by farmers, feed prices, and farm wage rates. The cost of these input factors obviously affects prices which will maintain an adequate milk supply. But productivity factors also must be taken into consideration.

Each of the indexes selected by proponents measures a cost of a production unit input. The cost factor relevant to the Class I milk price, however, is the cost per unit of output, that is the cost per hundredweight of milk sold by the producer.

Milk output per unit of labor input (labor productivity) rose 76 percent from 1960 to 1968.[2] Thus, even though the proposed composite wage rate rose 48 percent in the same period, labor cost adjusted by the productivity factor showed a drop of 12 percent per 100 pounds of milk produced. Increased labor productivity is an important element in determining the cost of producing milk. The cost of labor per hundredweight of milk produced is not reflected by the wage rate alone.

Exceptors point out that increased labor output was achieved only because capital expenditures increased. This may be true. However, the wage rate factor was not shown to be a reasonably accurate measure of the increased capital cost which became a substitute for labor.

Moreover, the proposed farm wage rate index represents composite wage rates paid to all hired farm workers in the United States. The seven States which represent about half the total hired labor force have only 15 percent of the nation's milk production. The three largest milk-producing States, Wisconsin, New York, and Minnesota, where one-third of the total milk supply is produced, represented less than 6 percent of the hired labor force in 1969. Official notice is taken of "Farm Labor" for January 1970, published by the U.S. Department of Agriculture.

The index of prices paid by farmers for all commodities and services, like wage rates, is useful as a cost measure only when it is adjusted to reflect changes in productivity. This index, commonly known as the "parity" index, measures cost of input items covering a wide range of goods and services.

The "parity" index is used as a factor in establishing dairy price support levels. But under that program, productivity is taken into account (within the range of 75 to 90 percent of parity) through the statutory requirement that the support level must be such that it will assure an adequate supply. Thus, factors which affect supply, including changing productivity rates, are considered.

Of the three indexes recommended as reflectors of dairying costs, the feed index represents the closest tie to the dairy industry. The value of dairy ration fed to milk cows in the United States in 1969 per 100 pounds of milk produced was $1.28 ("Milk Production," issued by U.S. Department of Agriculture, May 12, 1970). This represents 23 percent of the average price received in that year for all milk sold wholesale by farmers. In the proposed formula, however, the dairy feed price would be given a direct weight of 8 percent plus the small additional influence exerted through the index of prices paid by farmers for all commodities. The importance of feed as a cost item per unit of output might suggest that it deserves a greater weight in the "economic" index.

On the other hand, during the 1960–69 period, milk prices did not appear to be influenced greatly by feed prices. The dealers' buying price for milk rose 24 percent from 1960 to 1969, whereas dairy feed prices in 1969 averaged 1 percent less than in 1960. Despite the substantial increase in milk prices relative to dairy feed prices during the sixties, milk production in 1969 was 5 percent less than in 1960. Although feed prices are an important factor affecting the cost of milk production, this suggests that the extent of their impact on the milk supply may vary in different time periods.

A third group of factors recommended by proponents for inclusion in the proposed formula was selected to represent the attractiveness of other opportunities in relation to dairying. This included the index of prices received by U.S. farmers for all products, the average prices received for beef cattle, and the unemployment index.

The rationale for including the index of prices received by farmers for all products is that milk production and other farm production enterprises are closely related alternative uses of resources. If so, one reasonably could expect milk production to increase when milk prices increase more than other farm prices. During the period, 1964 to 1969, the index of prices received by farmers for all products increased by about 17 percent. During the same period prices received by dairy farmers for all milk sold wholesale increased by approximately 30 percent.[3] Despite the greater increase in milk prices, total milk production fell 8 percent in this period.

The index of prices of beef cattle was included as a closely related alternative enterprise to dairying, and for its effect on culling of dairy animals. It is generally accepted by agricultural economists that beef cattle prices do exert an influence on milk production through their effect on culling rates. Also, since feed crop resources are largely interchangeable for feeding either milk cows or beef

[1] Such sales are reported both on a product weight basis and in terms of the whole milk equivalent of the butterfat contained in such sales. The product weight figure corresponds to Class I sales which are accounted for in terms of the pounds of liquid skim milk and butterfat therein.

[2] Official notice is taken of "Dairy Situation," September 1969, issued by U.S. Department of Agriculture.

[3] Dairy Situation, U.S. Department of Agriculture, November 1969.

cattle, higher relative prices for beef than for milk sustained over a period of time will affect milk production. Thus, the impact of beef prices on milk prices comes indirectly through the effect of such price relationships on beef supply and milk production.

Beef prices relative to milk prices are affected, however, not only by their respective supplies but also by the respective demands for beef and milk. In the period 1960 to 1969, per capita consumption of beef increased 29 percent [4] while consumption of all dairy products in terms of milk equivalent of butterfat declined 14 percent.[5]

If milk prices were tied directly to beef prices as the formula is constructed, it would imply that milk prices should rise in direct proportion to beef prices regardless of the demand for each product. This would tend to nullify the milk-beef price relationship as a means of directing resources to the production of the commodity in greater demand.

An index of employment in nonfarm occupations was proposed as another alternative cost factor. The index was based on the percentage of nonfarm workers unemployed, used inversely.

The availability of employment in nonfarm occupations was cited as a reason why many dairymen, particularly those with relatively small farm output, went out of dairying in the sixties. It was argued that the opportunity for nonfarm employment affects the supply of hired labor willing to work on dairy farms, and thus affects the total milk supply.

The extent to which nonfarm employment opportunities affect milk prices under present conditions is influenced by declining need for workers on dairy farms. The labor force used in milk production in 1960 was down nearly 30 percent from the 1955 labor force. From 1960 to 1968 it dropped another 45 percent. In the light of this sharp downward trend in labor requirements on dairy farms, the proposed unemployment factor may be of declining importance. However, in the formula, this factor would be given a constant weight.

The index of cheese, butter, and nonfat dry milk prices was proposed to reflect in the "economic" formula the value of milk used to produce manufactured milk products. Proponents expressed a preference for deriving a value for manufacturing milk from wholesale product prices rather than employing the actual prices paid for manufacturing grade milk, but they did not explain the basis for their preference. Task Force members were divided on the issue of whether a product price index or the actual pay price for manufacturing milk should be used as a factor in the formula. Other witnesses supported the use of the Minnesota-Wisconsin manufacturing milk price in place of the dairy product price index. Inasmuch as the Minnesota-Wisconsin manufacturing milk price as reported by the Department has long been used as a factor in order pricing formulas and is a recognized measure of the level of actual prices paid in a competitive market for manufacturing milk, further explanation is needed as to why the proposed product price index should be substituted for it.

Proponents in their exceptions stressed their preference for the product price index. They said the product price index reflects the value of all manufactured milk, included Grade A milk which is purchased at regulated prices. This point is important only if the regulated prices for milk used in manufactured products differ significantly from the competitive prices paid for manufacturing milk in Minnesota and Wisconsin. This is not the case since the prices established in Federal orders for milk used in manufactured products generally are based directly on or closely related to the Minnesota-Wisconsin price.

The impact of the manufacturing milk price on the Class I price level is not adequately reflected in the proposed composite index. Proponents recognized the relatively greater weight to be given the manufacturing milk value compared to other items in the composite index. They recommended that the manufacturing milk price index be given 25 percent weight in the composite. This gives it more importance than any other single factor, but it is still a minor role as compared to the total of other factors which carry 75 percent weight.

In exceptions, proponents cite "a well-known structural interrelationship between the fluid milk and manufacturing milk segments of the dairy industry." The well-known interrelationship is the ability to channel the total supply of milk into its various uses, including fluid sales as well as manufactured products. It is for this reason that changes in fluid milk prices in response to supply changes in the fluid market must take into account this ready availability of alternative supplies.

Proponents state that their several-factored formula is obviously superior to a pricing system based on only one factor. However, this statement does not stand against the principal test to which proponents put their formula. The test used by proponents in appraising the economic formula was its high level of correlation to actual milk prices during the 1960–69 period. However, the single factor now used, the Minnesota-Wisconsin price series, is correlated in this same time period to actual milk prices at a level slightly higher than the composite index of 12 factors.

In support of their choice of the particular 12 index factors, proponents relied heavily on a repetition of the experience of the sixties to be the pattern of the dairy economy for the seventies. Obviously, the sixties did not repeat the performance of the fifties insofar as these components in the aggregate correlated with milk price changes (note correlation in the 1956–65 period was less than .1).

Although the Minnesota-Wisconsin manufacturing milk price is one figure as it is reported each month, it is a price influenced by many prices and economic conditions. Prices paid farmers by manufacturing plants in the two States quickly reflect changes in the wholesale markets for butter, nonfat dry milk and cheese. They also reflect changes and prospects for change in the supply of these products. Since the supply of milk available for use in these products is the residual use of milk after requirements for fluid products and for "soft" items, like cottage cheese and ice cream, are met, prices paid at these manufacturing plants are particularly sensitive to changes in the national milk supply.

As an argument for adopting their proposed economic formula, proponents in their exceptions pointed also to performance under the proposed formula during the most recent 20-month period (April 1969 through November 1970). During this period, the formula price would have averaged only 3.3 cents more than actual price changes as reflected by the present formula using the Minnesota-Wisconsin manufacturing milk price. It is to be expected that during a period when milk supplies remain relatively constant, the economic formula would be more likely to result in prices similar to those reflected in the manufacturing milk price. However, this does not demonstrate that it would be responsive to a situation in which milk supply or demand changes rapidly.

In their exceptions, proponents also pointed out that hearings were needed even under the present pricing system during the 1966–68 period when milk production declined. They cited such hearings as evidence that price adjustments needed to reflect changes in supply and demand conditions should come about through the hearing process rather than by a formula. We cannot conclude, however, that the need to supplement the present formula during those years with price adjustments through the hearing process is sufficient basis for abandoning the present pricing mechanism in favor of a formula which would have been less sensitive in that period to changes in supply and demand condition.

(2) *Interrelationship of markets and uses for milk.* A fundamental aspect of the "economic" formula proposal is that it would be used identically in all orders to provide uniform Class I price movements throughout the Federal order system. Coordination of Class I price movements is needed because Class I milk now moves readily between and among Federal order markets. Thus, the Class I price in one market frequently will be the alternative supply price for another market. Without price coordination, even small disparities in the normal price relationships may encourage the uneconomic movement of milk and disruption of markets. Proponents of the "economic" formula thus regard its application so as to provide identical Class I price changes in all orders as a necessary and key feature.

Technological advances in milk assembly and distribution have made it feasible to transport milk from large centralized bottling plants over wide sales areas

[4] U.S. Department of Agriculture Handbook No. 373, issued November 1969.

[5] Dairy Situation, U.S. Department of Agriculture, November 1969.

often extending into several states. Improved highway systems have aided and encouraged this broadening of distribution areas. The large processing plants require the assembly of milk from greater distances. Thus, both the assembly and distribution of milk in many cases now extend over wide areas.

This is greatly different from the market structure of the 1930's when Federal milk orders came into being. Milk in that period customarily was delivered in cans to a nearby plant where it was received and cooled and then processed for distribution or shipped to another nearby processing plant. Now milk is delivered in bulk tank trucks which may take such milk one day to a nearby plant and the next day to a plant 400 miles or more away.

While the individual order formulas do not employ precisely the same language, the present price system under Federal orders operates in such a way that it provides uniform price changes in all orders.[6] Some orders provide that the Class I price shall be the price established in a nearby order, plus or minus a stated amount. Certain northeastern markets provide that the Class I price shall be a stated amount adjusted by the amount by which the Minnesota-Wisconsin manufacturing milk price exceeds $4.33. Most orders establish Class I prices by adding a specified differential directly to the Minnesota-Wisconsin manufacturing milk price.

The present system of uniformity has evolved from the necessity, apparently recognized by proponents of the "economic" formula, to coordinate price changes within regions and also to provide coordination on an interregional basis. The first step in coordinating price changes was the use of formulas which changed Class I milk prices as the value of manufacturing milk changed. Several different formulas for computing the value of manufacturing milk were used at one time. After the Minnesota-Wisconsin manufacturing milk price was developed, however, all orders using a manufacturing milk price formula in determining Class I prices were amended to use the Minnesota-Wisconsin price. The last step in this evolution of the uniform pricing concept was taken September 1, 1969, by the amendment of northeastern orders.

During most of the period since 1966, substantially uniform price increases have been made in all market Class I prices in the effort to halt the general decline in milk production. Such uniform price increases throughout the country applicable to both fluid market and manufacturing grade milk appeared to be appropriate since the milk supply at one location could be made available readily to another market or for another use. Local intermarket or interregional price adjustments have been made only to insure that the available milk supply would be distributed efficiently among the various markets in accordance with their respective needs to cover Class I sales.

The increasing interrelationship among milk prices applies also between fluid market milk and manufacturing grade milk. The economic formula, however, would not bring about uniform price changes for these two segments of the dairy industry.

There is a developing trend toward one grade of milk. Many manufacturing grade milk producers are either going out of business or converting to production of milk eligible for sale in fluid markets. Many of the smaller producers who have gone out of milk production in recent years were producers of manufacturing grade milk. Those with larger output who remained in business have been compelled by circumstances to increase their investment in order to meet new sanitary requirements for milk used in manufactured products. Having made this investment many of these dairymen find that it costs very little more to meet sanitary requirements for fluid milk markets.

Conversion was a gradual process from 1960 through 1968. In 1960, 67 percent of all milk sold to plants and dealers in the United States was eligible for the fluid market.[7] Eight years later, in 1968, 70 percent was eligible for fluid markets. But then in 1969, 1 year later, milk eligible for fluid markets jumped to 72 percent. Fluid grade marketings increased by about 2 billion pounds from 1968 to 1969 even though total milk production declined slightly.

Although the quantity of manufacturing grade milk is declining, the 30 billion pounds sold in 1969 supplied half the milk used in manufactured dairy products during the year. This is still a substantial part of both the total milk supply and the supply used in manufactured products.

The economic impact of the manufacturing milk supply and price on the Class I milk supply and price is greatest in the area where there is the most manufacturing grade milk in relation to fluid grade milk. More than half the manufacturing grade milk in 1969, 16 billion pounds, was concentrated in two States, Wisconsin and Minnesota. Wisconsin alone marketed 9 billion pounds of manufacturing grade milk. Although milk production in Wisconsin declined slightly from 1968 to 1969, milk eligible for fluid market sales increased 3 percent. The additional volume of fluid grade milk amounted to 272 million pounds.

Most of this new supply of fluid grade milk went to plants regulated under the Chicago Regional order which obtains a large part of its supply from Wisconsin. Receipts from producers at such plants were 229 million pounds greater in the last half of 1969 than in the last half of 1968.[8] Comparative data are available only for a half year since the Chicago Regional order became effective on July 1, 1968. The same trend appears to be continuing in 1970. Receipts from producers at Chicago Regional order plants during the first half of 1970 were 216 million pounds greater than in the same period of 1969.

Similar changes are taking place in Minnesota. More milk is being sold as fluid market milk and it is being sold in Federal order markets.

The rapid influx of new supplies to Federal order markets in these two States from sources historically supplying manufacturing grade milk has created within this region a problem of price alignment highly similar to the pressures which prompted proponents to endorse the system of uniform Class I price changes throughout the Nation. In these States the competitive pressure comes not from Class I prices in other markets, since Class I prices in this region are the lowest in the country, but from the differential between the Class I prices in these markets and the manufacturing milk price.

In view of this situation, the uniform pricing provided by the proposed "economic" formula would not achieve adequate coordination of prices in all markets with the price of alternative milk supplies. Although Class I prices would move by uniform amounts in all fluid markets, these prices could rise or fall by 30 to 35 cents in relation to manufacturing milk prices before a hearing would be suggested to consider any corrective price action.

Formula proponents suggested that the movements of milk supplies from manufacturing markets to fluid markets be controlled by "pooling" provisions and "standby pools." The pricing standards of the Act are explicit, however, in declaring that price is the factor intended by Congress to attract an adequate milk supply.

(3) *Compatibility of objectives.* The major objectives sought by proponents of the proposed formula are to tie Class I prices primarily to certain economic indicators and to break the historical relationship of Class I prices to manufacturing milk prices.

To be in the public interest as required by the statute, the formula's objectives should complement, and not conflict with, the objectives of other Government programs.

The proposed "economic" formula is weighted heavily with measures of general price and income changes. Proponents state its purpose is to keep milk prices moving with the general economy. This is also the objective for which the "party" index has been used with farm

[6] An exception is the Knoxville, Tenn., order where the Class I price is adjusted by a supply-demand adjustor. At the time of the hearing, supply-demand adjustors also were used in five additional orders. Official notice is taken of the order amendments and termination actions removing such provisions from the five orders.

[7] Milk Production, Disposition and Income, issued by U.S. Department of Agriculture, April 1970.

[8] Federal Milk Order Market Statistics, annual 1969 and monthly issues 1970, issued by U.S. Department of Agriculture.

programs for many years. The "economic" index is very highly correlated to the "parity" index. In the 10-year period 1960–69 these two indexes were correlated at the 0.975 level and in the 1956–64 period, at 0.959.

The essential difference between the "economic" index formula and the "parity" index for price support is in the way each would be used. In using the "parity" index to determine the support price level, the Secretary must fix the support price level at 75 to 90 percent of the "parity" price to achieve an adequate, but not excessive, supply of milk. The proposed "economic" formula price would not be subject to an adjustment reflecting milk supply in relation to sales. This also is an important characteristic of this "economic" formula when compared to similar "economic" formulas used previously in some Federal orders to move Class I prices. The "economic" formulas used heretofore did provide for adjusting the "economic" index price to reflect changes in Class I sales in the respective area in relation to producers' deliveries of milk. The use of an "economic" formula not providing such an adjustment for Class I pricing, and a support price based on the prescribed limits of "parity" which must reflect prevailing supply conditions, presents a problem of conflicting objectives for the two programs.

One of proponents' principal objectives is to abandon the present direct tie to manufacturing milk prices. Proponents' testimony dealt more with why they believed the additional indexes they proposed should be used than with any shortcomings of the present system which links Class I price changes to manufacturing milk price changes. It appears, however, that in looking to other factors to establish Class I prices, proponents have been motivated by the awareness that the manufacturing milk price may not be available in the future. As pointed out earlier, manufacturing grade milk supplies are declining. It is frequently predicted that within a few years all milk will be eligible for fluid market sales.

It is not apparent that the disappearance of manufacturing milk as a separate grade should be a basis for abandoning the close alignment of the movements of prices for Class I milk with changes in prices for milk used in manufactured products. Rather it would appear that since requirements for all uses of milk then would come from a single, common supply, such price alignment might take on even greater importance.

In view of the pace at which manufacturing grade milk is disappearing, it is important that consideration be given to a possible alternative pricing system. An alternative system conceivably may be needed not only for establishing Class I prices, but also for pricing milk used in manufactured products. In such circumstance, it would seem logical that there would still be need to coordinate prices in all uses.

Proponents' objective to break the tie between Class I prices and manufacturing milk prices could have important impact on the dairy price support program. The present tying of Class I prices to manufacturing milk prices provides the Secretary a means for appraising the effect of price support purchases on dairy farmer returns for all milk uses.

Under the support program, the farm price is supported at a minimum level between 75 and 90 percent of parity to obtain an adequate supply for all uses, which embraces both fluid sales and manufactured products. The enabling legislation requires the Secretary, through raising or lowering the parity percentage, to adjust milk production so as to accommodate the national need for a milk supply. The prices established under Federal orders for milk used in manufactured products (about 40 percent of all milk manufactured) are maintained at levels comparable to prices paid by unregulated manufacturing plants. The present tie of fluid prices to such manufacturing prices provides direct coordination between the manufacturing and fluid segments of the dairy industry and for operation of the two basic industry programs (dairy price support and the Federal milk orders) in the public interest. In contrast, it is concluded that the proposed economic formula would not accomplish such objective to the degree provided by the present pricing method under the orders.

Furthermore, the present tying of Class I prices to manufacturing milk prices provides the Secretary a measure of control over the cost to the public of the price support program. The only curb on price support cost increases which might come about as a consequence of "economic" formula prices is the trigger device which would indicate when a hearing should be called. This would be no curb until some action was taken on the basis of the hearing. The trigger would not signal the need for a hearing until the annual rate of support purchases reached 6 percent of production. At that time the cost of the support program (based on 1969 fiscal year rates [9] adjusted to the 6 percent level) would be close to one-half billion dollars. Net Government expenditures in the 1969 fiscal year on dairy price support were $312 million.

Since the call of a hearing and the amendment procedure would require some time, the price could not be corrected in a timely manner and support program costs could rise even further before action could be taken to reverse the oversupply condition. Funds would have to be provided to carry out the support program at whatever level became necessary as a consequence of the formula price.

In view of the above, we conclude that the objectives of the economic formula proposal are not compatible with those of other programs for which the Secretary is responsible.

[9] Dairy Situation, U.S. Department of Agriculture, November 1969.

Other operating features. Certain other features of the formula were designed to give handlers and producers advance notice of price changes and make such changes in amounts large enough for producers, handlers and consumers to recognize and respond to in their production, handling and consumption patterns. These features are: quarterly pricing, advance announcement of the price before each quarter and adjustment of the Class I price in multiples of 15 cents.

The quarterly pricing periods proposed for adjusting and announcing Class I prices would begin January 1, April 1, July 1, and October 1. Class I prices would be computed and announced prior to the beginning of each quarter. Dates proposed for such advance announcement varied from 5 to 35 days prior to the effective date. In briefs, however, most parties supported an advance announcement date 25 days before the first day of each quarterly pricing period.

Proponents' original proposal provided that price adjustments be made in 20-cent amounts, or multiples of 20 cents. Handlers supported the use of such bracketed pricing but maintained that the brackets should be in 15-cent amounts. In their brief following the hearing, producer proponents also suputed data used in plotting patterns, industry Foundation, in its exceptions, supported the 15-cent price bracket, but also urged, at the very least, that price changes be in amounts of 10 cents or more.

Using the three features described above, Class I prices would be based on data lagged significantly, thus delaying adjustments that might be called for by any rapid change in marketing conditions. A 25-day advance notice of the Class I price coupled with holding the Class I price constant for a quarter of the year would result in Class I prices in the last month of each quarter based on data reflecting economic conditions as much as 9 months earlier for one factor, while all factors would reflect conditions at least 4 months earlier. This contrasts with present pricing formulas which fix prices on the latest data available at the time of the price announcement.

At the hearing cooperative proponents indicated they favor price changes in bracketed amounts, to be announced in advance for 3 months. However, in their brief following the hearing the producer groups requested that, during the first year in which the formula was effective, Class I prices also reflect any monthly increase (irrespective of amount) which might occur in manufacturing milk prices. By attaching this proviso to their proposal, it appears that producers, even though they supported the price lagging features at the hearing, may not be ready to forego immediate price increases when supply conditions in the dairy industry indicate a price increase is appropriate.

Handlers requested the bracketed prices in 15-cent amounts. With each such increase in the producer price,

handler witnesses stated gross handling margins could be increased 8 cents per hundredweight. The combined increase of producer price and handling margin would thus add to 23 cents per hundredweight, or the quivalent of 1 cent per half-gallon by which the selling price would be raised.

Changes in actual gross handling margins fail to demonstrate any tendency for margin changes to be associated with producer price changes as proposed. Prevailing prices paid by consumers and paid to producers are reported for 25 cities each month in the "Fluid Milk and Cream Report", issued by U.S. Department of Agriculture. A comparison of such reports for the period January 1968 through February 1970 showed 147 changes in the price per half-gallon for the most common grade of milk sold out of stores. This was the total number of changes in the 25 markets.

Of the 147 consumer price changes, 13 moved in the opposite direction from the producer price changes and 74 occurred with no change in the producer price. There were eight consumer price changes of 1 cent per half-gallon or more when producer prices changed more than 18 cents. There were 33 such consumer price changes when the producer price change was less than 12 cents. The remaining price changes, 19, were associated with producer price changes of 12 to 18 cents. Thus, only 19 of the 147 resale price adjustments were associated with a producer price change of 15 cents, plus or minus 3 cents.

Since actual changes in consumer prices have varied greatly in relation to producer prices, there is no basis of experience on which to determine what amount of change in the producer price should be associated with a given change in the consumer price for a particular unit. In fact, there is no basis for assuming that any single relationship is appropriate for all markets and for every producer price change.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence.

Interested parties were requested to file, along with their exceptions to the recommended decision, views on whether the hearing should be reopened for further consideration of the issue. All parties filing exceptions stated that the hearing to consider this proposed "economic" formula should not be reopened.

To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

TERMINATION ORDER

In view of the foregoing, it is hereby determined that the proceeding with respect to proposed amendments to the tentative marketing agreements and to the orders should be and is hereby terminated.

Signed at Washington, D.C., on January 14, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-760 Filed 1-19-71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

LABELING OF NONSTANDARDIZED BAKERY PRODUCTS FORTIFIED WITH VITAMINS AND IRON

Proposed Statement of Policy

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403, 701(a), 52 Stat. 1047-48, as amended, 1055; 21 U.S.C. 343, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes that a new section be added to Part 3, as follows:

§ 3.____ Labeling of nonstandardized bakery products fortified with vitamins and iron.

Manufacturers are marketing nonstandardized bakery products manufactured with enriched flour. Inquiries have been received by the Food and Drug Administration concerning the labeling requirements of such products when the nutritional fortification is added separately. For clarification and in the interest of consumers, the Food and Drug Administration supports the use of vitamin and mineral fortification of nonstandardized bakery products under the following conditions:

(a) If the bakery product is manufactured with enriched flour or enriched corn meal as the sole flour or corn meal ingredient and:

(1) The only labeling reference to the enrichment is the ingredient declaration of "enriched flour" or "enriched corn meal," then the ingredient declaration may be followed by the parenthetical explanation "(containing thiamine, riboflavin, niacin, and iron)" and the label need not declare the percent of the minimum daily requirements of the nutrients added.

(2) The labeling features the use of enriched flour or enriched corn meal, then the food in its ready-to-eat form must contain at least 25 percent by weight of the enriched flour or enriched corn meal ingredient and the labeling must declare the percent of the minimum daily requirements as required by part 125 of this chapter.

(b) If the bakery product is manufactured with the enrichment added separately and:

(1) The enrichment is equivalent to the product having been made with enriched flour or enriched corn meal and the only labeling reference to the added nutrients is the ingredient declaration of "thiamine, riboflavin, niacin, and iron," then the label need not declare the percent of the minimum daily requirements of the added nutrients.

(2) The labeling features the added vitamins and iron, then the food in its ready-to-eat form must contain at least the amount of enrichment equivalent to 25 percent by weight of enriched flour or enriched corn meal and the label must comply with the declaration of the percent of the minimum daily requirements as required by Part 125 of this chapter.

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

Dated: January 8, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-743 Filed 1-19-71;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 66]

[CGFR 70-159]

PRIVATE RADIO AIDS TO NAVIGATION

Notice of Proposed Rule Making

The Commandant, U.S. Coast Guard is considering a proposal to amend Part 66 of Title 33 of the Code of Federal Regulations. Existing regulations (33 CFR 66.01) prohibit the operation of electronic aids to marine navigation except for shore-based radars by anyone other than the U.S. Government. The purpose of these proposed regulations is to rescind that prohibition and to set forth general conditions under which the Commandant of the Coast Guard will authorize private radio aids to navigation.

Although 33 CFR 66.01 currently uses the term "electronic aid to navigation",

these proposed regulations will use the term "radio aid to navigation".

The proposed regulations will provide for the authorization of private radio aids to navigation by the Coast Guard. They do not obviate the necessity of complying with other Federal, State, or local laws or regulations nor do they affect those systems licensed by the Federal Communications Commission as an Industrial Radio Location Service, either currently or in the future.

Under International Telecommunications Union (ITU) Radio Regulations, stations operating in the radionavigation service are considered to be a safety service, and as such are generally afforded more stringent protection from interference than stations in other services. Although as defined in these proposed rules, the term radio aid to navigation is not identical to the term radionavigation service as defined in the ITU Radio Regulations, the concept of a safety service is carried into these regulations. As a result, much of the content of these proposed rules is meant to assure the Commandant that any aid authorized will contribute to safe navigation.

The Commandant proposes to authorize private radio aids to navigation because there is need for further aids which, with limited resources, the Government cannot provide. In reaching a decision on the authorization the Commandant will consider the fact that the radio frequency spectrum is a limited resource. Therefore only those aids which will provide a necessary navigation service which cannot reasonably be provided by existing navigation systems will be authorized. The Commandant in coordination with other government agencies will also require that a proposed radio aid to navigation will be compatible with other existing or planned radiocommunications services.

The term radio aid to navigation includes not only systems which operate in the very low, low and medium frequency bands, which are useable at long range by a large number of diversified users, but will also include devices operating at microwave frequencies which simply enhance the utility of a radar already installed aboard a vessel. The proposed regulations relating to terminating or permanently reducing the service of an aid, once approved, are similarly varied. It is envisioned that a simple radar transponder would be authorized to terminate service on 30 days notice. On the other hand, an aid providing fix coverage over many thousands of square miles with considerable investment in equipment and dependence on that system by its users must obtain authorization from the Federal Government to terminate or permanently reduce the services provided by that aid.

A performance bond may be required as a condition to authorizing a radio aid to navigation when the Commandant makes a determination that the aid may not be terminated or permanently reduced for a specific period of time once it has been authorized.

The letter of application to the Coast Guard must be sufficiently complete so that the Commandant can evaluate the aid to insure that it meets the basic provisions. Information must also be submitted to substantiate the fact that the performance standards will meet the stated need, and that the equipment, the operating procedures and maintenance procedures will meet the required performance standards. Detailed information supplied to the FCC in applying for a license need not be duplicated as a copy of the FCC application is a required part of the request for Coast Guard authorization. The Commandant will conduct a public hearing on each application.

The proposed regulations provide the Federal operation of an aid after approval of termination of the authorization if continued operation of the aid is in the public interest.

Requirements would be established for reporting voluntary or involuntary temporary impairment in service and restoration of normal conditions to enable the Coast Guard to issue Notices to Mariners regarding these services, when appropriate.

It is also proposed to revise § 66.01–1(b) to provide for the authorization of private aids to navigation on the Continental Shelf. This would bring the regulations into conformance with 14 U.S.C. 81, as amended.

Interested persons are invited to submit written data, views, arguments, or comments regarding this proposal to the Commandant (OAN/73), U.S. Coast Guard, 400 Seventh Street SW., Washington, DC 20591. Communications received on or before March 15, 1971, will be considered before final action is taken on this proposal. Copies of this proposal are available upon request to the address above, and will be available for examination at that office as well as the offices of the Coast Guard District Commanders.

Each communication received within the specified time period will be considered and evaluated before final action is taken on this proposal. Copies of written communications received will be available for examination in Room 7325, U.S. Coast Guard Headquarters, 400 Seventh Street SW., Washington, DC. The proposal contained in this document may be amended as a result of comments received.

PART 66—PRIVATE AIDS TO NAVIGATION

Subpart 66.01—Aids to Navigation Other Than Federal or State

1. It is proposed that § 66.01–1 be amended by revising paragraphs (b) and (d) to read as follows:

§ 66.01–1 Basic provisions.

* * * * *

(b) For the purposes of this subpart, the term private aids to navigation includes all marine aids to navigation operated in the navigable waters of the United States or the waters above the Continental Shelf other than those operated by the Federal Government (Part 62 of this subchapter) and those operated in State waters for private aids to navigation (Subpart 66.05).

* * * * *

(d) Nothing in this subpart applies to private radio aids to navigation. Private radio aids to navigation may be authorized in accordance with Subpart 66.15.

2. It is proposed to amend Part 66 by adding a new Subpart 66.15 to read as follows:

Subpart 66.15—Private Radio Aids to Navigation

Sec.

AUTHORITY: The provisions of this Subpart 66.15 issued under sec. 1, 63 Stat. 500, 501, 545, as amended, sec. 501, 65 Stat. 290, sec. 4, 67 Stat. 462, sec. 6(b) 80 Stat. 938; 14 U.S.C. 81, 83, 84, 85, 86, 633, 31 U.S.C. 483a, 43 U.S.C. 1333, 49 U.S.C. 1655(b); 49 CFR 1.46(b).

Subpart 66.15—Private Radio Aids to Navigation

§ 66.15–1 Basic provisions.

(a) This subpart establishes procedures and requirements under which entities other than the Federal Government may be authorized to establish, maintain and operate, discontinue, change, or transfer ownership of, maritime radio aids to navigation.

(b) A private radio aid to navigation is an aid to navigation which makes use of radio waves, and which is owned or operated by a person other than the U.S. Government and which is operated within the United States or the waters above the Continental Shelf for the benefit of vessels navigating upon the navigable waters of the United States or upon the waters above the Continental Shelf adjacent to the United States.

(c) Coast Guard authorization of a private radio aid to navigation does not authorize any invasion of private rights, nor does it obviate the necessity of complying with any other Federal, State, or local laws or regulations.

(d) The following radio aids to navigation shall be provided exclusively by the Federal Government:

(1) Marine radiobeacon stations;
(2) Loran–A transmitting stations;
(3) Loran–C transmitting stations; and
(4) Omega transmitting stations.

(e) Authorization is not required from the Coast Guard for the following:
(1) Stations in the Industrial Radiolocation Service; and
(2) Stations broadcasting general maritime information.

(f) Authorization of developmental private radio aids to navigation will be considered on an informal basis. Sections 66.15–5, 66.15–10, 66.15–15, 66.16–40, 66.15–45, and 66.15–50 do not apply to requests for such authorizations.

§ 66.15–2 Definition of terms.

Certain terms as used in this subpart are defined as follows:

(a) *Radio waves.* Electromagnetic waves of frequencies lower than 3,000 GHz, propogated in space without artificial guide.

(b) *Telecommunication.* Any transmission, emission, or reception of signs, signals, writing, images and sounds of intelligence of any nature by wire, radio, visual, or other electromagnetic systems.

(c) *Radiocommunication.* Telecommunications by means of radio waves.

§ 66.15–5 Application procedures.

(a) Application to establish, maintain, and operate, or change, or transfer ownership of private radio aids to navigation must be made by letter to the Commander of the Coast Guard District in which the aid will be located.

(b) The application must include the following minimum information:
(1) Name and address of the applicant.
(2) Detailed information and charts showing navigation service coverage to be provided and location of all fixed facilities (i.e., transmitting stations, monitor stations) involved, frequencies, radiated power, and the emission associated with each transmitting facility shall be shown.
(3) The purpose for which the radio aid to navigation is to be installed and an explanation why existing navigation systems are insufficient;
(4) An analysis of projected market to be served, in the event the radio aid to navigation requires unique equipment aboard a vessel in order to use the aid (i.e., a special radio receiver, or modification to an existing radio receiver).
(5) A technical description of the radio aid to navigation proposed.
(6) The performance specifications the applicant will maintain to provide the service specified in subparagraph (2) of this paragraph.
(7) A proposed procedure for operating and maintaining the radio aid to navigation.
(8) If other radio aids to navigation are operating in the same geographical area, and in the same radio frequency band, a statement of procedures that will be followed to insure technical and operational compatibility with these other aids.
(9) A description of the patent rights on the component parts of the aid and on receiving equipment used with the aid held by the applicant and others.
(10) If a fixed structure is to be placed in the navigable waters of the United States, a copy of the permit issued by the Corps of Engineers.
(11) A copy of the completed FCC form 503 with any attachments or exhibits submitted to the Federal Communications Commission.
(12) A statement that the applicant agrees, as a condition to Coast Guard authorization, to abide by the regulations and the conditions specified in the authorization.

§ 66.15–10 Action by District Commander.

Each District Commander receiving a letter in accordance with § 66.15–5 shall forward it to the Commandant with his recommendations and comments.

§ 66.15–15 Action by the Commandant.

(a) Prior to authorizing any private radio aid to navigation, the Commandant in coordination with the Federal Communications Commission, the Office of Telecommunications Policy and other government agencies concerned, will review the application to determine:
(1) That there is a valid need for the proposed radio aid to navigation which cannot be reasonably met using existing navigation systems;
(2) That the Federal Government is unable to respond to that need within a reasonable time;
(3) The adequacy of the proposed aid to meet the purpose for which the aid is intended;
(4) The technical capability of the aid to provide the proposed performance specifications;
(5) The adequacy of the proposed methods of operation and maintenance to assure the integrity of the service;
(6) The magnitude of the electromagnetic frequency spectrum requirements relative to the magnitude of the need for the service to be rendered by the aid;
(7) Compliance with national and international radio regulations and;
(8) That the aid can be operated in such a manner that it will be technically and operationally compatible with existing or planned radiocommunication services.

(b) Prior to approval of an aid, the Coast Guard may require that the proposed aid be tested by representatives of the Federal Government to determine that the performance of the aid will meet the claims of the prospective operator and that the equipment is capable of providing the performance claimed. Any costs to the Government of such testing shall be borne by the prospective operator.

(c) Prior to approval of an application for authorization of a private radio aid to navigation, the Commandant of the Coast Guard shall make a determination based on the public interest:
(1) That the aid may be terminated or permanently reduced at any time after 30 days notice of such intent is given to the Commander of the Coast Guard District in which the aid is located;
(2) That the aid may be terminated or permanently reduced only after approval of the proposed action is obtained from the Commandant in accordance with § 66.15–40; or
(3) That the aid may not be terminated or permanently reduced for a specific period of time up to the term of the authorization after which period the provisions of subparagraph (2) of this paragraph shall apply. In the event of such a determination, a performance bond covering the anticipated operating and maintenance costs of the aid shall be posted with the Federal Government for the period of time encompassing the interval during which the service of the aid may not be terminated.

(d) If an application contains insufficient information it will be returned to the applicant for resubmission.

(e) The Commandant shall conduct a public hearing prior to reaching a decision on an application.

(f) If after review of the application the Commandant considers approval to be justified, he shall recommend to the Federal Communications Commission the frequency or frequencies to be assigned to the aid, the conditions in accordance with paragraph (c) (1), (2), or (3) of this section under which authorization is contemplated, and the recommended license duration. The Commandant shall also recommend to the FCC any restraints either technical or operational, he considers desirable for the public interest which might be included in the FCC license for the service.

§ 66.15–20 Authorization.

(a) Authorization of a private radio aid to navigation by the Commandant shall be by letter and contain the following provisions:
(1) Identification of the aid;
(2) Organization authorized to operate the aid;
(3) Expiration date of the authorization;
(4) Specific provisions under which the services of the aid may be terminated or permanently reduced;
(5) The Commander of the Coast Guard District to be notified in event of temporary discontinuance, reduction, or impairment of service;
(6) Performance standards for the aid to be maintained by the operating organization and, if applicable, specific procedures to be followed to provide a warning to users that the performance is below minimum standards;
(7) If the aid is to be seasonal, the inclusive dates between which the service will be provided;
(8) Guarantees, if any, required by the Government to assure continued operation for a specific period of time, including a performance bond if one is to be required in accordance with § 66.15–15(c);
(9) Routine reports on the aid required by the Coast Guard; and

(10) Any other requirements that the Commandant may deem necessary.

§ 66.15–25 Term of authorization.

The term of authorization for a private radio aid to navigation shall be granted for a specific period of time up to 10 years.

§ 66.15–30 Applications to renew authorization.

(a) An application to renew the authorization for an aid shall contain the following information:

(1) Name and address of the applicant;

(2) Location of the aid;

(3) Date of original application; and

(4) Any other information requested by the Commandant.

(b) The application shall be mailed to the Commander of the Coast Guard District in which the aid is located not more than 90 days and not less than 30 days prior to the expiration of the authorization.

§ 66.15–35 Change or transfer of ownership.

The consent of the Commandant of the Coast Guard shall be required prior to any transfer, assignment, or in any manner either voluntarily or involuntarily disposing of, or indirectly by transferring of control of any corporation holding the authorization to any person.

§ 66.15–40 Termination or permanent reduction of a private radio aid to navigation.

(a) An aid approved under § 66.15–15 (c)(1) may be terminated or permanently reduced provided that the Commander of the Coast Guard District in which the aid is located is notified of such intent at least 30 days prior to the termination or reduction of service.

(b) An aid approved under § 66.15–15 (c) (2) or (3) may be terminated or permanently reduced only with the approval of the termination or reduction by the Commandant of the Coast Guard and the FCC.

(c) Approval of termination or permanent reduction may be granted by the Commandant:

(1) If it is in the public interest, or;

(2) If the operation of the radio aid to navigation or system of raido aids to navigation is not economically feasible to the organization controlling the operation of the ground station equipment or its parent organizations, and if approval is not contrary to the public interest.

(d) If the Commandant determines continued operation of a radio aid to navigation would be in the public interest the following conditions shall be met prior to Coast Guard approval of the termination:

(1) The owner or operator shall transfer or assign to the Government, at no cost, the following:

(i) The title or other interest held with respect to the ground station site necessary to the operation of the station;

(ii) The ground station equipment, in good working condition;

(iii) A set of spare parts; and

(iv) The onsite test equipment and special tools necessary for maintaining the aid.

(2) Additional ground station and user equipment shall be readily available at reasonable cost.

(3) The owner of patents on equipment which is necessary for the operation and use of the radio aid to navigation shall enter into an agreement with the Coast Guard which will provide for the granting of nonexclusive licenses on reasonable terms for the manufacture, use, and sale of the equipment.

§ 66.15–45 Notice of voluntary temporary discontinuance, reduction, or impairment.

(a) Temporary discontinuance, reduction, or impairment of service within the control of the station operator is permissable under these regulations only for minimum periods of time necessary to accomplish equipment repairs or modifications and if possible shall be scheduled for minimum inconvenience to the system users. Prior notification shall be given by the station operator to the Commander of the Coast Guard District in which the aid is located. In such cases the operator shall furnish full particulars as to the reason for the discontinuance, reduction, or impairment of service including a statement as to when normal service is expected to be resumed. When normal service is restored, immediate notification thereof shall be given to the Coast Guard District Commander.

§ 66.15–50 Notice of involuntary temporary discontinuance, reduction, or impairment.

If, for any reason beyond the control of the station operator, a radio aid to navigation is temporarily discontinued, reduced, or impaired, immediate notification thereof shall be given by the station operator to the Commander of the Coast Guad District in which the aid is located. In such cases the operator shall furnish full particulars as to the reason for such discontinuance, reduction, or impairment of service including a statement as to when normal service is expected to be resumed. When normal service is restored, immediate notification thereof shall be given to the Coast Guard District Commander.

§ 66.15–55 Inspection.

Any private radio aid to navigation authorized under this subpart shall be maintained in proper operating condition. The facilities of the aid are subject to inspection by the Coast Guard at any time without notice.

§ 66.15–60 Penalties.

(a) Any person excluding the Armed Forces, who shall establish, erect, or maintain any radio aid to maritime navigation without first obtaining authority to do so from the Coast Guard or who shall violate the regulations in this subpart, is subject to the provisions of 14 U.S.C. 83.

(b) Any person who operates a private radio aid to navigation in a manner inconsistent with the terms of the authorization shall be in violation of the regulations of this subpart and shall be subject to the provisions of 14 U.S.C. 83.

§ 66.15–65 Protection of private radio aids to navigation.

Private radio aids to navigation lawfully maintained under these regulations are entitled to the same protection against interference or obstruction as is afforded by law to Coast Guard aids to navigation (Part 14 U.S.C. 84). If interference or obstruction occurs, a prompt report containing all the evidence available should be made to the Commander of the Coast Guard District in which the aids are located.

This proposal for rule making is made under the authority of sec. 1, 63 Stat. 500, 501, 545, as amended, sec. 501, 65 Stat. 290, sec. 4, 67 Stat. 462, sec. 6(b), 80 Stat. 938; 14 U.S.C. 81, 83, 84, 85, 86, 633, 31 U.S.C. 483a, 43 U.S.C. 1333, 49 U.S.C. 1655(b); 49 CFR 1.46(b) (35 F.R. 4959).

Dated: January 15, 1971.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.71–792 Filed 1–19–71;8:49 am]

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 71–SW–1]

AEROSTAR MODELS 600 AND 601 AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Aerostar Models 600 and 601 airplanes. An unsafe condition for the main landing gear sidebraces under inboard side load conditions has been discovered. Since this condition exists on other airplanes of the same model, the proposed airworthiness directive would provide for modifications to assure adequate strength.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Federal Aviation Administration, Regional Counsel, Post Office Box 1689, Fort Worth, TX 76101.

All communications received within 30 days after date of publication of this notice will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be made a part of the official docket and will be available for examination by interested persons both before and after the closing date for comments, at the office of the Regional Counsel, FAA, Southwest Region, Fort Worth, Tex.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

AEROSTAR. Applies to Models 600 and 601. Serial numbers 60-0001 through 60-0056 and 61-0001 through 61-0070.

Compliance required within the next 100 hours time in service after the effective date of this AD or at the next annual inspection, unless already accomplished.

To prevent collapse of the main landing gear, replace the main landing gear sidebrace assemblies in accordance with Instructions I, II, III, and IV of Aerostar Service Bulletin No. 600-21 dated December 29, 1970 or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southwest Region, Fort Worth, Tex.

Issued in Fort Worth, Tex. on January 8, 1971.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.71-766 Filed 1-19-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 70-SO-108]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Columbus, 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 Columbus transition area described in § 71.181 (35 F.R. 2134, 5216) would be amended as follows: "* * * VORTAC to 18.5 miles W * * *." would be deleted and "* * * VORTAC to 18.5 miles west; within an 8.5-mile radius of Golden Triangle Regional Airport (lat. 33°26'48" N, long. 88°35'30" W) * * *." would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Golden Triangle Regional Airport which is scheduled to become operational on or about May 1, 1971.

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 8, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-767 Filed 1-19-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-118]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at La Crosse, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. 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 proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace at the La Crosse Municipal Airport, a revised instrument approach procedure has been developed for this airport. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the La Crosse, Wis., control zone and transition area to adequately protect aircraft executing the new approach procedure and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

LA CROSSE, WIS.

That airspace within a 5-mile raidus of La Crosse Municipal Airport (latitude 43°-52'38" N., longitude 91°15'21" W.); within 3 miles each side of the La Crosse VOR 322° radial extending from the 5-mile radius zone to 11½ miles northwest of the VOR; within 3 miles each side of the 305° and the 146° bearings from the La Crosse RBN, extending from the 5-mile radius zone to 6½ miles northwest of the RBN; and within 1½ miles each side of the La Crosse VOR 185° radial extending from the 5-mile radius zone to 5½ miles south of the VOR.

(2) In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

LA CROSSE, WIS.

That airspace extending upward from 700 feet above the surface within a 14-mile radius of the La Crosse Municipal Airport (latitude 43°52'38" N., longitude 91°15'21" W.); and that airspace extending upward from 1,200 feet above the surface within 9½ miles southwest and 4½ miles northeast of the La Crosse VOR 322° radial extending from the VOR to 24½ miles northwest of the VOR; within 9½ miles east and 4½ miles west of the La Crosse VOR 185° radial extending from the 14-mile radius to 24 miles south of the VOR; and within 9½ miles southwest and 4½ miles northeast of the La Crosse RBN 305° bearing extending from the 14-mile radius to 18½ miles northwest of the RBN.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on December 22, 1970.

EDWARD C. MARSH,
Director, Central Region.

[FR Doc.71-768 Filed 1-19-71;8:47 am]

ENVIRONMENTAL PROTECTION AGENCY

[42 CFR Part 481]

AIR QUALITY CONTROL REGIONS IN CONNECTICUT

Proposed Designation of Regions; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate Intrastate Air Quality Control Regions in the State of Connecticut as set forth in the following new §§ 481.183-481.184 inclusive which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Connecticut, Rhode Island, Massachusetts, and New York and appropriate local authorities, both within and without the proposed regions, who are affected by or interested in the proposed designations, are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such designations. Such consultation will take place at 1:30 p.m., February 4, 1971, Fifth Floor Auditorium, State Health Services Building, 79 Elm Street, Hartford, CT 06115.

Mr. Mario Storlazzi is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Mario Storlazzi, Air Pollution Control Office, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, MA 02203.

In Part 481 the following new sections are proposed to be added to read as follows:

§ 481.183 Eastern Connecticut Intrastate Air Quality Control Region.

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

In the State of Connecticut:

Towns

Ashford.	Mansfield.
Bozrah.	Montville.
Brooklyn.	North Stonington.
Canterbury.	Old Lyme.
Chaplin.	Old Saybrook.
Chester.	Plainsfield.
Clinton.	Pomfret.
Colchester.	Preston.
Columbia.	Putnam.
Coventry.	Salem.
Deep River.	Scotland.
Eastford.	Sprague.
East Lyme	Stafford.
Essex	Sterling.
Franklin.	Stonington.
Griswold.	Thompson.
Groton.	Union.
Hampton.	Voluntown.
Killingly.	Waterford.
Killingworth.	Westbrook.
Lebanon.	Willington.
Ledyard.	Windham.
Lisbon.	Woodstock.
Lyme.	

Cities

Groton.	Putnam.
New London.	Willimantic.
Norwich.	

§ 481.184 Northwestern Connecticut Intrastate Air Quality Control Region.

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

In the State of Connecticut:

Towns

Barkhamsted.	New Hartford.
Bridgewater.	New Milford.
Canaan.	Norfolk.
Colebrook.	North Canaan.
Cornwall.	Roxbury.
Goshen.	Salisbury.
Hartland.	Sharon.
Harwinton.	Sherman.
Kent.	Warren.
Litchfield.	Washington.
Morris.	Winchester.

Cities

Torrington.	Winsted.

This action is proposed under the authority of (section 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by section 15(c)(2) of Public Law 91–604).

Dated: January 15, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71–777 Filed 1–19–71;8:48 am]

[42 CFR Part 481]

AIR QUALITY CONTROL REGIONS IN MAINE

Proposed Designation of Regions; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate Intrastate Air Quality Control Regions in the State of Maine as set forth in the following new §§ 481.179–481.182 inclusive which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the State of Maine and appropriate local authorities, both within and without the proposed regions, who are affected by or interested in the proposed designations, are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such designations. Such consultation will take place at 1 p.m., February 3, 1971, Room 201, Federal Building, U.S. Post Office, 40 Western Avenue, Augusta, ME 04330.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Doyle J. Borchers, Air Pollution Control Office, Environmental Protection Agency, Room 17–82, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20852.

In Part 481 the following new sections are proposed to be added to read as follows:

§ 481.179 Aroostook Intrastate Air Quality Control Region.

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

In the State of Maine:

Aroostook County—That portion of Aroostook County which lies east of a line described as follows: Beginning at the point where the Maine-Canadian international border is intersected by a line common to the western boundary of Fort Kent Township and running due south to the intersection of said line with the Aroostook-Penobscot County boundary.

§ 481.180 Central Maine Intrastate Air Quality Control Region.

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

In the State of Maine:

Kennebec County.	Lincoln County.
Knox County.	Waldo County.

Somerset County—that portion of Somerset County which lies south and east of a line described as follows: Beginning at the point where the Somerset-Franklin County boundary is intersected by a line common to the northern boundary of New Portland Township and running northeast along the northern boundaries of New Portland, Embden, Solon, and Athens Townships to the intersection of said line with the Somerset-Piscataquis County boundary, which is also common to the northeast corner of Athens Township.

§ 481.181 Down East Intrastate Air Quality Control Region.

The Down East Intrastate Air Quality Control Region (Maine) consists of the

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

In the State of Maine:

Hancock County. Washington County.

Penobscot County—that portion of Penobscot County which lies south of a line described as follows: Beginning at the point where the Penobscot-Aroostock County boundary is intersected by a line common to the boundaries of Patten and Stacyville Townships and running due west to the intersection of said line with the Penobscot-Piscataquis County boundary.

Piscataquis County—that portion of Piscataquis County which lies south and east of a line described as follows: Beginning at the point where the Somerset-Piscataquis County boundary is intersected by a line common to the northern boundary of Blanchard Plantation and running northeast along the northern boundary of Blanchard Plantation to the northeast corner of Blanchard Plantation; then northwest along the western boundary of Monson Township to the northwest corner of Monson Township; then northeast along the northern boundaries of Monson, Willimantic, and Bowerbank Townships, the northern boundary of Barnard Plantation, the northern boundaries of Williamsburg and Brownville Townships, and the northern boundary of Lake View Plantation to the intersection of said line with the Piscataquis-Penobscot County boundary, which is also common to the northeast corner of Lake View Plantation.

§ 481.182 Northwest Maine Intrastate Air Quality Control Region.

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

In the State of Maine:

Aroostook County—that portion of Aroostook County which lies west of a line described as follows: Beginning at the point where the Maine-Canadian international border is intersected by a line common to the western boundary of Fort Kent Township and running due south to the intersection of the said line with the Aroostook-Penobscot County boundary.

Franklin County—that portion of Franklin County which lies north and west of a line described as follows: Beginning at the point where the Oxford-Franklin County boundary is intersected by a line common to the northern boundary of Franklin County, Township No. 6, Phillips Township, Salem Township, and Freeman Township to the intersection of the said line with the Franklin-Somerset County boundary, which is also common to the northeast corner of Freeman Township.

Oxford County—that portion of Oxford County which lies north and west of a line described as follows: Beginning at the point where the Maine-New Hampshire border is intersected by a line common to the northern boundary of Grafton Township, and running northeast along the northern boundaries of Grafton Township and Andover North Surplus to the intersection of said line with the Oxford-Franklin County boundary, which is also the northeast corner of Andover North Surplus.

Penobscot County—that portion of Penobscot County which lies north of a line described as follows: Beginning at the point where the Penobscot-Aroostook County boundary is intersected by a line common to the boundaries of Patten and Stacyville Townships, and running due west to the intersection of said line with the Penobscot-Piscataquis County boundary.

Piscataquis County—that portion of Piscataquis County which lies north and west of a line described as follows: Beginning at the point where the Somerset-Piscataquis County boundary is intersected by a line common to the northern boundary of Blanchard Plantation and running northeast along the northern boundary of Blanchard Plantation to the northeast corner of Blanchard Plantation; then northwest along the western boundary of Monson Township to the northwest corner of Monson Township; then northeast along the northern boundaries of Monson, Willimantic, and Bowerbank Townships, the northern boundary of Bernard Plantation, the northern boundaries of Williamsburg and Brownville Townships, and the northern boundary of Lake View Plantation to the intersection of said line with the Piscataquis-Penobscot County boundary, which is also common to the northeast corner of Lake View Plantation.

Somerset County—that portion of Somerset County which lies north and west of a line described as follows: Beginning at the point where the Somerset-Franklin County boundary is intersected by a line common to the northern boundary of New Portland Township and running northeast along the northern boundaries of New Portland, Embden, Solon, and Athens Townships to the intersection of said line with the Somerset-Piscataquis County boundary, which is common to the northeast corner of Athens Township.

This action is proposed under the authority of (section 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by section 15(c)(2) of Public Law 91-604).

Dated: January 15, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-775 Filed 1-19-71;8:48 am]

[42 CFR Part 481]

SOUTHERN DELAWARE INTRASTATE AIR QUALITY CONTROL REGION

Proposed Designation of Region; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate an Intrastate Air Quality Control Region in the State of Delaware as set forth in the following new § 481.178 which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such a designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Room 17-82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the State of Delaware and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such a designation. Such consultation will take place at 10:00 a.m., February 2, 1971, in the State Highway Building, Route 113, Dover, DE.

Mr. Stephen Wassersug is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Stephen Wassersug, Air Pollution Control Office, Environmental Protection Agency, 401 North Broad Street, Philadelphia, PA 19108.

In Part 481 the following new section is proposed to be added to read as follows:

§ 481.178 Southern Delaware Intrastate Air Quality Control Region.

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

In the State of Delaware:

Kent County. Sussex County.

This action is proposed under the authority of (section 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by section 15(c)(2) of Public Law 91-604).

Dated: January 15, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-776 Filed 1-19-71;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19074; FCC 71-41]

FM BROADCAST STATIONS

Table of Assignments, Greenville, Ky., etc.; Order Extending Time

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Greenville, Ky.; Burnside, Greensburg, and Jamestown, Ky.; Oak Ridge and Jamestown, Tenn.; Pineville, Barbourville and Middlesboro, Ky., and Big Stone Gap, Va.); Docket No. 19074, RM-1390, RM-1427, RM-1436, RM-1581.

1. The time for comments and reply comments in this proceeding are extended to February 12 and 26, 1971, respectively.

2. The reason for this action is that it is the Commission's policy to specifically notify particularly interested parties to rule making proceedings by mailing to them a copy of any Commission notice, order, decision, etc. Some such parties were not served with the notice of proposed rule making, released October 30, 1970 (FCC 70-1162). These parties will now be served with that notice, and they and the others so served will be sent copies of this order.

Adopted: January 13, 1971.

Released: January 15, 1971.

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

[FR Doc.71-797 Filed 1-19-71;8:49 am]

[47 CFR Part 73]

[Docket No. 18179; FCC 71-42]

TELEVISION PROGRAMS PRODUCED BY NONNETWORK SUPPLIERS

Availability to Commercial Television Stations and CATV Systems; Further Notice of Proposed Rule Making

In the matter of amendment of Part 73 of the Commission's rules with respect to the availability of television programs produced by nonnetwork suppliers to commercial television stations and CATV systems; Docket No. 18179.

1. On May 10, 1968, the Commission initiated this proceeding by issuing a notice of proposed rule making (33 F.R. 7158). That notice dealt mainly with one aspect of exclusivity in nonnetwork television programing practices—namely, it proposed that television stations be permitted to obtain exclusivity only against presentation of the program of another station licensed to the same city (i.e., "same city exclusivity"). Comments have been submitted, and the Commission now has the matter under consideration. In the course of that consideration, we have concluded that there is another important and related aspect of exclusivity which should be much more fully explored—namely, the length of time of exclusivity. While our first notice did ask for data and comments on "time" exclusivity (see paragraphs 6, 8(h)), the resulting comments, while helpful to some extent, did not really deal with this important issue in an in-depth fashion. The main response was that a long period is necessary to protect the investment and permit multiple exposure with "rests" in between. The purpose of this further notice is to invite a more in-depth exploration of this important matter, to set out specific proposals in this area, and to elicit comments of interested persons on these proposals. We stress that the further notice is broader in scope than the original notice, since it raises fundamental questions as to exclusivity in the nonnetwork commercial television programing field. In view of our recent action in the First Report in Docket No. 18397, 20 FCC 2d 201 (1970) that field also encompasses CATV origination, and we have therefore revised the caption of this proceeding. Finally, we shall not delay resolution of the geographical or related aspects of exclusivity until consideration of the comments received on this in-depth "time" aspect; rather, we intend shortly to issue a decision on aspects of the proceeding as to which, in our judgment, the present comments do supply a proper basis for action (e.g., geographical and, indeed, where appropriate, some "time") facets.

2. The problem is pointed up by the comments already received. In general, it appears that: (1) Contracts for nonnetwork programing are usually (though not always) for an extended period and multiple showings or runs; and (2) the exclusivity generally lasts as long as the right to broadcast under the contract, including the multiple runs. To give but one example of the comments, Covington and Burling, on behalf of 16 commercial and two educational stations, states that programing is usually bought for more than one presentation, to cover its high cost, and that usually feature film "packages" are bought for a large number of showings over a number of years, such as five to seven showings of each film during a 5- to 6-year period, or sometimes a total number of runs for the package, such as 120 showings of a 50-film group. The exclusivity, it is said, ends with the last permitted showing of each film. It is stated that syndicated material (series, etc.) is usually bought for a shorter period and smaller number of presentations, seldom over two runs or 2 years; exclusivity runs to the end of the contract.

3. The foregoing would appear to raise a significant public interest question: Are desirable programs being rendered unduly or inordinately unavailable to other stations and their potential audiences over a long period and, indeed, unavailable to any viewers while the first station is "resting" them? The issue is somewhat analogous to that in the motion picture field where the courts have held that clearances are reasonable only "when not unduly extended in area or duration" and are not reasonable if "in excess of what is reasonably necessary to protect the licensee in the run granted". U.S. v. Paramount Pictures, Inc., 66 F. Supp. 323, 70 F. Supp. 53 (S.D.N.Y., 1947), noted with approval by the Supreme Court, 334 U.S. 131, 145, 147 (1948).

4. There are further important public interest considerations. There is a Congressional mandate to promote UHF broadcasting, because of its great importance to the achievement of a truly effective, nationwide system of television. See section 303(s); H. Rept. No. 1559, 87th Cong., 2d Sess., p. 4; Sen. Rept. No. 1526, 87th Cong., 2d Sess., p. 7; U.S. v. Southwestern Cable Co., 393 U.S. 157, 174-77 (1968). We have taken a number of actions to further this goal (e.g., the recent requirement of detente tuning for UHF), but UHF broadcasting still faces difficult times. A major remaining problem centers upon the cost of programing to the independent UHF station (or one in an intermixed market). While it can and should rely significantly on local programing, such a UHF station appears also to need the bulwark of popular film or syndicated programing to attract larger audiences. When it seeks such programing, it finds itself in a bidding contest for the exclusive rights to such programing with its much more affluent, entrenched VHF rivals. Thus, even though its circulation in the area may be curtailed (national average penetration as a result of the all-channel law stands at about 70 percent), and its net average audience share may be quite small, it must outbid the VHF station, with its virtually 100 percent set circulation and a high audience share. The present method of distributing nonnetwork programing obviously works markedly to the benefit of established VHF broadcasters, and against the new, struggling UHF stations.[1] The copyright owner must be given fair and adequate compensation for his creative work; that is the cornerstone of the whole system. If the present method of distribution is the only means of compensating fairly and adequately the copyright owner, then we must permit the method to continue. But if it is not—if there are other methods which would better serve the public interest by promoting UHF and CATV (see para. 5, within) and still fairly and adequately recompense the copyright owner, it is our duty to compel the adoption of such methods, and not to be deterred by arguments that this present system is merely administratively easier for the copyright owner who need sell only once or a few times in a market,[2] or that it is the only way the copyright owners' biggest and best customers, the VHF broadcasters, want to deal. Indeed, while some reasonable degree of time exclusivity ("clearance") has long been recognized, we raise here the basic issue whether any exclusivity as to the distribution of nonnetwork programing serves the "public interest in the larger and more effective use of radio" (section 303(g)). Would either the copyright owner or the broadcast and CATV industries generally be hurt by the elimination of such exclusivity or would all generally, and most important, the public interest be benefitted?

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[1] Commissioner H. Rex Lee absent; Commissioner Houser not participating.

[1] Examination of financial information filed with the Commission establishes that the independent UHF stations in the top 50 markets expend for programing a figure representing on the average 78 percent of their revenues; the comparable figure for the VHF network affiliated stations in the top 50 markets is 27 percent, and 43 percent for the VHF independent.

[2] Of course, we must take into account costs which do affect the public interest, either because they result in inadequate compensation to the copyright owner or inordinately raise the cost of programing and thus the cost to advertisers.

5. We have included the CATV industry in this notice because of our outstanding proposals and actions in the CATV field. Thus, in our First Report and Order in Docket No. 18397, we have required systems with over 3,500 subscribers to originate, commencing April 1, 1971. Further, we have outstanding a proposal in Docket No. 18397—see paragraph 46, 33 F.R. 19028, 19035. But if this proposal is to be effective and if our origination action is to be fully implemented, programming must be reasonably available to the CATV. Today, CATV faces the same problem as the UHF broadcaster—only more so. The CATV system may be just starting, with only a few thousand subscribers—yet it would have to outbid the VHF broadcaster for much of its product. Whatever conclusion is finally reached on the CATV distant signal issue (see e.g., notice in 18397–A, paragraphs 5, 18, 24 FCC 2d 580, 582–83, 588 (1970)), here again the basic issue is posed whether the degree of exclusivity now permitted is unnecessary for the well-being of the copyright owner, broadcaster, or advertisers, and markedly inhibits the development of the origination capabilities of CATV.

6. The foregoing sets forth the subject matter and issues of the further notice. We do not believe that further discussion is needed nor do we propose to set forth specific proposed rules. While, if the record supports action, we intend to adopt rules on the basis of the comments received, we stress that we have reached no final or tentative conclusion—that rather we intend to thoroughly explore the matters at issue and adopt those rules which the data, comments, and our own study (which we intend to undertake concurrently with this proceeding) show will best serve the public interest. As a starting point for consideration by commenting parties, we raise the following possibilities:

(a) Simply cutting down the present "time" exclusivity (e.g., to 1 or 2 years for film packages, with or without specification of the number of showings; or to one showing of a film or series);[3]

(b) Eliminating all exclusivity;

(c) Restricting exclusivity to a short period (e.g., 6 months, 1 or 2 years, with or without a specification of the number of showings), with no exclusivity permitted thereafter or, alternatively, with no exclusivity against a UHF station (excluding a UHF network affiliate in a UHF "island") or against a CATV system;

(d) Restricting exclusivity to a short period (see examples in (c) above), but with the requirement that thereafter the film or series must be available for a specified time period (e.g., 2 years) to any UHF station[4] or CATV, with the charge to each station or system based on its share of the market.[5]

We also request comments on whether greater exclusivity should be permitted where a station supplies capital (so-called "front-money") for the production of the film material.

7. The foregoing are just some of the alternatives. There are, of course, others (e.g., a different restriction as to prime time exclusivity). We invite the interested parties both to address themselves to the above proposals and to offer new ones.[6] For, as stated, the matter is an open one. Our objective is simply to take such action as to exclusivity in the area of nonnetwork programing as will facilitate the continued health of the copyright owner, and at the same time promote the development of broadcasting and CATV.

8. Authority for the adoption of this proposal is contained in sections 4(i), 303, 307, and 309 of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules and regulations, interested persons may file comments on or before March 3, 1971, and reply comments on or before April 5, 1971. Absent a compelling showing, extensions will not be granted, since we regard it as important to reach an expeditious decision, especially in view of the possible ramifications of this matter on UHF development and the present critical juncture of that industry. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, briefs, and other documents shall be furnished the Commission. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

Adopted: January 13, 1971.

Released: January 18, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[7]

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

[FR Doc.71-800 Filed 1-19-71;8:50 am]

[3] The numbers used in this and the other examples are set forth simply as examples; we seek information on what numbers, if any, would be appropriate.

[4] There would be the same exclusion of a UHF network affiliate in a wholly UHF market.

[5] The last proposal requires some further discussion. The premise of (b) and (c) above is that with no exclusivity permitted, the VHF stations will pay a reduced amount and the copyright owner will then seek to sell his product to as many others in the market as he can, for as much as he can, in order to make up for this reduction in revenues because of the absence of exclusivity. This may well be the case. The premise of (d) is to take no chances, and insure availability of such product to the UHF station and CATV, based on the reasonable concept of share of the market (e.g., if the UHF has only a 1-percent or 2-percent share of the market in prime time, it should pay accordingly; so also, the CATV system with only 1,000 subscribers). This method would clearly be feasible to CATV, and would call for rough reliance on ARB figures for UHF; as to the latter, we raise the issue as to what would be an effective and feasible way of proceeding. The specific charge based on these share figures could then be the subject of bargaining by the parties, and, if no agreement were reached, of required arbitration (with the film presented in any event). There are a number of problems here (e.g., availability of prints; whether, to avoid too close showings and thus the inability to advertise, there should be a 30- or 60-day "rest" period after each station or CATV plays the film, with a first-come, first-served method of presentation).

[6] We also request comments on how any rule adopted should be made applicable (e.g., whether or not to "grandfather" existing agreements; whether to require reform and renegotiation after a suitable period; etc.).

[7] Commissioners Bartley and Wells dissenting; Commissioner H. Rex Lee absent; Commissioner Houser not participating.

[1] We will also make needed editorial revisions where necessary, such as correction of the proper title of the radio equipment list in § 74.751(b)(1).

[47 CFR Part 74]

[Docket No. 19121; FCC 71-40]

TELEVISION BROADCAST TRANSLATOR STATIONS

Notice of Proposed Rule Making

1. Recently, the Commission adopted a report and order in Docket No. 17159 (FCC 70-1042, released September 29, 1970, 20 RR 2d 1538) creating a new FM broadcast translator service under Part 74 of the Commission's rules. The new rules adopted in that proceeding were based, in major part, on the television translator rules contained in Subpart G of Part 74. The FM translator rules embody modifications of the TV translator rules which we felt were indicated as the result of our experience with TV translators over the years. For example, we amended § 1.580(h) of the rules to provide that, with respect to proof of publication of local public notice of the filing of an application for a new translator station (TV or FM) or for a major change in an existing translator station, only one copy of the proof of publication need be filed with the Commission. This change was occasioned by our experience that only one copy was used. Changes were also made in the wording of other rules. At this time, therefore, the FM translator rules differ in some significant respects from the TV translator rules, attributable to factors other than the differences between TV and FM. It is our purpose, therefore, to revise the rules pertaining to TV translator stations to bring them into harmony with the newly promulgated FM translator rules and to make them reflect the realities of administration.[1]

2. In reviewing our TV translator rules, we have found some inconsistencies; in other instances, we have found rules which have proven to be impractical or undesirable and, in some cases, the wording has been vague or ambiguous. These problems could not have been foreseen when the rules were originally adopted,

but with the passage of time, we believe that it is now appropriate to revise and harmonize the rules. We do not, in this proceeding, purpose to adopt any new rules which do not reflect existing policy. Accordingly, we invite comments on the proposed changes discussed in the succeeding paragraphs.

3. *Section 74.702.* We propose to amend paragraph (a) of this section to add the word "output" in the line which now reads: "Only one channel will be assigned to each station." The purpose of this addition is to clarify the intention of the section. We also propose to amend paragraph (f) of this section. That paragraph provides that adjacent channel assignments will not be made to translator stations intended to serve all or a part of the same area, but our rules do not specifically provide that we will not grant an application for a translator station which would operate on a channel adjacent to a channel on which a nearby regular television station is operating. Although the rules do provide that we will not grant such an application where it is apparent that interference will be caused by the operation of the proposed translator, we have found that much correspondence, processing time, and staff effort can be saved if it were made clear, in the rules, that such assignments will not be made. Accordingly, we propose to amend the rule to so provide.

4. *Section 74.703.* Our rules presently provide for the operation of high-power (100 watts) translators, both UHF and VHF, on channels assigned in the television table of assignments which are unused by regular television stations. The rules also provide for situations where interference develops between translators operating on channels which are not assigned, but no guidance can be found in the rules with respect to the obligations of the licensees of high-power translators operating on assigned and unused channels and the licensees of translators operating on channels which are not assigned, with respect to interference to one another. Present Commission policy contemplates that 100-watt translators operating on assigned and unused channels will be afforded protection against interference by other translators. The basis for this policy is the premise that the frequency represented by the assigned channel is reserved in the area and must be protected against intrusion by translators of lesser power. The 100-watt translator operating on an assigned channel is visualied as an interim device which may eventually evolve into a regular television station and the channel was assigned, after careful study, to meet all separation requirements. For these reasons, the frequency is considered "protected" in the area. We propose, therefore, to amend the rules to provide that a translator operating with peak transmitter output power of 100 watts or more[2] on an assigned and unused channel will be protected against interference by other translators, but need not protect such other translators against interference. Otherwise, there will be no change in the present provisions that new UHF translators will be required to protect existing UHF translators against interference and that interference which develops between VHF translators will be resolved by agreement of the licensees.

5. In addition to the foregoing considerations, we note that our rules do not specifically provide that a translator must not cause interference to reception by another translator station of its input signals. This omission was recognized in the promulgation of the new FM translator rules and we propose, therefore, to amend the rules to provide for protection by translators against interference to the input signals of other translators.

6. *Section 74.732.* For the same reasons discussed in paragraph 3, supra, we propose to insert the same word in paragraph (c) of this section to make it clear that we mean that only one output channel will be allowed each television translator station. Note 1, following paragraph (e)(2), will be amended to specify that, for the purposes of this subpart, the contours of a television broadcast station shall mean those predicted in accordance with § 73.684 (a) through (e) and (g) of the rules. In other words, the contours which we will consider in connection with determining the location of a translator station will be those which are computed without regard to terrain-limiting factors. We have found this approach necessary in order to establish a standard which will not be subject to dispute in cases involving translator stations. It accords with present Commission policy. Oregon Broadcasting Company, 18 FCC 2d 612, 16 RR 2d 878; reconsideration denied, 20 FCC 2d 246, 17 RR 2d 751 (1969); WGAL Television, Inc. (W80AJ), 22 FCC 2d 950, 18 RR 2d 1210 (1970).

7. One other policy which we believe it would be appropriate to embody in the rules is proposed new § 74.732(e)(3), with respect to the right of a television broadcast station to enjoy program exclusivity within the boundaries of its own principal city. The present provisions of § 74.732(e)(2) of the rules preclude authorization of a licensee-owned or supported VHF translator within the predicted grade A contour of another television station whose programs it would duplicate. Such a translator will be authorized subject to a nonduplication condition. Since the promulgation of that rule, however, the Commission has had occasion to consider situations where either a nonlicensee owned VHF translator or a UHF translator was proposed within the city of license of a television station whose programs the translator would duplicate. We ruled that where a translator would be located within a television station's principal city, that television station is entitled to program exclusivity, whether the translator is VHF or UHF, licensee-owned or not, unless it can be shown that the signal of the local television station cannot be received in the area which the translator would serve. J. R. Karban, 18 FCC 2d 3, 16 RR 2d 469; Storm King T.V. Association, Inc., 19 FCC 2d 876, 17 RR 2d 461; see also 20 FCC 2d 348, 17 RR 2d 839.

8. Paragraph (h) of this section of the rules provides that the Commission will not act on any application for a new translator station or modification of the facilities of an existing translator station where the changes will result in an increase in signal strength in any horizontal direction, until 30 days after the Commission gives public notice of the acceptance of the application for filing. We propose to delete this rule. The Commission cannot, under the Communications Act, grant an application for a new television translator station less than 30 days after the Commission gives public notice of the acceptance of the application for filing and, in any event, § 1.580(b) of the rules already imposes the 30-day restriction of action on applications for new stations and for major changes in existing stations. Insofar as applications for new translator stations and for major changes in existing stations are concerned, therefore, the present § 74.732(h) is repetitious and unnecessary. With respect to minor changes in the facilities of existing translator stations, we perceive no valid reason to delay action for 30 days and steps have, in fact, already been taken to expedite the processing of such applications. We believe, therefore, that the rule is no longer needed and should be eliminated. Its elimination will harmonize the television translator rules with the FM translator rules and will serve to expedite action on minor change applications. The present paragraph (i) will become paragraph (h) after deletion of the rule.

9. In the interest of administrative efficiency, we propose to incorporate into Subpart G, as paragraph (i) of § 74.732 (eligibility and licensing requirements) a new rule paralleling § 74.1131, which is the newly-adopted bar against cross-ownership of a CATV system and television translator stations serving the same community or area. Few translator applicants or licensees are familiar with the CATV rules, and we believe that a great deal of confusion can be avoided by placing such a rule into the translator rules. With the adoption of the report and order in Docket No. 17159 in September, 1970 (the new FM translator service), we revised our application forms to enable them to be used by applicants

[2] There are presently several UHF translators operating, pursuant to waivers of various rules, with peak transmitter output power of 1,000 watts, and a rule making proceeding is pending to authorize 1,000-watt UHF translators on a regular basis on assigned and unused channels (Docket No. 18861, FCC 70-520, released May 21, 1970).

for FM translators as well as by applicants for TV translators. One of the revisions was a change in the renewal application form (Form 348) to include a question with respect to interests of the licensee or its principals in any CATV system. This was done partly because, prior to the revision, the Commission had no way to know when a translator licensee had acquired an interest in a CATV system subsequent to licensing of the translator, and partly because the cross-ownership rule had already been adopted and a need for a parallel rule in the television translator service was apparent. The rule we now propose, therefore, represents implementation of that project.

10. *Section 74.735(a).* This section is concerned with power limitations and, specifically, the authorization and use of multiple output amplifiers with VHF translators. When the rules were amended in June 1968 (report and order in Docket No. 15971, 13 FCC 2d 305, 13 RR 2d 1577), to authorize VHF translators to operate with peak transmitter output power of up to 10 watts west of the Mississippi River, no change was made in this particular rule. As a result, the anomalous situation arose whereby a 10-watt translator west of the Mississippi River could operate with peak transmitter output of 10 watts to a community, but a 1-watt translator serving the same area could not use a multiple output amplifier in such manner as to reinforce its signals to place as much as 2 watts peak transmitter output power toward that community. This came about as the result of the restrictions of this rule which prohibits transmitting antennas or antenna arrays from being used to reinforce the signals by combining the outputs of more than one final radio frequency amplifier. The reasons for this rule remain valid with respect to 10-watt stations and with respect to 1-watt stations east of the Mississippi River, but the reason no longer obtains with respect to 1-watt VHF stations west of the Mississippi. Accordingly, we propose to amend the rule to make it inapplicable to 1-watt stations west of the Mississippi where the combination of the outputs of separate radio frequency amplifiers would not exceed 10 watts. Also, paragraph (b) will be amended to provide that the transmitting apparatus may not be operated with power output in excess of the transmitter type-accepted rating, rather than in excess of the manufacturer's rating, as it now appears.

11. *Section 74.763.* This section of the rules is concerned with time of operation of TV translator stations. The changes we propose to make would eliminate the provision that the Engineer in Charge of the radio district in which the station is located need be notified when a translator is inoperative for a period in excess of 10 days, only where the inoperation is due to causes beyond the licensee's control. We see no reason to limit this notification to those situations; rather we believe that notice should be given to the engineer in charge whenever a translator is inoperative for more than 10 days, whatever the reason. We have so provided in the new FM translator rules and have revised the translator license renewal application forms to require each licensee to account for "down time", whatever the reason.

12. *Section 74.769.* The translator rules require each licensee to have a current copy of Part 73 and Part 74 of the Commission's rules and Part 17 where obstruction markings are required. Important information is contained in Part 1 of the Commission's rules which should be familiar to all applicants. Since Parts 1 and 17 are contained in Volume I of the Commission's rules and Parts 73 and 74 are contained in Volume III, we think that the rule should be amended to require that licensees have current copies of Volumes I and III of the rules. (The parts in each volume are not available separately.)

13. *Section 74.784.* Recently, confusion has arisen among some of our translator licensees as to whether and under what conditions rebroadcast consent must be obtained from the licensee of an intermediate translator station which transmits the signals which another translator station wishes to rebroadcast. A translator station must have written authority from its primary station to carry its programs, but our rules are not clear as to whether a translator which wishes to pick up the intermediate translator's signals need obtain the consent only of the primary station, only of the intermediate translator, or both. Section 325 (a) of the Communications Act, which requires rebroadcast consent, speaks in terms of the "originating station." To eliminate the ambiguity of the present rules, to make them consistent with the Communications Act and to bring them into harmony with the FM translator rules, we propose to revise this rule to require that only the written consent of the primary station need be obtained. After all, the intermediate translator must have the written consent of that primary station and we can foresee no valid objection by the intermediate translator to the rebroadcast of its signals if the primary station is agreeable.

14. In recent years, a multitude of problems has arisen as the result of the efforts of networks to control rebroadcast consent by affiliates, and from the disposition of stations to defer to the networks or to so condition their rebroadcast consent as to make it impossible or extremely difficult for the average translator licensee to understand the nature and extent of his rebroadcast permission and obligations. We believe that this is an area where clear guidelines are needed and we invite comments, by stations, networks, industry associations and other interested parties, as to the desirability of restrictions on the right of networks to intervene in rebroadcast matters and limitations to be placed upon conditions which may be imposed by primary station licensees. It may be that rebroadcast consent should be the sole province of "originating station" as stated in the Communications Act, and that this consent must be withheld or given in clear and concise terms.

15. We believe that the foregoing changes represent the areas which are in greatest need of revision, but the rules which we propose to change in this proceeding do not necessarily represent the only areas where changes may be appropriate. Consequently, we invite comments with respect to other changes in the television translator rules which may result in greater effectiveness of our administration of the television translator rules. We will not entertain, in this proceeding, proposals which constitute a departure from existing Commission policies, such as proposals for increased power, or with respect to frequencies available for translator use.

16. Pursuant to this notice and pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, the Commission proposes the adoption of the rules and revisions set out below, and such other revisions of the rules as may be proposed to effect greater administrative efficiency.

17. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before February 22, 1971, and reply comments on or before March 4, 1971. All relevant and timely comments and reply comments will be considered before final action is taken in this proceeding. The Commission, additionally, in reaching a decision in this proceeding, may also take into account other relevant information before it.

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

Adopted: January 13, 1971.

Released: January 15, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[3]

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

1. In § 74.702, paragraphs (a) and (f) are amended to read as follows:

§ 74.702 Frequency assignment.

(a) An applicant for a new television broadcast translator station or for changes in the facilities of an authorized station shall endeavor to select a channel on which its operation is not likely to cause interference to the reception of other stations. The application must be specific with regard to the frequency requested. Only one output channel will be assigned to each station.

* * * * *

(f) Adjacent channel assignments will not be made to television broadcast translator stations intended to serve all or part of the same area nor will an assignment be made to such stations to operate on an output channel adjacent

[3] Commissioner H. Rex Lee absent; Commissioner Houser not participating.

to a channel assigned to any television broadcast station within whose predicted Grade B contour the area to be served by a translator is located, unless the applicant demonstrates that interference will not be caused.

* * * * *

2. In § 74.703, paragraph (a) is amended to read as follows:

§ 74.703 **Interference.**

(a) An application for a new television broadcast translator station or for changes in the facilities of an authorized station will not be granted where it is apparent that interference will be caused. A television translator station shall not cause interference to reception by another television translator station of its input signals. The licensee of a new UHF translator shall protect existing UHF translators from interference resulting from its operation. If interference develops between VHF translators, the problem shall be resolved by mutual agreement among the licensees involved. Translators operating on channels other than those allocated in the Television Table of Assignments (§ 73.606 of this chapter) shall not be entitled to protection from interference by translators operating on channels allocated in the Television Table of Assignments, but shall, in all cases, protect such translators operating on allocated channels from interference.

* * * * *

3. In § 74.732, paragraph (c) is amended; in paragraph (e), subparagraph (2) and Note 1 thereto are amended; subparagraph (3) is added; paragraph (h) is deleted; paragraph (i) is redesignated as paragraph (h), and a new paragraph (i) is added, as follows:

§ 74.732 **Eligibility and licensing requirements.**

* * * * *

(c) Only one output channel will be assigned to each television broadcast translator station. Additional television broadcast translator stations may be authorized to provide additional reception. A separate application is required for each television broadcast translator station and each application shall be complete in all respects.

* * * * *

(e) * * *

(2) Where the proposed VHF translator is intended to provide reception to all or a part of any community located within the Grade A contour of any other television broadcast station for which a construction permit or license has been granted and the programs rebroadcast by the proposed VHF translator will duplicate all or any part of the programs broadcast by such other television broadcast station or stations: *Provided, however,* That, subject to the provisions of subparagraph (3) of this paragraph, this will not necessarily preclude the authorization of a VHF translator intended to improve reception of the primary station's signals to any community, any part of the corporate limits of which is within the predicted principal city contour of such station.

NOTE 1: For the purposes of this subpart, the contours of a television broadcast station shall be determined in accordance with the procedures set forth in § 73.684 (a) through (e) and (g) of this chapter, without regard to any terrain-limiting factors. Wherever reference is made in this subpart to television station service contours, it shall mean contours predicted in accordance with this note.

* * * * *

(3) No television broadcast translator station which serves or is intended to serve all or any part of an area within the principal city (city of license) of a television broadcast station shall duplicate any program or part thereof of such television station unless the applicant demonstrates that the area proposed to be served by the translator does not receive satisfactory signals from the television broadcast station licensed to serve such principal city.

* * * * *

(i) No application for a construction permit for a new television translator station will be granted where the applicant or any principal, directly or indirectly, owns, operates, controls, or has an interest in any CATV system serving the same community or area, and no application for renewal of the license of such a television translator station will be granted after August 10, 1973. Definition of the terms used in this rule shall be in accordance with the provisions of § 74.1131.

4. In § 74.735, paragraphs (a) (2) and (b) are amended to read as follows:

§ 74.735 **Power limitation.**

(a) * * *

(2) Each final radiofrequency amplifier shall feed a separate transmitting antenna or antenna array. The transmitting antennas or antenna arrays shall be so designed and installed that the outputs of the separate radiofrequency amplifiers will not combine to reinforce the signals radiated by the separate antennas or otherwise achieve the effect of radiated power in any direction in excess of that which could be obtained with a single antenna of the same design fed by a radiofrequency amplifier with power output no greater than that authorized pursuant to this paragraph (a): *Provided, however,* That subparagraph (1) of this paragraph and this subparagraph (2) will not apply to 1-watt translators serving areas west of the Mississippi River.

* * * * *

(b) The transmitter power output of a UHF translator shall be limited to a maximum of 100 watts peak visual power. In no event shall the transmitting apparatus of any television translator station be operated with power output in excess of the transmitter type-accepted rating.

* * * * *

§ 74.751 [Amended]

6. Section 74.751(b)(1) is amended to substitute for the words "Radio Equipment List, Part A, Equipment Acceptable for Use in Television Broadcast and Television Translator Stations" the words "Radio Equipment List, Equipment Acceptable for Licensing."

7. Section 74.763(b) is amended to read as follows:

§ 74.763 **Time of operation.**

* * * * *

(b) If a television translator station is inoperative for 10 days or more, the licensee shall notify the Engineer in Charge of the radio district in which the station is located promptly, in writing, describing the cause of the inoperation and the steps being taken to place the translator in operation again and shall notify the Engineer in Charge promptly when operation is resumed.

* * * * *

8. Section 74.769 is amended to read as follows:

§ 74.769 **Copies of rules.**

The licensee or permittee of a television broadcast translator station shall have a current copy of Volumes I and III of the Commission's rules and shall make the same available for use by the operator in charge, if any. Each such licensee or permittee shall be familiar with those rules relating to the operation of a television translator station. Copies of the Commission's rules may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

9. Section 74.784(b) is amended to read as follows:

§ 74.784 **Rebroadcasts.**

* * * * *

(b) The licensee or permittee of a television broadcast translator station shall not rebroadcast the signals of any television broadcast station or other television translator station without obtaining the prior written consent of the primary station whose programs are proposed to be retransmitted. The Commission shall be notified of the call signs of each station rebroadcast and the licensee or permittee of the translator shall certify that written consent has been received from the licensee of the station whose programs are retransmitted.

* * * * *

[FR Doc.71-801 Filed 1-19-71;8:50 am]

[47 CFR Part 74]

[Docket No. 19128; FCC 71-45]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Maintenance of Program Logs for Cablecasting

In the matter of amendment of Subpart K of Part 74 of the Commission's rules and regulations with respect to the maintenance of program logs for cablecasting by community antenna television systems; Docket No. 19128.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. In the notice of proposed rule making and notice of inquiry in Docket No. 18397, 15 FCC 2d 417, 33 F.R. 19028, we indicated our view that periodic filings by CATV operators are necessary to enable the Commission to keep abreast of CATV developments, fulfill its regulatory responsibilities in this field, and assist Congress in its consideration of related legislative proposals. The importance of up-to-date information on program originations was reaffirmed in the First Report and Order in Docket No. 18397, 20 FCC 2d 201, 34 F.R. 17651, in which the Commission concluded that program originations on CATV systems are in the public interest and adopted rules regulating CATV "cablecasting".

3. In March 1970, the Commission released for comment three draft CATV reporting forms, one of which concerned program originations. Since it is clear that programing information is basic to an understanding of the practicalities of CATV originations, the originations draft form inquired, inter alia, about program sources and types of programing, using the "typical" day or week as the basis for information. A number of comments pointed out the inadequacies of such a data base and suggested use of the "composite week" approach which is currently used in the preparation of program log analyses submitted with broadcast renewal applications. Of course, before "composite week" programing information can be sought, a standardized method of program logging must be developed.

4. We believe that maintenance of a program log for all cablecasts, and periodic reporting to the Commission and the public, will assist the Commission in fulfilling its regulatory obligation to monitor the progress of CATV program originations and note their impact on the broadcast field. A log will insure a uniform basis for cablecast programming data to be required by the revised annual CATV report (FCC Form 325), and will simplify the assembling of this information by CATV systems. Indeed, CATV systems are already required by § 74.1113 of the Commission's rules to keep complete records of all requests for cablecasting time made by or on behalf of candidates for public office. Accordingly, we invite comments on our proposal to amend the CATV rules, as set forth below, to require all CATV systems to maintain program logs for their program originations.

5. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before February 22, 1971, and reply comments on or before March 4, 1971. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

6. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

7. Authority for the amendments proposed herein is contained in section 4 (i), (j), and (k), 303, and 403 of the Communications Act of 1934, as amended.

Adopted: January 13, 1971.

Released: January 15, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

In Part 74 of Chapter I of Title 47 of the Code of Federal Regulations, §§ 74.1123 and 74.1124 are added, to read as follows:

§ 74.1123 General requirements relating to logs.

(a) All CATV systems shall maintain a program log as set forth in § 74.1124. The log shall be kept by the CATV system employee or employees competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty, and again when going off duty.

(b) The log shall be kept in an orderly and legible manner, in suitable form, and in such detail that the data required for the CATV system is readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log. Each sheet shall be numbered and dated. Time entries shall be made in local time.

(c) No log or preprinted log or schedule which upon completion becomes a log or portion thereof shall be erased, obliterated, or willfully destroyed within the period of retention provided in § 74.1124. Any necessary correction shall be made only pursuant to § 74.1124, and only by striking out the erroneous portion, or by making a corrective explanation on the log or attachment to it as provided in that section.

(d) Entries shall be made in the log as required by § 74.1124. Additional information such as that needed for billing purposes or for the cuing of automatic equipment may be entered on the log. Such additional information, so entered, shall not be subject to the restrictions and limitations of the Commission's rules on the making of corrections and changes in logs.

§ 74.1124 Program log.

(a) The following entries concerning cablecasting operations by CATV systems (including cablecasting by channel lessees) shall be made in the program log:

(1) *For each program.* (i) An entry identifying the program by name or title.

(ii) An entry of the time each program begins and ends. If programs are cablecast during which separately identifiable program units of a different type or source are presented, and if the CATV system wishes to count such units separately, the beginning and ending time for the longer program need be entered only once for the entire program. The program units which the CATV system wishes to count separately shall then be entered underneath the entry for a longer program, with the beginning and ending of each such unit, and with the entry indented or otherwise distinguished so as to make it clear that the program unit referred to was cablecast within the longer program.

(iii) An entry classifying each program as to type, using the definitions set forth in Note 1 at the end of this section.

(iv) An entry classifying each program as to source, using the definitions set forth in Note 2 at the end of this section. (For CATV network programs, also give name of network.)

(v) An entry for each program cablecast by a channel lessee, giving the name of such lessee.

(vi) An entry for each program presenting a political candidate, showing the name and political affiliation of such candidate.

(2) *For commercial matter.* (i) An entry identifying (*a*) the sponsor(s) of the program; (*b*) the person(s) who paid for the announcement, or (*c*) the person(s) who furnished materials or services referred to in § 74.1119(c). If the title of a sponsored program includes the name of the sponsor, e.g., XYZ News, a separate entry for the sponsor is not required. See Note 3 at the end of this section for definition of commercial matter.

(ii) An entry or entries showing the total duration of commercial matter in each hourly time segment (beginning on the hour) or the duration of each commercial message (commercial continuity in sponsored programs, or commercial announcements) in each hour. See Note 5 at the end of this section for statement as to computation of commercial time.

(iii) An entry showing that the appropriate announcement(s) (sponsorship, furnishing material or services, etc.) have been made as required by § 74.1119. A check mark (√) will suffice but shall be made in such a way as to indicate the matter to which it relates.

(3) *For public service announcements.* (i) An entry showing that a public service announcement (PSA) has been cablecast together with the name of the organization or interest on whose behalf it is made. See Note 4 at the end of this section for definition of a public service announcement.

(4) *For other announcements.* An entry for each announcement presenting a political candidate, showing the name and political affiliation of such candidate.

(b) Program log entries may be made either at the time of or prior to cablecast. However, entry of the time each program begins and ends must be made at the time of cablecast.

(c) If a CATV system cablecasts a program furnished by a CATV network or series of interconnected CATV systems, the network or series of systems shall supply the cablecasting system with

[1] Commissioners H. Rex Lee and Houser absent.

all of the information necessary for its program log.

(d) No provision of this section shall be construed as prohibiting the recording or other automatic maintenance of data required for program logs. However, where such automatic logging is used, the CATV system must comply with the following requirements:

(1) The CATV system, whether employing manual or automatic logging or a combination thereof, must be able accurately to furnish the Commission with all information required to be logged;

(2) Each recording, tape, or other means employed shall be accompanied by a certificate of the operator or other responsible person on duty at the time or other duly authorized agent of the CATV system, to the effect that it accurately reflects what was actually cablecast. Any information required to be logged which cannot be incorporated in the automatic process shall be maintained in a separate record which shall be similarly authenticated;

(3) The CATV system shall extract any required information from the recording for the days specified by the Commission or its duly authorized representative and submit it in written log form, together with the underlying recording, tape, or other means employed.

(e) Program logs shall be changed or corrected only in the manner prescribed in § 74.1123(c) and only in accordance with the following:

(1) *Manually kept log.* Where, in any program log, or preprinted program log, or program schedule which upon completion is used as a program log, a correction is made before the person keeping the log has signed the log upon going off duty, such correction no matter by whom made, shall be initialed by the person keeping the log prior to his signing of the log when going off duty, as attesting to the fact that the log as corrected is an accurate representation of what was cablecast. If corrections or additions are made on the log after it has been so signed, explanation must be made on the log or an attachment to it, dated and signed by either the person who kept the log, the CATV system's program director or manager, or an officer of the CATV system.

(f) The program log shall be retained by the CATV system for a period of 2 years: *Provided, however,* That logs which include communications incident to or involved in an investigation by the Commission and concerning which the CATV system has been notified, shall be retained by the CATV system until it is specifically authorized in writing by the Commission to destroy them: *Provided, further,* That logs incident to or involved in any claim or complaint of which the CATV system has notice shall be retained by the CATV system until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

(g) The program log shall be made available upon request by an authorized representative of the Commission.

NOTE 1: *Program type definitions.* The definitions of the first eight types of programs (a) through (h) are intended not to overlap each other and will normally include all the various programs cablecast. Definitions (i) through (k) are subcategories and the programs classified thereunder will also be classified under one of the appropriate first eight types. There may also be further duplication within types (i) through (k) (e.g., a program presenting a candidate for public office, prepared by an educational institution, would be classified as Public Affairs (PA), Political (POL), and Educational Institution (ED)).

(a) Agricultural programs (A) include market reports, farming, or other information specifically addressed, or primarily of interest, to the agricultural population.

(b) Entertainment programs (E) include all programs intended primarily as entertainment, such as music, drama, variety, comedy, quiz, etc.

(c) News programs (N) include reports dealing with current local, national; and international events, including weather and stock market reports; and when an integral part of a news program, commentary, analysis, and sports news.

(d) Public affairs program (PA) include talks, commentaries, discussions, speeches, editorials, political programs, documentaries, forums, panels, round tables, and similar programs primarily concerning local, national, and international public affairs.

(e) Religious programs (R) include sermons or devotionals; religious news; and music, drama, and other types of programs designed primarily for religious purposes.

(f) Instructional programs (I) include programs (other than those classified under Agricultural, News, Public Affairs, Religious or Sports) involving the discussion of, or primarily designed to further an appreciation or understanding of, literature, music, fine arts, history, geography, and the natural and social sciences; and programs devoted to occupational and vocational instruction, instruction with respect to hobbies, and similar programs intended primarily to instruct.

(g) Sports programs (S) include play-by-play and pre- or post-game related activities and separate programs of sports instruction, news or information (e.g., fishing opportunities, golfing instructions, etc.).

(h) Other programs (O) include all programs not falling within definitions (a) through (g).

(i) Editorials (EDIT) include programs presented for the purpose of stating opinions of the CATV system or channel lessee.

(j) Political programs (POL) include those which present candidates for public office or which give expression (other than in CATV system editorials) to views on such candidates or on issues subject to public ballot.

(k) Educational Institution programs (ED) include any program prepared by, in behalf of, or in cooperation with, educational institutions, educational organizations, libraries, museums, PTA's or similar organizations. Sports programs shall not be included.

NOTE 2: *Program source definitions.* (a) A local porgram (L) is any program originated or produced by the CATV system, a channel lessee, or an agent of either, the content or setting of which is geographically local, primarily involves appearances by local persons, or primarily focuses on issues or subjects of local interest. A local program fed to a CATV network or series of interconnected CATV systems shall be classified by the originating system as local.

(b) A CATV network program (NET) is any program furnished to the system by a CATV network (national, regional, or special) or by a series of interconnected CATV systems. Delayed cablecasts of programs originated by CATV networks or series of interconnected CATV systems are classified as network.

(c) A film program (F) is any program consisting of the presentation of feature or syndicated films.

(d) An automated program (AUT) is any program, such as a time-weather service or news or stock market ticker, in which there it no audio portion, other than background music.

(e) A video-taped program (VID) is any program not defined in (a), (b), (c), or (d) above, presented via video tape.

NOTE 3: *Definition of commercial matter* (CM) includes commercial continuity (network and nonnetwork) and commercial announcements (network and nonnetwork) as follows: (Distinction between continuity and announcements is made only for definition purposes. There is no need to distinguish between the two types of commercial matters when logging.)

(a) Commercial continuity (CC) is the advertising message of a program sponsor.

(b) A commercial announcement (CA) is any other advertising message for which a charge is made or other consideration is received.

(1) Included are (i) "bonus spots"; (ii) trade-out spots, and (iii) promotional announcements of a future program where consideration is received for such an announcement or where such announcement identifies the sponsor of a future program beyond mention of the sponsor's name as an integral part of the title of the program. (E.g., where the agreement for the sale of time provides that the sponsor will receive promotional announcements, or when the promotional announcement contains a statement such as "Listen Tomorrow for the—[Name of Program]—Brought to You by—[Sponsor's Name]—.")

(2) Other announcements including but not limited to the following are not commercial announcements:

(i) Promotional announcements, except as heretofore defined in paragraph (b) of this note.

(ii) Public service announcements.

(iii) Announcements made pursuant to § 74.1119(c) that materials or services have been furnished as an inducement to cablecast a political program or a program involving the discussion of controversial public issues.

NOTE 4: *Definition of a public service announcement.* A public service announcement is an announcement for which no charge is made and which promotes programs, activities, or services of Federal, State, or local governments (e.g., recruiting, sales of bonds, etc.) or the programs, activities or services of nonprofit organizations (e.g., UGF, Red Cross Blood Donations, etc.), and other announcements regarded as serving community interests, excluding time signals, routine weather announcements and promotional announcements.

NOTE 5: *Computation of commercial time.* Duration of commercial matter shall be as close an approximation to the time consumed as possible. The amount of commercial time scheduled will usually be sufficient. It is not necessary, for example, to correct an entry of a 1-minute commercial to accommodate varying reading speeds even though the actual time consumed might be

a few seconds more or less than the scheduled time. However, it is incumbent upon the CATV system to insure that the entry represents as close an approximation of the time actually consumed as possible. If the commercial matter is continuously visible throughout the program (e.g. use of split-screen technique in conjunction with news ticker), the entire length of the program shall be logged as commercial time. If the commercial matter is visible at regular intervals but not continuously (e.g. advertising messages scanned at intervals in a time-weather service), only the amount of time that the commercial matter is visible shall be logged as commercial time.

[FR Doc.71-802 Filed 1-19-71;8:50 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 70-576]

FEDERAL SAVINGS AND LOAN SYSTEM

Loans by Federal Savings and Loan Associations

DECEMBER 22, 1970.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) for the purpose of authorizing Federal savings and loan associations to make a loan to an individual on the security of a first lien on an improved lot which is ready for the construction of a structure designed for residential use for one family or ready for the location of a mobile home. Accordingly, it hereby proposes to amend said Part 545 by revising paragraph (c) of § 545.6-3 to read as follows:

§ 545.6-3 Lending powers under other charter provisions.

* * * * *

(c) *Loans on developed building lots and sites*—(1) *Loans to builders.* Subject to the limitations of § 545.6-7, a Federal association which has a charter in the form of Charter N or Charter K (rev.) without any variation or amendment inconsistent with the provision of either paragraph (a) or paragraph (b) of § 544.1 of this chapter may, upon authorization by such association's board of directors and without further action by its members, make loans to builders of homes on the security of first liens on other improved real estate as defined in paragraph (b) of § 541.12 of this chapter: *Provided*, That

(i) No such loan shall be made to any person, partnership, corporation, or syndicate, hereinafter referred to as applicant, unless and until such Federal association has obtained from the applicant a signed statement by him showing his financial condition and has obtained a written report on his credit standing and evidence of his ability to undertake and to discharge all of the obligations involved in the loan; nor shall any such loan be made unless and until the association has obtained from the applicant a statement signed by him stating the purchase price of the security on which the loan is sought and representing to such association that, if such loan is made, the applicant will, within a period of not more than 6 months from the date of the security instrument, commence construction of structures designed for residential use for one family on a specified number of the building lots or sites on the security of which the loan is sought, which number shall be stated in such representation, and that within a period of not more than 3 years from the date of the security instrument the applicant will build to completion structures designed for residential use for one family on all of the lots or sites which are security for such loan;

(ii) No such loan shall be made in an amount equal to more than 70 percent of the appraised value of the real estate security therefor as determined by such Federal association in accordance with the provisions of § 545.6-9 at the time the loan is made, which appraised valuation shall separately state the value of each building lot or site constituting the security for the loan;

(iii) Each such loan shall be repayable within a period not in excess of 3 years from the date of the security instrument, with or without amortization of principal prior to the expiration of such period but with interest payable at least semiannually commencing not more than 12 months after the date of the security instrument; however, the association's board of directors may approve the extension of the time for payment for an additional period not in excess of 3 years, but no such extension may be approved unless (*a*) interest on the loan is current, (*b*) said board has before it a current independent appraisal of the security property, and (*c*) the outstanding principal balance of the loan is or has been reduced to an amount not in excess of 70 percent of the value of the security property; in addition, if such extension is effected by refinancing the original loan with a new loan, the principal amount of the new loan may not exceed the outstanding principal balance of the original loan at the time of such extension;

(iv) No such loan shall be made if the aggregate amount of such loan and of the unpaid balances of all outstanding loans made pursuant to the provisions of this paragraph (c) exceeds 5 percent of such Federal association's assets; and no such loan shall be made to any applicant if the aggregate amount of such loan and of the unpaid balances of all outstanding loans made to such applicant pursuant to the provisions of this paragraph (c), including the balances of all outstanding loans made under this paragraph (c) to any partnership, corporation, or syndicate of which any partner, stockholder, owner, participant, or officer, is the applicant or is a partner, stockholder, owner, participant, or officer of the applicant, exceeds 1 percent of such Federal association's assets;

(v) No such loan shall be made on the security of real estate located beyond such Federal association's regular lending area; and

(vi) No lot or site may be released from the security for any such loan unless and until the ratio of the unpaid balance of the loan to the appraised value, as determined at the time the loan was made, of the security remaining after such release is no greater than the ratio of the original amount of the loan to the appraised value of the total security as determined at the time the loan was made.

(2) *Loan to individuals.* Subject to the limitations of § 545.6-7 of this chapter, a Federal association which has a charter in the form of Charter N or Charter K (rev.) may, upon authorization by such association's board of directors, make a loan to an individual on the security of a first lien on other improved real estate as defined in paragraph (b) of § 541.12 of this chapter or on other improved real estate which, by reason of installations and improvements that have been completed in keeping with applicable governmental requirements and with general practice in the community, is a lot or site ready for the location of a mobile home as defined in § 545.7-(a): *Provided*, That

(i) No such loan may be made in an amount equal to more than 75 percent of the value of the real estate security therefor as determined by such Federal association in accordance with the provisions of § 545.6-9 at the time the loan is made;

(ii) Each such loan shall be repayable in full within not more than 5 years from the date of the loan, and the loan contract shall provide for equal, or substantially equal, monthly payments of principal and interest, or equal monthly payments of principal with interest payable monthly on the unpaid balance, beginning 1 month after the date of the loan, sufficient to amortize at least 40 percent of the original principal amount of the loan prior to the end of the loan term;

(iii) The Federal association shall require that the borrower, including a purchaser who assumes the loan, execute a certification in writing stating that no lien or charge on such property, other than the lien of the association or liens or charges which will be discharged from the proceeds of the loan, has been given or executed by the borrower or has been contracted or agreed to be so given or executed;

(iv) If the loan is sought or assumed for the purpose of enabling a purchaser to acquire the security property, the Federal association shall require that the vendor or vendors execute a certification in writing stating that no lien or charge upon such property, other than the lien of the association or liens or charges which will be discharged from the proceeds of the loan, has been given or executed to the vendor or vendors by the purchaser or has been contracted or agreed to be so given or executed; and

(v) No such loan shall be made on the security of real estate located beyond such Federal association's regular lending area.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by February 18, 1971, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.71-774 Filed 1-19-71;8:47 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 154, 260]

[Docket No. R-311]

ANNUAL REPORTING OF NATURAL GAS COMPANIES OF THEIR PURCHASES OF NATURAL GAS

Order Terminating Proposed Rule Making

JANUARY 13, 1971.

In our notice of proposed rule making, "Annual Reporting by Natural Gas Companies of Their Purchases of Natural Gas", issued in this docket on November 29, 1966 (31 F.R. 15325), we proposed to eliminate the obligation for independent producers to make quarterly or monthly reports of amounts collected subject to potential refund, as required by § 154.102(c) of the regulations of the Natural Gas Act. We also proposed to require the reporting of additional gas purchase information by interstate pipelines in their annual Form 2 reports, and proposed to eliminate altogether producer sales and revenue reports on Forms 301-A and 301-B.

The requirement for quarterly or monthly reporting of amounts collected subject to refund under § 154.102(c) of the Commission's regulations was terminated by Commission Order No. 405, issued May 27, 1970 in Docket No. R-369.

The proposed changes in reporting of gas purchases in Form 2 have been incorporated in the notice of proposed rule making issued August 28, 1970 in Docket No. R-397 (35 F.R. 14139),[1] and shall be considered therein.

On May 21, 1968, the Commission issued a Notice of Inquiry in Docket No. RI68-625, entitled "Data for Continuing Regulation of Independent Producer Rates". All matters related to the reporting of information to the Commission by gas producers, including the question of whether and to what extent reporting should be continued under Forms 301-A and 301-B, shall be considered in Docket No. RI68-625.

On the basis of the forgoing considerations there appears to be no reason to continue this rule making, and it will therefore be terminated.

The Commission finds:

(1) That since all substantive issues in Docket No. R-311 have either been resolved by Commission order or are subject to further consideration in Dockets Nos. R-397 and RI68-625, it is appropriate and necessary for carrying out the provisions of the Natural Gas Act that the proposed rule making in Docket No. R-311 be terminated.

(2) Compliance with the effective date provisions of section 553 of Title 5 of the U.S. Code is unnecessary.

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

(A) Effective upon issuance of this order, the proposed rule making in Docket No. R-311 is terminated.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-754 Filed 1-19-71;8:46 am]

[1] Amendments to the Uniform System of Accounts for Class A and B Natural Gas Companies and FPC Form No. 2 to Separate Gathering and Production Plant Facilities, and to Separate Costs Relating to Leases Acquired Oct. 6, 1969 and Before and Leases Acquired Oct. 7, 1969 and After.

[18 CFR Parts 157, 260]

[Docket No. R-410]

NATURAL GAS PIPELINE SAFETY

Notice of Proposed Rule Making

JANUARY 13, 1971.

Certification of compliance with Federal or other safety standards, operation of natural gas pipeline facilities at pressures in excess of design pressures specified in certificate applications, annual reports of system flow diagrams; Docket No. R-410.

Notice is hereby given pursuant to section 553 of Title 5 of the United States Code, sections 7 and 16 of the Natural Gas Act (52 Stat. 825, 56 Stat. 83, 15 U.S.C. 717f(c); 56 Stat. 84, 15 U.S.C. 717f(d); 56 Stat. 84, 15 U.S.C. 717f(e); and 56 Stat. 830, 15 U.S.C. 717(o), and sections 7 and 8 of the Natural Gas Pipeline Safety Act of 1968 (82 Stat. 725, 49 U.S.C. 1676; and 82 Stat. 725, 49 U.S.C. 1677) that the Commission proposes to amend §§ 157.14 and 157.25 of Part 157—Applications for Certificates of Public Convenience and Necessity and for Orders Permitting and Approving Abandonment Under Section 7 of the Natural Gas Act, Subchapter E—Regulations under the Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations, and § 260.8 of Part 260—Statements and Reports (Schedules), Subchapter G—Approved Forms, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations to require applicants for and holders of certificates of public convenience and necessity under sections 7 (c) and (e) of the Natural Gas Act to comply with and conform to the requirements of sections 7 and 8 of the Natural Gas Pipeline Safety Act of 1968 and the regulations thereunder (49 CFR Part 192) and to declare it to be the policy of the Commission that certificates will not normally be granted authorizing the operation of facilities at any pressures higher than the maxima permitted by Federal and other applicable safety standards.

The Natural Gas Pipeline Safety Act of 1968 provides in part,

SEC. 7. * * * In any proceedings under section 7 of the Natural Gas Act (15 U.S.C. 717f) for authority to establish, construct, operate, or extend a gas pipeline which is or will be subject to Federal or other applicable safety standards, any applicant shall certify that it will design, install, inspect, test, construct, operate, replace, and maintain the pipeline facilities in accordance with Federal and other applicable safety standards and plans for maintenance and inspection. Such certification shall be binding and conclusive upon the Commission unless the relevant enforcement agency has timely advised the Commission in writing that the applicant has violated safety standards established pursuant to this Act.

SEC. 8. (a) Each person who engages in the transportation of gas or who owns or operates pipeline facilities shall—

(1) at all times after the date any applicable safety standard established under this Act takes effect comply with the requirements of such standard

* * * * *

By order issued in Docket OPS-3 on August 11, 1970, and published in the FEDERAL REGISTER on August 19, 1970 (35 F.R. 13248-13276), and by order issued in Docket OPS-3 on November 10, 1970, and published in the FEDERAL REGISTER on November 17, 1970 (35 F.R. 17659-17661), the Acting Director of the Office of Pipeline Safety, Department of Transportation, promulgated and amended a new Part 192—Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards, Chapter I—Hazardous Materials Regulations Board, Department of Transportation, Title 49 of the Code of Federal Regulations, containing the minimum Federal safety standards for the transportation of gas and for pipeline facilities used therefor. These regulations supersede on March 13, 1971, the regulations in Part 190—Interim Minimum Federal Safety Standards for the Transportation of Natural and Other Gas by Pipeline, Chapter I, Title 49 of the Code of Federal Regulations, applicable to design, installation, construction, and initial testing of facilities.

The aforesaid Part 192 provides in part:

(a) This part prescribes minimum safety requirements for pipeline facilities and the transportation of gas, including pipeline

facilities and the transportation of gas within the limits of the outer continental shelf as that term is defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(b) This does not apply to the gathering of gas outside the following areas:

(1) An area within the limits of any incorporated or unincorporated city, town, or village.

(2) Any designated residential or commercial area such as a subdivision, business or shopping center, or community development.

* * * * *

Each gathering line must comply with the requirements of this part applicable to transmission lines.

* * * * *

(a) No person may operate a segment of pipeline that is readied for service after March 12, 1971, unless that pipeline has been designed, installed, constructed, initially inspected, and initially tested in accordance with this part.

* * * * *

Section 157.14(a)(9) of the regulations under the Natural Gas Act requires in subdivision (vi) thereof that there be filed as Exhibit G–II to pipeline certificate applications a statement setting forth for the proposed facilities the maximum allowable operating pressure permitted under the American Standard Code for Pressure Piping, Gas Transmission and Distribution Systems, ASA B31.8, or as otherwise proposed by the applicant. Subdivision (vi) provides further that it is the policy of the Commission that certificates will not normally be granted authorizing the operation of facilities at any pressures higher than the maximum permitted by the ASA B31.8 Code. Since safety standards for jurisdictional facilities have now been established pursuant to statute, it is proposed that § 157.14 be amended by substituting those standards in lieu of the B31.8 Code. Further, it is proposed to include in said subparagraph a provision implementing section 7 of the Natural Gas Pipeline Safety Act of 1968 regarding the filing of a certification to the effect that the proposed facilities will be constructed in conformity with Federal Safety standards. It is proposed to amend § 157.14 of Part 157—Applications for Certificates of Public Convenience and Necessity and for Orders Permitting and Approving Abandonment Under Section 7 of the Natural Gas Act, Subchapter E—Regulations under the Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations, as follows:

§ 157.14 Exhibits.

(a) *To be attached to each application.* * * *

(9) *Exhibit G–II—Flow diagram data.* Exhibits G and G–I shall be accompanied by a statement of engineering design data in explanation and support of the diagrams and the proposed project, setting forth:

* * * * *

(vi) The maximum allowable operating pressure of each proposed facility for which a certificate is requested, as permitted by the Department of Transportation's safety standards. The applicant shall certify that it will design, install, inspect, test, construct, operate, replace, and maintain the facilities for which a certificate is requested in accordance with Federal safety standards and plans for maintenance and inspection. As a matter of general policy the Commission will not normally grant a certificate authorizing operation of facilities at any pressure higher than the maximum permitted by the Federal safety standards and the burden will be on the applicant to justify any such deviation.

* * * * *

Section 260.8 of the Commission's Statements and Reports (Schedules), requires certain natural gas pipeline companies to file annual system flow diagrams. Among the information required is a description of maximum permissible operating pressure for each pipeline at the discharge side of each compressor station or other critical point in terms of the B31.8 Code or the company's own standard, whichever governs the company's operations. Since safety standards for jurisdictional facilities have now been established pursuant to statute, it is proposed to require the reports to be expressed in terms of those standards. It is proposed to amend § 260.8 of Part 260—Statements and Reports (Schedules), Subchapter G—Approved Forms, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations, as follows:

§ 260.8 System flow diagrams.

(a) Each Class A natural gas pipeline company, having a system delivery capacity in excess of 100,000 Mcf per day (measured at 14.73 p.s.i.a. and 60° F.), shall file with the Commission * * * a diagram or diagrams reflecting operating conditions on its main transmission system * * *.

* * * * *

(b) The diagram or diagrams shall include the following items of information:

* * * * *

(4) Maximum permissible operating pressure for each pipeline at discharge side of each compressor station or other critical point, determined by the provisions of the Department of Transportation's safety standards.

* * * * *

The Natural Gas Pipeline Safety Act of 1968 and the standards promulgated thereunder, pertain to certain gathering facilities as well as to main line transmission facilities. Accordingly, it will be necessary for independent producers, as defined in § 154.91(a) of the regulations under the Natural Gas Act, to certify to the Commission pursuant to section 7 of the Natural Gas Pipeline Safety Act of 1968 that they will design, install, inspect, test, construct, operate, replace, and maintain their jurisdictional facilities in accordance with Federal safety standards and plans for maintenance and inspection. The Commission is not herein proposing to assert pursuant to section 7 of the Natural Gas Act additional jurisdiction over independent producer facilities but is only acting as the agency designated by the Natural Gas Pipeline Safety Act of 1968 to receive the certification in those instances in which such jurisdiction may exist. In most independent producer cases, the extent of Commission jurisdiction over facilities is not usually in issue and the Commission authorizes the proposed sale or transportation "together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor." No change in this practice is contemplated by the action proposed herein. It is proposed to require the filing of the certification as Exhibit C to independent producer applications by amending § 157.25 of Part 157—Applications for Certificates of Public Convenience and Necessity and for Orders Permitting and Approving Abandonment Under Section 7 of the Natural Gas Act, Subchapter E—Regulations under the Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations, as follows:

§ 157.25 Necessary exhibits.

There shall be filed with the application as a part thereof the following exhibits:

* * * * *

Exhibit C. Certification required by the Natural Gas Pipeline Safety Act of 1968. The applicant shall certify that it will design, install, inspect, test, construct, operate, replace, and maintain any gathering facilities used in the proposed sale or transportation for which a certificate is requested in accordance with Federal safety standards and plans for maintenance and inspection. The Federal standards are not applicable to gathering facilities outside the following areas:

(a) an area within the limits of any incorporated or unincorporated city, town, or village;

(b) any designated residential or commercial area such as a subdivision, business or shopping center, or community development.

It is proposed that the subject amendments be made effective March 13, 1971.

Any person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than February 12, 1971, data, views, comments, or suggestions in writing concerning the proposed amendments. An original and 14 conformed copies should be filed with the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed amendment of § 260.8 of the Commission's Statements and Reports (Schedules), under the provisions of the Federal Reports Act of 1942, 44 U.S.C. 3501–3511, may at the same time submit a conformed copy of their comments with respect to the proposed amendment of said section to the Clearance Officer, Office of Management and Budget, Washington, D.C. 20503. Submissions to the Commission should indicate the name and address of the person to whom correspondence in regard to the proposals should be addressed and whether the person filing them requests a conference at the Federal Power Commission to discuss the proposed amendments. The Commission will consider all such written submissions before acting on the matters proposed herein.

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

By direction of the Commission.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-755 Filed 1-19-71;8:46 am]

[18 CFR Parts 201, 260]

[Docket No. R-397]

UNIFORM SYSTEM OF ACCOUNTS AND ANNUAL REPORT FORM FOR NATURAL GAS COMPANIES

Notice of Further Extension of Time

JANUARY 13, 1971.

Amendments to the uniform system of accounts for Class A and B natural gas companies and FPC Form No. 2 to separate gathering and production plant facilities, and to separate costs relating to leases acquired October 6, 1969, and before and leases acquired October 7, 1969, and after; Docket No. R-397.

On January 6, 1971, the Independent Natural Gas Association of America filed a request for a further extension of time to and including February 15, 1971, within which to file comments in the above-designated matter.

Upon consideration, notice is hereby given that the time is further extended to and including February 15, 1971, within which any interested person may submit data, views, comments, or suggestions in writing to the notice of proposed rule making (35 F.R. 14139) issued August 28, 1970, in the above-designated matter.

GORDON M. GRANT,
Secretary.

[FR Doc.71-753 Filed 1-19-71;8:46 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 429]

COOLING-OFF PERIOD FOR DOOR-TO-DOOR SALES

Postponement of Hearing Dates Concerning Proposed Trade Regulation Rule

In response to numerous requests the Federal Trade Commission today postponed for approximately 45 days its scheduled public hearings in Washington, D.C., and Chicago, Ill., on a proposed trade regulations rule giving buyers 3 days to cancel a door-to-door sale of consumer goods or services costing $10 or more.

Hearings had been scheduled to begin January 19 at the FTC Building in Washington and on February 23 in the U.S. Courthouse and Federal Office Building in Chicago.

Dates and locations for the rescheduled hearings will be announced. Meanwhile, those wishing to express views on the proposed rule may continue to submit them in writing to the Assistant Director for Industry Guidance, Bureau of Consumer Protection, Federal Trade Commission, Sixth Street and Pennsylvania Avenue NW., Washington, DC 20580.

Issued: January 15, 1971.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[FR Doc.71-761 Filed 1-19-71;8:46 am]

[16 CFR Part 501]

CANDLES

Proposed Exemption From Certain Labeling Requirements

It has been the Commission's view that candle dimensions required to be expressed in order to fulfill the requirements of § 500.7 of the Fair Packaging and Labeling Act regulations, include length and diameter. There is a recognizable difficulty in stating the precise diameter in the instance of a tapered candle because of variations in the diameter inherent in the manner of manufacture when hand dipped and a difficulty in stating a completely meaningful diameter of a molded candle when tapered. However, for molded candles having a designed uniform diameter, it is not impractical nor is it unnecessary to express the diameter for the protection of the consumer.

The Commission has received a proposed exemption from Hancock, Estabrook, Ryan, Shove & Hust, Syracuse, N.Y. 13202, submitted on behalf of 13 candle manufacturers who produce approximately 75 percent of all domestic candles. This proposed exemption would permit the packaging and labeling of candles to omit the diameter measurement when such candles are either hand-dipped tapers or molded tapers. The length of all candles would have to be stated on labeled and packaged units.

The Commission concurs that it is neither practicable nor necessary to require diameter of tapered candles to be expressed in order to insure the protection of the consumer. Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (sections 5(b), 6(b), 80 Stat. 1298, 1300; 15 U.S.C. 1454, 1455), the following regulation is proposed:

§ 501.7 Candles.

Tapered candles which are either hand dipped or molded are exempt from the requirements of § 500.7 of this chapter which specifies that the net quantity of contents shall be expressed in terms of count and measure (e.g., length and diameter), to the extent that diameter of such candles need not be expressed. The requirements of § 500.7 of this chapter will be met by an expression of count and length in inches, for tapered candles.

Any interested person may, within 30 days from the date of this publication in the FEDERAL REGISTER, file with the Secretary, Federal Trade Commission, Washington, D.C. 20580, written views on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Issued: January 13, 1971.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[FR Doc.71-762 Filed 1-19-71;8:46 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 71-19; Treasury Dept. Order 165-17, Amdt. 5]

CUSTOMS FIELD SERVICE

Reorganization of Customs District of New York, N.Y.

JANUARY 14, 1971.

In a notice published in the FEDERAL REGISTER on December 8, 1970 (35 F.R. 18599), the Department of the Treasury gave notice of a proposal to create in the Customs district of New York City, N.Y., three administrative areas, each under the jurisdiction of an area director of customs.

Written representations on behalf of interested parties were received and have been carefully considered. The Department is satisfied that the proposed plan can be implemented without adversely affecting vessel operators, shippers, importers or other parties who conduct business with Customs in the district of New York City, N.Y.

Accordingly, pursuant to Reorganization Plan No. 1 of 1965 (30 F.R. 7035), Reorganization Plan No. 26 of 1950 (36 CFR, Ch. III), section 1 of the Act of August 1, 1914, as amended, 38 Stat. 623 (19 U.S.C. 2), and Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. II), Treasury Department Order No. 165-17 (T.D. 56464, 30 F.R. 10913) is hereby amended by creating in the Customs district of New York City, N.Y., which is coextensive with Customs Region II, New York City, N.Y., three administrative areas to be designated as Kennedy Airport Area, Newark Area, and New York Seaport Area, each under the jurisdiction of an area director of customs.

The limits of the Kennedy Airport Area are as follows:

Beginning at a point in the Atlantic Ocean at the foot of Beach 95th Street, Rockaway Beach, and proceeding in a northerly direction along the centerline of Cross Bay Boulevard and its continuation, Woodhaven Boulevard, to Atlantic Avenue; thence in an easterly direction along the centerline of Atlantic Avenue to Van Wyck Expressway; thence in a northerly direction along the centerline of Van Wyck Expressway to Hillside Avenue (Route 24); thence in an easterly direction along the centerline of Hillside Avenue to 212th Street; thence in a southeasterly direction along the centerline of Route 24 (212th Street, Jamaica Avenue, and Hempstead Avenue) to the New York City limits, the boundary line between Queens and Nassau Counties; thence along this boundary line to the Atlantic Ocean, and thence along the shoreline to the point of beginning. In addition, La Guardia Airport and U.S. Naval Air Station New York (Floyd Bennett Field) are designated as parts of the Kennedy Airport Area.

The Newark Area shall consist of the counties of Sussex, Passaic, Hudson, Bergen, Essex, Union, Middlesex, and Monmouth in the State of New Jersey, and the county of Richmond in the State of New York.

The New York Seaport Area shall include all that part of the State of New York not expressly included in the Kennedy Airport Area and the Newark Area in the district of New York City and in the districts of Buffalo and Ogdensburg.

This amendment shall become effective on April 1, 1971.

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

[FR Doc.71-812 Filed 1-19-71;8:51 am]

Internal Revenue Service

COMMERCE IN EXPLOSIVES

Explosives List

Correction

In F.R. Doc. 71-530, appearing at page 675 in the issue for Friday, January 15, 1971, the following changes should be made in the explosives list:

1. The first entry under "B" should read "BEAF (1,2-bis (2,2-difluoro-2-nitroacetoxyethane))."
2. The first entry under "C" should read "Calcium nitrate explosive mixtures."
3. Following the last entry under "D", an additional entry should be added reading "Dynamite."
4. The 18th entry under "P" should read "Polyolpolynitrate-nitrocellulose explosive gels."

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[R 2821]

CALIFORNIA

Notice of Classification of Public Lands for Multiple-Use Management

Correction

In F.R. Doc. 70-15741 appearing at page 17961 in the issue of Saturday, November 21, 1970, under the land description "T. 9 N., R. 22 E.," the following line should be inserted in sequence: "Secs. 14, 15, 18, 19, and 20;".

SCHEDULE OF GRAZING FEES, 1971

Pursuant to the authority vested in the Secretary of the Interior by the Taylor Grazing Act, notice is hereby given of the schedule of grazing fees for the 1971 grazing fee year beginning March 1, 1971, and ending February 29, 1972, for grazing use of the Federal range.

For the purpose of establishing charges for grazing use, one animal unit month shall be considered equivalent to grazing use by one cow, five sheep, or one horse for 1 month. The charge for one horse is at twice the rate for one cow.

Billings shall be issued in accordance with the rates prescribed in this notice.

INSIDE GRAZING DISTRICTS

Pursuant to Departmental regulations (43 CFR 4115.2-1(k)) as amended January 29, 1970 (35 F.R. 2591), fees for use of the Federal range, including LU (Land Utilization) land within grazing districts, except as otherwise herein provided, shall be $0.64 per animal unit month of forage of which $0.42 is the grazing fee and $0.22 is the range improvement fee which shall be credited to the range improvement fund.

Exceptions to the above rates are herein provided for certain LU lands in order to continue the basis of fees that have heretofore been established under the provisions of the Bankhead-Jones Farm Tenant Act of July 22, 1937. Such exceptions, together with the applicable schedules are as follows:

Arizona: For the Cienega Area transferred to the Department of the Interior by E.O. 10322, the fees for use of Federal range for the 1971 grazing fee year shall be $1.25 per animal unit month of forage of which $0.42 is the grazing fee and $0.83 is the range improvement fee which shall be credited to the range improvement fund.

Colorado: For the Great Divide Project transferred to the Department of the Interior by E.O. 10046, the fees for use of Federal range for the 1971 grazing fee year shall be $0.81 per animal unit month of forage of which $0.42 is the grazing fee and $0.39 is the range improvement fee which shall be credited to the range improvement fund.

Montana: For all LU land within the State of Montana transferred to the Department of the Interior by E.O. 10787, the fees for use of Federal range for the 1971 fee year shall be $0.83 per animal unit month of forage of which $0.42 is the grazing fee and $0.41 is the range improvement fee which shall be credited to the range improvement fund. Twenty-five percent of the grazing fee shall be paid to the counties within which the fee was collected pursuant to the requirements of E.O. 10787.

New Mexico: For the Hope Land Project transferred to the Department of the Interior by E.O. 10787, the fees for use of Federal range for the 1971 grazing fee year shall be $0.74 per animal unit month of forage of which $0.42 is the grazing fee and $0.32 is the range improvement fee which shall be credited to the range improvement fund. Twenty-five percent of the grazing fee shall be paid to the counties within which the fee was collected pursuant to the requirements of E.O. 10787.

OUTSIDE GRAZING DISTRICTS (EXCLUSIVE OF ALASKA)

Pursuant to Departmental regulations (43 CFR 4125.1-1(m)), lease rates for grazing leases issued under section 15 of the Taylor Grazing Act and section 4 of the O&C Act for the 1971 grazing fee year are contained herein. Except as detailed below, the rates shall be $0.64 per animal unit month of forage of which $0.48 is the grazing fee and $0.16 is the range improvement fee which shall be credited to the range improvement fund.

Wyoming: For the Northeast LU (Land Utilization) Project transferred to the Department of the Interior by E.O. 10046 and amended by E.O. 10175, the fees shall be $0.81 per animal unit month of forage of which $0.61 is the grazing fee and $0.20 is the range improvement fee which shall be credited to the range improvement fund.

Western Oregon: For the O&C and intermingled public domain lands located in Western Oregon, the fee shall be $0.88 per animal unit month of forage.

FRED J. RUSSELL,
Under Secretary of the Interior.

JANUARY 13, 1971.

[FR Doc.71-765 Filed 1-19-71;8:47 am]

National Park Service

COULEE DAM NATIONAL RECREATION AREA

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Coulee Dam National Recreation Area proposes to issue a concession permit to Herbert Armstrong authorizing him to provide concession facilities and services for the public at Coulee Dam National Recreation Area for a period of five (5) years from January 1, 1971, through December 31, 1975.

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

Interested parties should contact the Superintendent, Coulee Dam National Recreation Area, Coulee Dam, WA 99116, for information as to the requirements of the proposed permit.

Dated: December 22, 1970.

WAYNE R. HOWE,
Superintendent, Coulee Dam National Recreation Area.

[FR Doc.71-745 Filed 1-19-71;8:45 am]

Office of the Secretary

PROPOSED TRANS-ALASKA PIPELINE

Notice of Public Hearing; Amendment

On January 15, 1971, the Department of the Interior published in the FEDERAL REGISTER, 36 F.R. 622, a notice of hearings to be held in Washington, D.C., and Anchorage, Alaska, on the environmental impact of granting a right-of-way for a crude oil pipeline across public lands in Alaska.

The time and place of the hearings to be held in Washington, D.C., remain unchanged and as scheduled for Tuesday and Wednesday, February 16 and 17, 1971, in the auditorium of the Civil Service Commission, as stated in the FEDERAL REGISTER notice of January 16, 1971, 36 F.R. 786.

The hearings in Anchorage, Alaska, will now be held on Wednesday and Thursday, February 24 and 25, 1971, instead of Friday and Saturday, February 12 and 13, as stated in the January 15 notice. The hearings will be at the Sydney Laurence Auditorium, Sixth and F Streets, Anchorage, AK.

Interested individuals, representatives of organizations and public officials wishing to testify at the hearings in Anchorage are requested to contact the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, AK 99509, telephone (907) 277-1561, by 9 a.m. Tuesday, February 23, 1971, or the Director, Bureau of Land Management, Room 5660, Department of the Interior, Washington, D.C. 20240, telephone (202) 343-3801, by 9 a.m., Monday, February 22, 1971. Those wishing to testify at the hearings in Washington, D.C., are requested to contact the Director, Bureau of Land Management, at the above address by 9 a.m., Monday, February 15, 1971. Written comments from those unable to attend the hearings and from those wishing to supplement their oral presentation at the hearings should be addressed to the Director (Attention 320), Bureau of Land Management, U.S. Department of the Interior, Washington, D.C. 20240. The Department will accept such written testimony until March 8, 1971. All written statements received pursuant to this notice will be included in the hearing record.

The FEDERAL REGISTER notice of January 15, 1971, 36 F.R. 622, provided that oral testimony at the hearings will be limited to 10 minutes. Any person desiring additional time must secure prior written approval. As a general rule, each organization wishing to present oral testimony shall be limited to one witness, unless prior written approval is obtained. Written approval for additional time or additional witnesses shall be obtained from the Director, Bureau of Land Management, or with respect to the Anchorage, Alaska, hearing, from the Alaska State Director, Bureau of Land Management, Anchorage, Alaska. All procedures detailed in the January 15, 1971, FEDERAL REGISTER notice are continued in effect as hereby modified.

Dated: January 19, 1971.

FRED J. RUSSELL,
Under Secretary of the Interior.

[FR Doc.71-885 Filed 1-19-71;10:48 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[OE Docket No. 70-SO-3]

ATLANTA INTERNATIONAL CENTER

Notice of Public Hearing

On November 27, 1970, the Acting Director, Air Traffic Service, pursuant to the authority delegated to him, granted a discretionary review in the matter of the preliminary "Determination of Hazard to Air Navigation" issued by the FAA, Southern Regional Office, under Aeronautical Study No. 70-SO-135-OE concerning the proposal of Atlanta International Center to construct a 246-foot above ground level building near the Atlanta International Airport.

Notice is hereby given that a hearing will be held at 9 a.m., February 24, 1971, at the Holiday Inn located at the Atlanta International Airport, Atlanta, Ga.

Each designated party shall submit a brief written statement of the evidence he intends to provide through witnesses and exhibits at the hearing. The statement, in triplicate, shall be mailed so as to reach the Presiding Officer at 800 Independence Avenue SW., Washington, DC 20590 not later than February 16, 1971.

In addition to the construction sponsor, the city of Atlanta, Ga., is hereby designated as a party to the hearing. Any person not here designated as a party who believes his activities would be affected in an aeronautical way by the proposed construction may request designation as a party by making his desire known to the Presiding Officer.

The Presiding Officer and the Legal Officer, Mr. Evans W. North, will be available the afternoon of February 23, 1971, in the Presiding Officer's room at the Holiday Inn, Atlanta International Airport, for the purpose of discussing hearing procedures with any interested party. Contact the Presiding Officer, Telephone 426-3731, Area Code 202, to make arrangements.

Issued in Washington, D.C., on January 14, 1971.

HAROLD B. HELSTROM,
Presiding Officer.

[FR Doc.71-769 Filed 1-19-71;8:47 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

RETAILERS' INVENTORIES, SALES, NUMBER OF ESTABLISHMENTS, AND PURCHASES

Notice of Determination

In accordance with title 13, United States Code, sections 181, 224, and 225

and due notice of consideration having been published December 22, 1970 (35 F.R. 19372), I have determined that certain 1970 annual data for retail trade are needed to provide a sound statistical basis for the formation of policy by various governmental agencies and are also applicable to a variety of public and business needs. This annual survey is a continuation of similar surveys conducted each year since 1951, and makes available on a comparable classification basis, data covering 1970 year-end inventories, annual sales, and number of retail stores operated at the end of the year. The 1970 survey will also include an inquiry on purchases. This survey, which provides important information on retail inventories and sales inventory ratios, is the only continuing source available on a comparable classification basis and on a sufficiently timely basis for use as the benchmark for monthly inventory estimates. It also assists in establishing a benchmark for the geographic area distribution of sales. These data are not publicly available on a timely basis from nongovernmental or other governmental sources.

Reports will be required only from a selected sample of retail establishments in the United States. The sample will provide, with measurable reliability, statistics on the subjects specified above. Reports will be requested from sample stores on the basis of their sales size, selection in Census list sample mail panel, and location in Census sample areas. A group of the largest firms, in terms of number of retail stores, will be requested to report their sales and number of stores by county; but those firms which are participating monthly in the Bureau's geographic area survey will be asked to report at the national level only.

Report forms will be furnished to the firms covered by the survey and will be due 15 days after receipt. Copies of the forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that an annual survey be conducted for the purpose of collecting these data.

Dated: January 13, 1971.

GEORGE H. BROWN,
Director, Bureau of the Census.

[FR Doc.71-779 Filed 1-19-71;8:48 am]

Bureau of Domestic Commerce

HARVARD UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

Correction

In F.R. Doc. 71-381 appearing at page 449 in the issue of Wednesday, January 13, 1971, the docket number appearing in the last paragraph of the center column on page 450 and now reading "Docket No. 71-00278-33-4607" should read "Docket No. 71-00278-33-46070".

MALLINCKRODT INSTITUTE OF RADIOLOGY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

Correction

In F.R. Doc. 71-382 appearing at page 450 in the issue of Wednesday, January 13, 1971, the following changes should be made in the first column on page 451:

1. In the third paragraph the reference to "Docket No. 71-00231-88-43000" should read "Docket No. 71-00230-65-14200".

2. In the fourth paragraph the reference to "Docket No. 71-00231-88-4300" should read "Docket No. 71-00231-88-43000".

ENVIRONMENTAL PROTECTION AGENCY

DDT AND 2,4,5-T PRODUCTS

Request for Submission of Views as to Whether Use Constitutes an Imminent Hazard to the Public

Section 4.c of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135b(c)) provides that the Administrator of the Environmental Protection Agency "may when he finds that such action is necessary to prevent an imminent hazard to the public, by order, suspend the registration of an economic poison immediately."

The U.S. Court of Appeals for the District of Columbia Circuit in decisions of January 7, 1971, has ordered the Administrator, inter alia, to consider whether the registrations of DDT and 2,4,5-T should be suspended for any uses. The Administrator has determined that it is in the public interest to offer members of the public the opportunity to submit data and arguments regarding the desirability of suspending any registrations of DDT or 2,4,5-T.

Therefore, interested parties are hereby invited to submit written comments on the question whether DDT and 2,4,5-T products constitute an imminent hazard to the public, together with a statement of the factors and criteria relevant to the determination. All comments should be filed on or by February 5, 1971.

Comments should be mailed, preferably in triplicate, to the Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460. To expedite consideration, please include the identification "F.R. DDT- 2,4,5-T Notice" on the envelope.

All written comments made pursuant to this notice will be made available for public inspection at a time and place and in a manner convenient to the public.

WILLIAM D. RUCKELSHAUS,
Administrator.

JANUARY 18, 1971.

[FR Doc.71-883 Filed 1-19-71;10:33 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-338, 50-339]

VIRGINIA ELECTRIC & POWER CO.

Notice of Application for Construction Permit and Operating License

Virginia Electric & Power Co., 700 East Franklin Street, Richmond, Va., pursuant to the Atomic Energy Act of 1954, as amended, has filed an application, dated March 21, 1969, for permits to construct and licenses to operate two pressurized water nuclear power reactors, designated as the North Anna Power Station, Units Nos. 1 and 2, at a 1,075-acre site adjacent to the North Anna River in Louisa County, Va., about 24 miles southwest of Fredericksburg, Va.

Each of the proposed reactors is designed for initial operation at approximately 2,652 thermal megawatts with a gross electrical output of approximately 892 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within 60 days after December 31, 1970.

A copy of the application and the amendments thereto are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the offices of the County Board of Supervisors, Louisa County Courthouse, Louisa, Va.

For the Atomic Energy Commission.

Dated at Bethesda, Md., this 24th day of December 1970.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.70-17504 Filed 12-29-70;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 17617, 17618; FCC 71R-12]

ATHENS BROADCASTING CO., INC., AND 3 J'S BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Athens Broadcasting Co., Inc., Athens, Tenn., Docket No. 17617, File No. BPH-5668; and John P. Frew and Julia N. Frew, doing business as 3 J's Broadcasting Co., Athens, Tenn., Docket No. 17618, File No. BPH-5768; for construction permits.

1. The above-captioned mutually exclusive applications for a new FM broadcast station at Athens, Tenn., were designated for hearing by the Chief of the Broadcast Bureau, pursuant to delegated authority, by order (Mimeo No. 4466), released August 9, 1967, 32 F.R. 11712.

That order found both applicants qualified to construct and operate the station as proposed, and specified a standard comparative issue and an air hazard issue as to the application of John P. Frew and Julia N. Frew, doing business as 3 J's Broadcasting Co. (3 J's). On August 23, 1968, the Hearing Examiner released an initial decision (17 FCC 2d 468, 13 RR 2d 1217), recommending that the application of Athens Broadcasting Co., Inc. (Athens Broadcasting) be granted. On May 2, 1969, the Review Board released a decision (17 FCC 2d 452, 16 RR 2d 638) granting the application of 3 J's. On appeal, the Commission, by memorandum opinion and order, released January 26, 1970 (21 FCC 2d 161, 18 RR 2d 331), reopened the record and remanded the proceeding to the Hearing Examiner for a further hearing into the past broadcast record of John Frew. The record on remand was closed on June 3, 1970; and on July 29, 1970, the Examiner released a cumulative initial decision (FCC 70D–32), recommending a grant to Athens Broadcasting. The proceeding is currently pending before the Review Board on exceptions to cumulative initial decision filed by 3 J's.[1] Presently before the Review Board is a petition to enlarge issues, filed September 30, 1970, by 3 J's, requesting the Board to reopen the record and add a business practice (rate card) issue and tower lighting issue against Athens Broadcasting.[2]

Business practice (rate card) issue. 2. 3 J's bases its request for a rate card issue on promotional material ditributed by Athens Broadcasting.[3] The card, a copy of which is attached to the petition, includes a map of what is alleged to be the "WLAR Coverage Area"; immediately below the map appears the legend, "WLAR Coverage Survey". With regard to this card, 3 J's submits that: (1) No details as to the "WLAR Coverage Survey" appear on the map; (2) the labels defining the extent of the contours depicted are "unintelligible to the naked eye" even after enlargement;[4] and (3) there is a "discrepancy of major proportions" between the contours depicted on the rate card and the 0.5 mv/m contour and interference-free coverage areas depicted on an engineering analysis of interference which was submitted in this proceeding by Athens Broadcasting. Thus, 3 J's contends that Athens Broadcasting has engaged in misleading business or promotional activities which are of significance to Athens Broadcasting's basic and comparative qualifications. Because the Commission is concerned with how a licensee deals with the public and its advertisers, 3 J's argues, the Board should remand this proceeding to the Examiner in order that a complete hearing record can be developed on this matter, citing Universal Communications of Pittsburgh, Inc., FCC 69–1397, 17 RR 2d 1262, reconsideration denied 21 FCC 2d 542, 18 RR 2d 491 (1970); and FM Broadcast Stations—Announcements of ERP, FCC 68–673, 13 RR 2d 1638.

3. The Broadcast Bureau, in its comments, notes that the rate card itself indicates that its effective date was February 1, 1968; therefore, the Bureau states, it is reasonable to assume that the rate card has been in use at least since its effective date. Since 3 J's could have obtained a copy of the rate card as soon as it was distributed to potential advertisers, the Bureau notes, 3 J's has not established that its request is timely and good cause for its late filing has not been demonstrated. However, pursuant to the Edgefield-Saluda Radio Co. case,[5] the Bureau maintains that if Athens Broadcasting does not supply a justification for the contour map depicted on its rate card, the Board would be warranted in reopening the record, because licensees making claims concerning size, composition, or other important characteristics of their audience must see to it that their claims are truthful and not deceptive. In conclusion, the Bureau urges that an important question has been presented and that an unsatisfactory explanation by Athens Broadcasting could warrant addition of the issue.

4. In opposition, Athens Broadcasting argues, as did the Bureau, that the rate card in question became effective over two and one-half years ago,[6] and that no "good cause" has been shown for this delay. Athens Broadcasting also maintains that 3 J's request is not warranted on the merits, and that a "serious public interest question" has not been raised. In this regard, Athens Broadcasting attempts to distinguish the Universal Communications case, supra, where the Commission granted a short-term license renewal based upon the complaint of a potential advertiser that he had been misled with regard to a station's city of license. Athens Broadcasting further alleges that even after enlarging the rate card map several times, 3 J's could not document the extent of the alleged misrepresentation. The map, according to Athens Broadcasting, merely serves to locate Athens in a small area of Tennessee. Athens Broadcasting attaches an affidavit of its vice president and an audience measurement survey, both of which allegedly indicate that station WLAR has listeners throughout the area. Finally, Athens Broadcasting asserts that in rural areas primary service may be rendered by a signal as low as 0.1 mv/m.

5. In reply, 3 J's characterizes Athens Broadcasting's arguments as "nothing less than specious" and notes that Athens Broadcasting now claims service out to its 0.1 mv/m contour, while at the hearing it claimed interference within its 0.5 mv/m contour. 3 J's further notes that Athens Broadcasting claimed a diversification preference because it allegedly served more people, while it now submits a survey showing service beyond its 0.5 mv/m contour. 3 J's contends that the map was magnified so that the "exaggerated contours could be better seen", not because an advertiser could not be misled by the map, as alleged by Athens Broadcasting. Moreover, 3 J's avers that it is the renewal applicant's obligation to show that the contours were accurately portrayed, not 3 J's, citing Universal Communications of Pittsburgh, Inc., supra. Finally, 3 J's posits that a prima facie case of misrepresentation is made when a document, known to be relied upon by advertisers, is shown to be false.

6. Although 3 J's petition is late-filed, the Board believes that it raises substantial public interest questions which require us to consider its merits.[7] Chapman Radio and Television Co., 26 FCC 2d 432, 434, 20 RR 2d 552, 555 (1970), and cases cited therein. Cf. DuPage Broadcasting Inc., 21 FCC 2d 395, 18 RR 2d 321 (1970). Compare Service Electric Cable TV, Inc., FCC 70R–385, released November 17, 1970, —— FCC 2d ——. An analysis of Athens Broadcasting's promotional material indicates: (1) That the labels defining the contours on the map are difficult to discern, even after magnification (although it appears that they attempt to depict the station's 1.0 and 0.5 mv/m contours); (2) that the legend, "coverage survey", appears below the promotional map without further explanation of the survey; and (3) most importantly, that a comparison between the interference analysis study made by Athens Broadcasting's engineer for a hearing exhibit and the promotional map discloses a substantial discrepancy between the two. Considered together, these facts raise a substantial question as to whether Athens Broadcasting has exaggerated and inaccurately depicted its coverage; for example, the promotional map appears to represent that the 0.5 mv/m contour encompasses the community of Cleveland, Tenn., whereas the interference analysis map clearly shows that WLAR's 0.5 mv/m contour comes nowhere near Cleveland. In addition, most of the cities listed on the map submitted by petitioner are unidentifiable to the naked eye even after magnification. For these reasons, we are of the view that Athens Broadcasting may have been employing a promotional map that inac-

[1] Limited exceptions were filed by Athens Broadcasting.

[2] Also before the Board are the following related pleadings: (a) Comments, filed Oct. 16, 1970, by the Broadcast Bureau; (b) opposition, filed Oct. 21, 1970, by Athens Broadcasting; and (c) reply, filed Oct. 30, 1970, by 3 J's.

[3] In an affidavit attached to the petition, John Frew, one of 3 J's principals, claims that he obtained a copy of Athens Broadcasting's rate card in September 1970 from a local merchant.

[4] An enlargement of the map is attached to 3 J's petition.

[5] 5 FCC 2d 148, 8 RR 2d 611 (1966).

[6] Athens Broadcasting further notes that its rate cards containing the same map have been used since 1966, when 3 J's began operating a standard broadcast station in Athens, Tenn.

[7] 3 J's failure to even plead good cause for the filing of its petition at this time—let alone to show why it could not have filed its request at an earlier date—is inexcusable, and were it not for the very serious public interest questions raised, its petition would be denied as grossly untimely. Cf. Valley Telecasting Co. v. FCC, 118 U.S. App. D.C. 410, 336 F. 2d 914, 2 RR 2d 2064 (1964).

curately depicts its contour configuration. Contrary to Athens Broadcasting's assertions, 3 J's did not have to document the precise extent of the alleged misrepresentation; "it is the (applicant's) obligation to show that the (map) contours were accurately portrayed." Universal Communications of Pittsburgh, Inc., supra, 21 FCC 2d at 542, 18 RR 2d at 492. See also SENCLand Broadcasting Systems, Inc., FCC 70R–443, released December 22, 1970, —— FCC 2d ——. The situation here is not unlike that in the Universal Communications case, supra. Here, as in that case, the licensee appears to have exaggerated its 0.5 mv/m contour, and neglected to depict its interference free contour on its promotional map and apparently has failed to fulfill its obligation to the public and potential advertisers to assure that the contours it used were accurately portrayed. That Athens Broadcasting did not also misrepresent its city of license, as did the licensee in Universal Communications, is beside the point. It is well established that a licensee of this Commission is required to deal candidly with the public; and the implementation of inaccurate and exaggerated coverage maps is not consistent with this requirement. Furthermore, any practice intended to deceive or mislead advertisers or the public cannot be condoned. Universal Communications of Pittsburgh, Inc., supra. Therefore, in view of all the circumstances present here, 3 J's request will be granted, the record will be reopened, and an appropriate issue will be added.

Tower lighting (air hazard) issue. 7. In support of its request for a tower lighting issue, 3 J's attaches the affidavits of Mr. Frew and one of his employees, stating that two of the side lights on Athens Broadcasting's tower were not operating from September 17, 1970, to September 27, 1970. According to petitioner, notification of this condition was not received by the Commission as allegedly required by the Commission's rules, and there is no indication that the local FAA office or FCC field office has been notified. This condition, petitioner posits, constitutes an air safety hazard and is relevant to the licensee's technical qualifications and past broadcast record, citing Greater Kampeska Radio Corp., 5 FCC 514 (1938), affirmed 108 F. 2d 2 (App. D.C. 1939); Hearst Radio, Inc., 15 FCC 1149, 6 RR 994 (1951); and East St. Louis Broadcasting Co., Inc., 9 FCC 2d 212, 10 RR 2d 859 (1967). The Broadcast Bureau, in its comments, notes that section 17.48(a) of the Commission's Rules requires licensees to notify the FAA when the top light or rotating beam light of a tower is extinguished, and that the extinguishment of side or intermediate lights must be rectified "as soon as possible"; however, notification to the FAA is not required when side lights are out. The Bureau reasons that it cannot determine whether Athens Broadcasting has met the "as soon as possible" provision of the rule, since it is not aware of the cause of the light failure and of the action taken by the respondent to correct the situation.

8. In opposition, Athens Broadcasting submits that no citation to any rule or decision of the Commission or the FAA is presented to support the assertion that "this condition constitutes an air safety hazard." Athens Broadcasting attaches the affidavit of its vice president and general manager, William P. Atkins, who states that lightning struck the tower in the middle of September and burned out several lights and that he "immediately tr[ied] to make arrangements to have someone climb the tower and replace the lights." Moreover, respondent contends that since its tower is less than 200 feet high (180 feet) and more than 20,000 feet from the nearest airport (3.8 miles), it would not be necessary under § 17.7 of the Commission's rules to notify the FAA if the proposal were to be constructed today and therefore painting and lighting would not be necessary. In addition, respondent notes that 3 J's tower is closer to the airport and is not required to be marked and lighted.

9. In reply, 3 J's charges that it is "incredible" that Athens Broadcasting has not yet replaced the lights or explained why it could not be corrected. Petitioner contends that because it does not have to light its tower is no reason to excuse Athens Broadcasting from the requirements of its license.

10. Section 17.48(b) of the Commission's rules expressly provides that the extinguishment of side or intermediate tower lights must be rectified "as soon as possible". In addition, Athens Broadcasting's license for WLAR explicitly states that all lights on the station's antenna structure shall be exhibited and burn continuously from sunset to sunrise unless otherwise specified. Respondent's apparent failure, as of October 19, 1970 (the date of William Atkin's affidavit), to repair the burned-out-lights has clearly resulted in a violation of the requirements set forth in its license, as well as of the Commission's rules. Moreover, the Commission has treated such violations as repeated if they continue beyond 1 day. See Radio Beaumont, 13 FCC 2d 965, 13 RR 2d 1069 (1968); Mid-Atlantic Broadcasting Co., 6 FCC 2d 739, 9 RR 2d 598 (1967).[8] It is noteworthy that Athens Broadcasting has nowhere indicated in its opposition pleading that the extinguishment of its light was corrected "as soon as possible"; therefore, it appears that the violation was repeated within the meaning of Rule 17.48. Furthermore, and quite significantly, there is no indication whatsoever that the lights were ever repaired; all that Atkins states in his affidavit is that he "tr[ied] to make arrangements to have someone climb the tower and replace the lights." Athens Broadcasting mistakenly reasons that its lights do not have to be replaced because its tower is less than 200 feet high (180 feet) and more than 20,000 feet from the nearest airport (3.8 miles), while 3 J's tower, which is closer to the airport, is not required to be marked and lighted. Furthermore, Athens Broadcasting avers that if its tower were to be constructed today it would not be subjected to the same requirements, i.e., painting and lighting, and, in any event, posits that its tower does not represent a hazard to air navigation. If these arguments were accepted by the Review Board, it would, in effect, permit each licensee to determine whether its antenna is an aviation hazard, and such a situation would be untenable. See Radio Beaumont, supra, 13 FCC 2d at 966, 13 RR 2d at 1071. The antenna lighting rules and licensee regulations set minimum standards which licensees are required to observe. The Commission has always considered as serious violations failures to conform with the Commission's rules pertaining to antenna structures because of the potential dangers to aviation created by such violations. Radio Beaumont, supra; Mid-Atlantic Broadcasting Co., supra.[9] In view of the foregoing circumstances, the Board is constrained to add a tower lighting issue.

11. *Accordingly, it is ordered,* That the petition to enlarge issues, filed September 30, 1970, by John P. Frew and Julia N. Frew, doing business as 3 J's Broadcasting Co., is granted; and

12. *It is further ordered,* That the record herein is reopened and the proceeding is remanded for the purpose of hearing evidence on the following issues:

(a) To determine whether Athens Broadcasting Co., Inc., has misrepresented the coverage area and contours of station WLAR on its promotional maps distributed to the public and its potential and actual advertisers.

(b) To determine whether Athens Broadcasting Co., Inc., has kept its tower lighted in accordance with the terms of its license and the Commission's rules and regulations.

(c) To determine, in the light of the evidence adduced pursuant to the foregoing, the effect on Athens Broadcasting Co., Inc.'s basic and/or comparative qualifications to be a Commission licensee.

13. *It is further ordered,* That the burden of proceeding with the introduction of evidence on the issues added herein shall be upon John P. Frew and Julia N. Frew, doing business as 3 J's Broadcasting Co.; and that the burden of proof under the issues added herein shall be upon Athens Broadcasting Co., Inc.

14. *It is further ordered,* That the presiding officer shall issue a "Supplemental Initial Decision" pertaining to all

[8] For a discussion of the meaning of the word "repeatedly," as used in section 503(b) of the Communications Act, see Friendly Broadcasting Co., FCC 62–670, 23 RR 893.

[9] In many instances, the Commission has imposed monetary forfeitures for the failure of licensees to adhere to the dictates of the Commission's rules and license requirements with regard to tower lighting. Friendly Broadcasting Co., supra.

aspects raised under these additional issues.

Adopted: January 13, 1971.

Released: January 14, 1971.

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

[FR Doc.71-795 Filed 1-19-71;8:49 am]

[Docket No. 18983; FCC 71R-11]

INDIANA BROADCASTING CORP. (WISH-TV)

Memorandum Opinion and Order Enlarging Issues

In regard application of Indiana Broadcasting Corp. (WISH-TV) Indianapolis, Ind., Docket No. 18983, File No. BPCT-4067, for construction permit and waiver of § 73.636(a) (1) of the Commission's rules.

1. Among the issues included in the Commission's order designating Indiana Broadcasting Corp.'s (Indiana) application for hearing [1] is one to determine the effect of the proposed change of transmitter site on UHF television stations. Specifically, the issue reads:

> To determine whether a grant of the application would impair the ability of authorized and prospective UHF television broadcast stations in the area immediately to the north of Indianapolis to compete effectively, or would jeopardize, in whole or in part, the continuation of existing UHF service.

In the text of the designation order, the Commission made the following comment concerning the burden of proceeding with the introduction of evidence:

> There being substantial and material questions of fact concerning the effect of Indiana's proposal on UHF broadcasting, an UHF impact issue will be specified, and because a waiver of the duopoly rules is involved, both the burden of proceeding with the introduction of evidence and the burden of proof in respect to the UHF impact issue will be on the applicant.[2]

A waiver without hearing of the overlap rule (§ 73.636(a) (1)) was refused because Indiana's supporting public interest allegations were insufficient, and the final hearing issue calls for a decision whether waiver should be granted.

2. Indiana now urges that the burden of proceeding should be shifted to the respondents, RJN Broadcasting, Inc., and Sarkes-Tarzian, Inc.[3] It contends that the Board's consideration of this request is not precluded under Atlantic Broadcasting Co., Inc., 5 FCC 2d 717 (1966), because "the designation Order here devoted less than full sentence to the burden of proceeding * * *." Petitioner claims that this fact brings the matter within the purview of Daily Telegraph Printing Co., 20 FCC 2d 976 (1969), where the Board concluded that a "brief one-sentence assignment of the evidentiary burden in the designation Order is not * * * a reasoned analysis" which would preclude, under Atlantic, supra, Board action on the request to shift the burden.

3. Normally, in a case involving UHF impact, the burden of proceeding would be on the respondent-intervenors. Daily Telegraph Printing Co., 20 FCC 2d 976 (1969), and the cases cited therein. In this instance, however, the Commission gave as a reason for imposing "both the burden of proceeding with the introduction of evidence and the burden of proof" on the applicant the fact that "a waiver of the duopoly rules is involved." From this and from the way in which the issues are cast it seems clear that the Commission views the resolution of the UHF impact issue as being one element to be considered in deciding the ultimate issue of waiver of § 73.636(a) (1), not as an independent issue upon which the grant or denial of the application could turn. These facts seem to show that the Commission gave careful consideration to and a specific reason for the allocation of the burden of proceeding unless, as petitioner argues, examination of the two cases cited by the Commission in footnote 6 of the designation Order point toward a misunderstanding which might warrant Board action under Atlantic, supra.

4. WLVA, supra, cited by the Commission dealt only with the shifting of the burden of proof from the respondents to the applicant, and the question of transferring the burden of proceeding from the respondent, where it had been placed by the Commission in the designation order, was not raised. Thus, rulings made in that opinion are not in conflict with the specific actions taken by the Commission here. Daily Telegraph Printing, supra, the second of the two cases cited, also is not at odds with the instant designation order. There, the Board refused to shift the burden of proof from the applicant, and, although the burden of proceeding was reassigned from the applicant to the UHF-respondent, this was done in a situation which did not involve an ultimate issue of rule waiver. The significant distinction between the case before us and other recent cases decided by the Commission and the Board is the interrelationship of the waiver and the UHF impact issues, with the latter being subsidiary to the former.[3]

5. Considering the foregoing, and after carefully weighing all the arguments made in the pleadings, the Board concludes that the designation order contains a reasoned analysis of the basis for the Commission's decision to assign both burdens to the applicant and that under Atlantic, supra, the petition to shift the burden of proceeding must be denied.

6. Indiana also requests modification of the hearing issues so that it can be determined "whether grant of the application would foster and promote educational television in the central Indiana area." The basis for this request is the contention that the Commission overlooked this aspect of the proposal when, in reference to Indiana's offer of the use of its new tower to the Channel 20 educational station in Indianapolis, it concluded "that the future of educational television in that city [Indianapolis] is no way dependent upon a grant of Indiana's application" because the educational station "is now authorized to utilize an auxiliary antenna structure belonging to commercial station WFBM-TV * * *." Petitioner supports its request with an affidavit from an officer of the educational station detailing the advantages which would accrue from use of applicant's proposed tower for mounting the Channel 20 antenna and pointing out that the arrangement to which the Commission referred was never regarded as being anything but temporary. The Broadcast Bureau and the educational station support the requested enlargement while Sarkes-Tarzian and RJN Broadcasting oppose, primarily on the ground that all the facts were before the Commission and fully evaluated at the time of designation so that further consideration by the Review Board is precluded by Atlantic, supra.

7. The Board is unable to conclude that the matter of promoting educational television in the central Indiana area was dealt with by the Commission in the designation order, thus precluding the Board's consideration of it. While the Commission weighed the public interest aspects insofar as educational service to the city of Indianapolis is concerned, no disposition was made of the current claim that the public would benefit from service to a wider central Indiana area if the educational station were to use the tower proposed by the applicant. The data which are now offered to support the issue show that there would be substantial coverage advantages to the educational station operating from applicant's proposed tower rather than from the interim site to which it is now authorized, and the affidavit of WFYI's officer details alleged benefits which would be expected from wider coverage. This material was not presented to the Commission prior to designation. The allegations are sufficient to lay a factual basis for the issue and the issue is relevant to the waiver question which is basic to this case.

8. *Accordingly, it is ordered,* That the motion to enlarge issues, filed October 2, 1970, by Indiana Broadcasting Corporation, is denied insofar as it seeks a shift in the burden of proceeding on the UHF impact issue and is granted to the extent that existing issue (d) is relettered (e) and a new issue (d) is added as follows:

To determine whether grant of the application would foster and promote

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[1] FCC 70-947, released Sept. 9, 1970; 35 F.R. 14584, Sept. 17, 1970.

[2] WLVA, Inc., 17 FCC 2d 896 (1969); Daily Telegraph Printing Company (WBTW-TV), 20 FCC 2d 976 (1969).

[3] Motion to Review Board to Enlarge Issues, filed Oct. 2, 1970, by Indiana. Oppositions were filed Oct. 23, 1970, by the respondents, and the Broadcast Bureau filed its comments the same day. Metropolitan Indianapolis Television Association, a prospective intervenor, also filed a response on Oct. 23, 1970. Indiana filed a reply on Nov. 4, 1970.

[3] South Carolina Educational Television Commission, et al., 20 FCC 2d 550 (1969), is not in point. It dealt with the burden of proof and the waiver and UHF issues were cast in separate unrelated issues with an ultimate public interest conclusionary issue.

educational television in the central Indiana area.

9. *It is further ordered,* That the burdens of proceeding with the introduction of evidence and of proof under issue (d) are on Indiana Broadcasting Corporation.

Adopted: January 13, 1971.

Released: January 14, 1971.

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

[FR Doc.71-796 Filed 1-19-71;8:49 am]

FEDERAL MARITIME COMMISSION

[Docket No. 70-52]

ATLANTIC CONTAINER LINE, LTD.

Publication of Discriminatory Rates; Rescheduling of Filing Dates

JANUARY 11, 1971.

Respondent Atlantic Container Line, Ltd., has requested an enlargement of time within which to respond to the Commission's Order To Show Cause dated December 28, 1970.

Respondent cites as grounds therefor the necessity for excessive research in preparing affidavits and briefs. A sufficient demonstration of good cause has been made and the request will be granted. The Commission wishes to emphasize that this action does not indicate, in any way, a diminution in its concern regarding the matters under adjudication herein.

Accordingly, it is ordered,

(1) That requests for evidentiary hearing, affidavits of fact, and memoranda of law shall be filed by respondent on or before February 22, 1971.

(2) That replies thereto by Hearing Counsel and interveners, if any, shall be filed on or before March 8, 1971.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-807 Filed 1-19-71;8:50 am]

[Independent Ocean Freight Forwarder License 1265]

S. YOSHIOKA & CO.

Order of Revocation

By letter dated December 28, 1970, S. Yoshioka & Co., 250-M World Trade Center, San Francisco, CA 94111, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1265 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before January 11, 1971.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid surety bond on file.

S. Yoshioka & Co. has failed to file the required bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(g) (dated Sept. 29, 1970):

It is ordered, That the Independent Ocean Freight Forwarder License No. 1265 be returned to the Commission. Revocation of License No. 1265 is effective January 11, 1971.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Shigeru Yoshioka doing business as S. Yoshioka & Co.

AARON W. REESE,
Managing Director.

[FR Doc.71-806 Filed 1-19-71;8:50 am]

U.S. GREAT LAKES-BORDEAUX/HAMBURG RANGE EASTBOUND CONFERENCE

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:

David F. Graham, Manager-Secretary, U.S. Great Lakes-Bordeaux/Hamburg Range Eastbound Conference, 108 North State St., Chicago, IL 60602.

Agreement No. 7820-12 modifies the Conference's self-policing provisions to include the mandatory provisions required by the Commission's General Order 7 as revised on October 27, 1970, and restates the basic agreement in its entirety.

Dated: January 15, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-808 Filed 1-19-71;8:50 am]

U.S. GREAT LAKES SCANDINAVIAN AND BALTIC EASTBOUND CONFERENCE

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:

David F. Graham, Manager-Secretary, U.S. Great Lakes Scandinavian and Baltic Eastbound Conference, 108 North State St., Chicago, IL 60602.

Agreement No. 8180-4 modifies the Conference's self-policing provisions to include the mandatory provisions required by the Commission's General Order 7 as revised on October 27, 1970, and restates the basic agreement in its entirety.

Dated: January 15, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-809 Filed 1-19-71;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. CP71-178]

LONE STAR GAS CO.

Notice of Application

JANUARY 13, 1971.

Take notice that on January 5, 1971, Lone Star Gas Co. (applicant), 301 South Harwood Street, Dallas, TX 75201, filed in Docket No. CP71-178 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities for 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 facilities proposed for abandonment consist of approximately 16.7 miles of various lateral supply pipelines and related facilities extending from applicant's existing pipeline system to a single well or to a central point in the area of production. Applicant states that said lines and facilities, located on portions of applicant's system operated for the transportation of natural gas in interstate commerce, are no longer needed or required. Some of these facilities will be abandoned by removal and salvage.

Applicant states that the proposed abandonment would neither result in the abandonment or any diminution of natural gas service to any city, town, community or customer, nor lessen the service presently being rendered by applicant. The total cost of removal is estimated to be $64,750. Cash requirements are to be paid from working 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 permission and approval for the proposed abandonment 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. 71-750 Filed 1-19-71;8:46 am]

[Docket No. CP71-177]

NORTHERN NATURAL GAS CO.

Notice of Application

JANUARY 13, 1971.

Take notice that on January 5, 1971, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP71-177 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain facilities, 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 proposes to abandon its measuring station identified as Washburn, Wisconsin TBS No. 5, which is used to deliver natural gas to Lake Superior District Power Co. (Lake Superior) for resale to the DuPont Barksdale Plant, and which will no longer be needed after March of 1971. Applicant states that Lake Superior has advised that the DuPont Barksdale Plant is scheduled to discontinue operations on that date. Applicant estimates the cost of removing this measuring station to be $6,000.

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 permission and approval for the proposed abandonment 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.71-751 Filed 1-19-71;8:46 am]

[Docket No. CP71-176]

TENNESSEE GAS PIPELINE CO.

Notice of Application

JANUARY 13, 1971.

Take notice that on January 4, 1971, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), Tennessee Building, Houston, TX 77001, filed an application pursuant to section 3 of the Natural Gas Act seeking authorization to import natural gas from Canada to the United States, as hereinafter described, as more fully described in the application which is on file with the Commission and open to public inspection.

Specifically, Tennessee proposes to utilize its existing facilities at the international boundary near Niagara Falls, N.Y., for the importation of 15,000,000 Mcf (at 14.73 p.s.i.a.) of natural gas during the period beginning April 1, 1971 and ending November 1, 1971. Tennessee states that the gas is to be delivered by TransCanada Pipeline, Ltd. (TransCanada) at the existing interconnection of the pipeline facilities of Tennessee and TransCanada on the international boundary near Niagara Falls, N.Y., for which a permit for construction, operation and maintenance has heretofore been granted in Docket No. G-1922. The price to be paid by Tennessee for all gas so delivered shall be 42.09 cents (U.S.) per Mcf at 14.73 p.s.i.a. The application states that the purchase and importation of such gas will provide an additional supply of gas for Tennessee's customers.

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.

[FR Doc.71-752 Filed 1-19-71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[812-2698]

BASS FINANCIAL CORP.

Notice of Filing of Application for Order Conditionally Exempting Applicant

JANUARY 12, 1971.

Notice is hereby given that Bass Financial Corp. (Applicant), 4242 North Harlem Avenue, Norridge, IL 60634, a Delaware corporation, which upon completion of the exchange offer described below will become a savings and loan holding company, has filed an application pursuant to the Investment Company Act of 1940 (Act) for an order conditionally exempting it from all provisions of the Act pursuant to section 6(c) thereof. All interested persons are referred to the application, which is summarized below, for a complete statement of the basis for the request.

Applicant was incorporated in November 1969, to acquire and hold the outstanding permanent reserve shares of the Unity Savings and Loan Association (Unity), an Illinois stock savings and loan association with assets of approximately $136 million and net worth of approximately $4.8 million. Applicant plans to make an exchange offer for the permanent reserve shares of Unity, contingent on Applicant's receipt of tenders for at least 80 percent of such shares. Applicant will also make an exchange offer to acquire the majority of the outstanding voting securities of Plaza Insurance Company (Plaza), a small insurance company (with assets of approximately $97,000 and net worth of approximately $6,300) related to the business of Unity.

Subsequently, Applicant intends to issue some of its shares for cash and make further acquisitions of savings and loan associations in Illinois. Negotiations have been completed for such an acquisition of the majority of the permanent reserve shares of Park Forest Savings and Loan Association (Park Forest).

The voting securities of Illinois stock savings and loan associations include the permanent reserve shares of such associations, with the depositors and borrowers also having voting rights. The permanent reserve shares are the basic equity securities, representing the nonwithdrawable share capital, of an Illinois stock savings and loan association, and entitle their holders to one vote for each permanent reserve share held. Depositors are entitled to one vote for every $100 or fraction thereof on deposit and borrowers are entitled to one vote each. In the case of Unity there are enough funds on deposit in the association to render the number of permanent reserve shares outstanding less than a majority of the voting securities outstanding.

Section 3(a)(3) of the Investment Company Act of 1940 defines an investment company as any issuer which "is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis." Section 3 further provides that "investment securities" does not include "securities issued by majority-owned subsidiaries of the owner which are not investment companies."

Even though Applicant will acquire a majority of the permanent reserve shares of Unity, because of the large voting interest held by the depositors in the association, Applicant's holdings of permanent reserve shares of Unity may be considered investment securities, and Applicant may be considered an investment company as defined in section 3(a)(3) of the Act.

Section 3(b)(2) of the Act provides, in pertinent part, that "Any issuer which the Commission, upon application by such issuer, finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or (a) through majority-owned subsidiaries or (b) through controlled companies conducting similar types of businesses" is not an investment company within the meaning of the Act.

Applicant asserts that it will be primarily engaged in the savings and loan business through controlled associations (Unity, Park Forest, and any other savings and loan associations it might acquire) within the meaning of section 3(b)(2). Applicant also asserts that a large majority of depositors furnish management with continuing proxies and that the participation by depositors in the control and operation of the associations has been and is virtually negligible. Applicant further asserts that the holder of the majority of the voting power, including the permanent reserve shares and the proxies of the depositors, if the permanent reserve shares held are not a majority of all outstanding voting securities, has effective control of the association.

Because section 3(b)(2) is applicable to an existing fact situation rather than to a prospective situation, Applicant requests a prospective order pursuant to section 6(c) conditionally exempting Applicant from all provisions of the Act.

Section 6(c) of the Act provides that the Commission may, by order upon application, conditionally or unconditionally exempt any person from any provision or provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that it will be primarily engaged in the savings and loan business, through controlled savings and loan associations, and that a conditional exemption of Applicant from all provisions of the Act is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant has agreed that any order the Commission may issue granting its application may be subject to the conditions that:

1. Applicant's proposed acquisition of Unity be completed within six months after the entry of an order granting the requested exemption (unless such period is extended by the Commission);

2. Applicant limit its activities to those permitted a multiple savings and loan holding company under the Savings and Loan Holding Company Act and the regulations thereunder, whether or not the Applicant is a multiple savings and loan holding company; and

3. Applicant not own or propose to acquire investment securities within the meaning of section 3 of the Act having a value exceeding 40 per centum of the value of Applicant's total assets (exclusive of Government securities and cash items) on an unconsolidated basis, but provided that no permanent reserve shares of any savings and loan association owned or proposed to be acquired by Applicant shall be deemed investment securities for the purpose of determining compliance with this condition where:

(A) The permanent reserve shares so owned or proposed to be acquired constitute at least 50 percent of the outstanding permanent reserve shares of the issuer, and

(B) In any case where the permanent reserve shares so owned or proposed to be acquired constitute less than 50 percent of the voting power of all outstanding voting securities of the issuer, members of the issuer's management controlled by Applicant (or, where the permanent reserve shares have not yet been acquired, members of the issuer's management satisfactory to Applicant) have proxies from depositors which, when combined with the voting power of the permanent reserve shares of the issuer so owned or proposed to be acquired, constitute at least 50 percent of the voting power of all outstanding voting securities of such issuer.

Notice is further given that any interested person may, not later than January 27, 1971 at 5:30 p.m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request shall be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the above-stated address, proof of such 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, as provided by Rule 0-5 of the rules and regulations promulgated under the Act,

an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponement thereof.

By the Commission.

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

[FR Doc.71-763 Filed 1-19-71;8:47 am]

[70-4956]

COLUMBIA GAS SYSTEM, INC. ET AL.

Notice of Proposed Intrasystem Transactions in Furtherance of System's Realignment Program

JANUARY 13, 1971.

Notice is hereby given that the Columbia Gas System, Inc. (Columbia), 20 Montchanin Road, Wilmington, DE 19807, a registered holding company, and several of its subsidiary companies, namely Columbia Gas Transmission Corp. (Columbia Transmission), United Fuel Gas Co. (United), Atlantic Seaboard Corp. (Atlantic), Kentucky Gas Transmission Corp. (Kentucky), the Manufacturers Light and Heat Co. (Manufacturers), Cumberland and Allegheny Gas Co. (C&A), Home Gas Co. (Home), and the Ohio Fuel Gas Co. (Ohio), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 7, 9, 10, and 12 of the Act and Rule 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

The proposed transactions are part of a realignment program of Columbia and its subsidiary companies, which program has two primary objectives. The first objective is to realign the system's Appalachian properties so that to the extent practicable: (1) Production, storage, and transmission facilities used to transport gas in interstate commerce and to service wholesale business shall be owned and operated by a single corporation, subject only to the regulatory jurisdiction of the Federal Power Commission, and (2) facilities used to sell at retail within a particular State shall be owned by a corporation operating solely within such State and thus be subject only to the jurisdiction of such State's regulatory commission. It is represented that this application-declaration covers the final step necessary to perfect the objectives specified in (1) above.

Atlantic is engaged in the purchase, storage, transportation, and sale of natural gas at wholesale in Maryland, Virginia, and West Virginia. United is engaged in the production, purchase, storage, transportation, and sale of natural gas at wholesale in Kentucky, Ohio, and West Virginia. It is also engaged in the production and purchase of natural gas in Virginia and the purchase of natural gas in Louisiana, which gas is transported by an affiliate, Columbia Gulf Transmission Co. (Columbia Gulf). C&A is engaged in the production, purchase, transportation, and sale of natural gas at wholesale in West Virginia. Manufacturers is engaged in the production, purchase, storage, transportation, and sale of nautral gas at wholesale in Ohio, Pennsylvania, Maryland, and West Virginia. It is also engaged in the purchase of small volumes of natural gas in Texas, which volumes are transported for Manufacturers by Tennessee Gas Pipeline Co. (a nonassociate company). Home and Ohio are engaged in the production, purchase, storage, transportation, and sale of natural gas at wholesale in New York and Ohio, respectively, and Kentucky is engaged in the purchase, transportation, and sale of natural gas at wholesale in Kentucky.

Columbia Transmission is a Delaware corporation which presently has no securities outstanding, no paid-in capital, and has transacted no business. Upon the consummation of the proposed transactions, Atlantic, United, C&S, Manufacturers, Home, Kentucky, and Ohio will be merged with and into a single company, namely, Columbia Transmission, which will continue to be a wholly-owned subsidiary company of Columbia, thereafter to be engaged in the production, purchase, storage, transportation, and sale of natural gas at wholesale in the States of Kentucky, Maryland, New York, Ohio, Pennsylvania, Virginia, and West Virginia; and the purchase of natural gas in Louisiana, which will be transported by Columbia Gulf.

The merger will place into a single company operating properties with a total net original cost of approximately $700 million. It is represented that the management and operation of these properties by Columbia Transmission will (1) serve to further coordinate rate, legal, operating, planning, and treasury functions, (2) simplify the administrative, accounting, and operating functions, and (3) reduce the number of reports filed with governmental agencies, eliminate duplicate audits by independent accountants, and other duplicative efforts.

Columbia, the sole owner of all outstanding shares of common stock of the constituent corporations, will have its shares converted into shares of Columbia Transmission. Columbia Transmission may make payment in cash in lieu of issuance of fractional shares. Upon consummation of the merger, the capital stock account of Columbia Transmission will be equal to the aggregate par value of the total number of shares of capital stock of the constituent companies. The earned and capital surpluses, if any, of Atlantic, United, C&A, Manufacturers, Home, Kentucky, and Ohio shall constitute the earned and capital surpluses of Columbia Transmission.

Columbia Transmission will acquire all of the assets and assume all the obligations of Atlantic, United, C&A, Manufacturers, Home, Kentucky, and Ohio. The assets and related reserves of the constituent companies acquired by Columbia Transmission upon consummation of the merger and the liabilities of the constituent companies to be assumed by Columbia Transmission at that time shall be taken on the books of Columbia Transmission at the respective amounts at which they were carried on the books of said companies.

It is stated that the fees and expenses to be incurred in connection with the proposed transactions will be filed by amendment. It is further stated that the Federal Power Commission has jurisdiction over the proposed merger and that no other State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 2, 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 application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

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

[FR Doc.71-764 Filed 1-19-71;8:47 am]

DEPARTMENT OF LABOR

Office of the Secretary

AMERICAN ST.-GOBAIN CORP.

Notice of Revised Certification of Eligibility of Workers To Apply for Adjustment Assistance

Pursuant to the provisions of section 302 of the Trade Expansion Act of 1962, the President's Proclamation 3967 of February 27, 1970 (35 F.R. 3975), and a petition filed and investigation conducted pursuant to the provisions of such section as authorized under 29 CFR Part 90 and notices in 34 F.R. 18342 and 35 F.R. 5383, a certification under section 302(b)(2) of such Act was made on May 25, 1970, certifying that certain workers, described in the Notice of Certification (35 F.R. 8415), are eligible to apply for adjustment assistance under Chapter 3, Title III, of such Act. On the basis of a further showing pursuant to section 302(b)(2) of such Act and further investigation by the Director of the Office of Foreign Economic Policy, and pursuant to the provisions of section 302(d) of such Act, the Certification set forth in the Notice of Certification published at 35 F.R. 8415 is hereby revised to include additional workers, significant in number or proportion, for whom the increased imports which the Tariff Commission has determined to result from concessions granted under trade agreements are hereby determined to have caused or threatened to cause unemployment or underemployment.

Such revised Certification is hereby made as follows:

Those production, maintenance, and salaried workers of the American St.-Gobain Corp., Arnold Plant, located at Arnold, Pa., who became or will become unemployed or underemployed on or after November 9, 1967, are eligible to apply for adjustment assistance under Chapter 3, Title III, of the Trade Expansion Act of 1962.

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

GEORGE H. HILDEBRAND,
Deputy Under Secretary,
International Affairs.

[FR Doc.71-746 Filed 1-19-71;8:45 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 15, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42112—*Chlorine to Palatka, Fla.* Filed by O. W. South, Jr., Agent (No. A6218), for interested rail carriers. Rates on chlorine, in tank car loads, as described in the application, from Gramercy, La., to Palatka, Fla.

Grounds for relief—Market competition.

Tariff—Supplement 162 to Southern Freight Association, Agent, tariff ICC S-699.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-790 Filed 1-19-71;8:49 am]

[Notice 2]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 15, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 574) (Cancels Deviation No. 537) GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed January 11, 1971. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 25-W and Interstate Highway 40 approximately 3 miles west of Dandridge, Tenn., thence over Interstate Highway 40 to junction U.S. Highway 276, at Cove Creek, N.C., thence over U.S. Highway 276 to junction U.S. Highway 19 at Dellwood, N.C., thence over U.S. Highway 19 to junction access road, near Clyde, N.C., thence over access road to junction Interstate Highway 40, thence over Interstate Highway 40 to Asheville, N.C., (2) from Dandridge, Tenn., over U.S. Highway 25-W to junction Tennessee Highway 92, thence over Tennessee Highway 92 to junction Interstate Highway 40, (3) from Dandridge, Tenn., over U.S. Highway 25-W to junction Tennessee Highway 113, thence over Tennessee Highway 113 to junction Interstate Highway 40, and (4) from Newport, Tenn., over Tennessee Highway 32 to junction Interstate Highway 40, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Knoxville, Tenn., over U.S. Highway 25-W to Newport, Tenn., thence over U.S. Highway 25 to Asheville, N.C., and return over the same route.

No. MC 89037 (Deviation No. 9), CONTINENTAL PACIFIC LINES, 1501 South Central Avenue, Los Angeles, CA 90021, filed January 5, 1971. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 40 (Interstate Highway 80) and Interstate Highway 505 (east of Vacaville, Calif.), over Interstate Highway 505 to junction U.S. Highway 99-W (Interstate Highway 5) (southeast of Dunnigan, Calif.), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From San Francisco, Calif., over U.S. Highway 40 to Sacramento, Calif., thence over California Highway 16 to Woodland, Calif., thence over U.S. Highway 99-W to Red Bluff, Calif., and (2) from Woodland, Calif., over U.S. Highway 99-W to junction unnumbered highway, thence over unnumbered highway to Davis, Calif., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-788 Filed 1-19-71;8:48 am]

[Notice 2]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 15, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interestate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–59957 (Deviation No. 11), MOTOR FREIGHT EXPRESS, INC., Post Office Box 1029, York, PA 17405, filed January 8, 1971. Carrier's representative: Walter M. D. Neugebauer, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Ebensburg, Pa., and Hamburg, N.Y., over U.S. Highway 219, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Hollidaysburg, Pa., over U.S. Highway 22 to Pittsburgh, Pa., (2) from Cleveland, Ohio, over U.S. Highway 422 to Warren, Ohio, thence over Ohio Highway 82 to the Ohio-Pennsylvania State line, at Sharon, Pa., thence over Pennsylvania Highway 518 to junction Pennsylvania Highway 18, thence over Pennsylvania Highway 18 to New Castle, Pa., thence over Pennsylvania Highway 65 to Pittsburgh, Pa., and (3) from Warren, Ohio, over Ohio Highway 5 to Kinsman, Ohio, thence over Ohio Highway 7 to Conneaut, Ohio, thence over U.S. Highway 20 to Big Tree, N.Y., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71–787 Filed 1–19–71;8:48 am]

[Notice 3]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 15, 1971.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 116077 (Sub-No. 280) (Republication), filed November 3, 1969, published in the FEDERAL REGISTER issue of December 4, 1969, and republished this issue. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, TX 77001. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, TX 78701. An Order of the Commission, Division 1, Acting as an Appellate Division, dated December 28, 1970, and served January 8, 1970, finds upon consideration of the record in this proceeding, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of chemicals (except petrochemicals), in bulk, from points in Ector County, Tex., to points in New Mexico. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice that the authority granted in this proceeding can be tacked with applicant's outstanding authority, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate will be withheld for a period of 30 days from the date of such publication, during which period any person with a proper interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which he has been so prejudiced.

NOTICE OF FILING OF PETITION

No. MC 134090 (Sub-No. 1) (Notice of Filing of Petition To Add Name of Shipper to Present Operating Authority), filed January 5, 1971. Petitioner: ALLBEST TRANSFER AND WAREHOUSE, INC., 405 Division Street, Elizabethport, NJ 07206. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Petitioner is authorized in No. MC 134090 Sub-No. 1 to transport such merchandise as is distributed by a premium stamp redemption center in the redemption of premium stamps, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, from New York, N.Y., to Elizabethport, N.J., under contract with Top Value Enterprises, Inc., of Dayton, Ohio. By the instant petition, petitioner seeks to add the name of E. F. MacDonald Stamp Co., as a contracting shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 1515 (Sub-No. 162), filed December 21, 1970. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, Ohio 44113. Applicant's representative: Anthony P. Carr (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between the junction of U.S. Highways 31 and 50 (approximately 3 miles east of Seymour, Ind.) and Seymour, Ind., over U.S. Highway 50, serving all intermediate points. NOTE: The instant application is a matter directly related to MC–F–11055, published in the FEDERAL REGISTER issue of January 6, 1971. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Cincinnati or Cleveland, Ohio.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–10869. (Amendment) (GEORGIA HIGHWAY EXPRESS, INC.—Purchase—TIM'S MOTOR SERVICE, INC.), published in the July 1, 1970, issue of the FEDERAL REGISTER, on page 10717. Prior notice reads Vendee is authorized to operate as a common carrier in Tennessee, Georgia, and Alabama, and should read: Vendee is authorized to operate as a common carrier in Tennessee, Georgia, Alabama, and "Florida."

No. MC–F–11062. Authority sought for purchase by TOSE, INC., 64 West Fourth Street, Bridgeport, PA 19405, a portion of the operating rights of BOSTON AND SPRINGFIELD DESPATCH, INC., 81 Newtown Road, Danbury, CT 06810, and for acquisition by LEONARD H. TOSE, also of Bridgeport, Pa., and DESMOND J. McTIGHE, 11 East Airy Street, Norristown, PA 19401 (EXECUTORS FOR THE ESTATE OF MIKE TOSE), of control of such rights through the purchase. Applicants' attorney and representative: Anthony C. Vance, Suite 501, 1111 E Street NW., Washington, DC 20004 and William Mason, III, 1515 Summer Street, Stamford, CT 06902. Operating rights sought to be transferred: *General commodities*, except those of unusual value, livestock, 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 lading, as a *common carrier* over irregular routes, between Boston and Springfield, Mass., on the one hand, and, on the other, Danbury, Conn. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, Maryland, New Jersey, Delaware, Virginia, Connecticut, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11063. Authority sought for purchase by SHARPE MOTOR LINES, INC., Post Office Box 517, Hildebran, NC 28637, a portion of the operating rights and certain property of TALLANT TRANSFER, INC., Post Office Drawer

98, Hickory, NC 28601, and for acquisition by BICKETT SHARPE, BERNICE SHARPE, and JOHN SHARPE all of Hildebran, NC 28637, of control of such rights and property through the purchase. Applicants' attorney: Edward G. Villalon, 1735 K Street NW, Washington, DC 20006. Operating rights sought to be transferred: *General commodities*, except commodities of unusual value, dangerous explosives, commodities requiring special equipment, such as tank trucks or refrigerator trucks, livestock, and commodities contaminating to other lading, as a *common carrier* over irregular routes, from points and places in Maryland, Delaware, Pennsylvania, New Jersey, and the District of Columbia, and those in the New York, N.Y., commercial zone, as defined in 1 M.C.C. 665 and 2 M.C.C. 191, to Hickory, N.C., and points and places within 25 miles of Hickory; *general commodities*, except those of unusual value, livestock, new furniture, classes A and B explosives, and household goods as defined by the Commission, between Niagara Falls and Buffalo, N.Y., and points on U.S. Highway 62 between Buffalo and junction U.S. Highway 20; points on U.S. Highway 20 between junction U.S. Highways 62 and 20 and Fredonia, N.Y., and points on New York Highway 60 between Fredonia, N.Y., and Frewsburg, N.Y., and points on U.S. Highway 62 between Frewsburg, N.Y., and the New York-Pennsylvania State line, on the one hand, and, on the other, Warren, Pa.;

From Hickory and Conover, N.C., to points and places in the New York, N.Y., commercial zone, as defined in 1 M.C.C. 665 and 2 M.C.C. 191, from Hickory, N.C., to points and places in Massachusetts, Rhode Island, Connecticut, and those in that part of New York on and east of a line beginning at the New York-New Jersey State line and extending along U.S. Highway 9W to Albany, N.Y., and thence along New York Highway 5 to Schenectady, N.Y., and on and south of a line beginning at Schenectady, N.Y., and extending along New York Highway 7 to Troy, N.Y., and thence along New York Highway 2 to the New York-Massachusetts State line, except points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665, from Charlotte, N.C., to points and places in Maryland, Delaware, New Jersey, Pennsylvania, and the New York, N.Y., commercial zone, as defined in 1 M.C.C. 665 and 2 M.C.C. 191, from Connelly Springs, N.C., to points and places in Maryland, Delaware, Pennsylvania, New Jersey, and the New York, N.Y., commercial zone, as defined in New York, N.Y., commercial zone, 1 M.C.C. 665 and 2 M.C.C. 191, from Marion, N.C., to points and places in Delaware, Pennsylvania, New Jersey, the New York, N.Y., commercial zone, as defined in New York, N.Y., commercial zone, 1 M.C.C. 665 and 2 M.C.C. 191, and to points in Maryland, except Baltimore, Md., from points and places in Catawba County, N.C., to points and places in Maryland, Delaware, Pennsylvania, New Jersey, and the New York, N.Y., commercial zone as defined in New York, N.Y., commercial zone, 1 M.C.C. 665 and 2 M.C.C. 191, except from Hickory and Conover, N.C., to points and places in the above-specified States, from points and places in Lincoln County, N.C., to points and places in Maryland, Delaware, Pennsylvania, New Jersey, and the New York, N.Y., commercial zone, as defined in New York, N.Y., commercial zone, 1 M.C.C. 665 and 2 M.C.C. 191;

From points and places in Caldwell, Catawba, and McDowell Counties, N.C., to points and places in that portion of New York, on, south and west of a line beginning at Oswego, N.Y., and extending along New York Highway 57 to Syracuse, N.Y., thence along New York Highway 5 to Schenectady, N.Y., and thence along New York Highway 7 to the New York-Vermont State line (except those in the New York, N.Y., commercial zone, as defined by the Commission) and those in Massachusetts, Connecticut, and Rhode Island, from points in Burke County, N.C., to points in Massachusetts, Rhode Island, and Connecticut, from points in Alexander and Iredell Counties, N.C., to points in Connecticut, Delaware, Maryland (except points on U.S. Highway 1 between Washington, D.C., and Baltimore, Md.), Massachusetts, New Jersey, New York, Pennsylvania (except Philadelphia, Pa.), Rhode Island and West Virginia, from points in Wilkes, Lincoln, and Mechlenberg Counties, N.C., to points in Massachusetts, Connecticut, and Rhode Island, from points in Burke and McDowell Counties, N.C., to points in Michigan and Indiana, from points in Burke County, N.C., to points in New York on, west and south of a line beginning at Oswego, N.Y., and extending along New York Highway 57 to Syracuse, N.Y., thence along New York Highway 5 to Schenectady, N.Y., and thence along New York Highway 7 to the New York-Vermont State line, from Beacon, N.Y., to Philadelphia, Pa., and points in Delaware, Maryland, Virginia, North Carolina, Tennessee, and the District of Columbia; *petroleum products*, in containers, from Baltimore, Md., to points and places in North Carolina on and west of U.S. Highway 29, from points and places in that portion of Pennsylvania located on and west of U.S. Highway 219 to points and places in that part of North Carolina located on and west of U.S. Highway 29, traversing New Jersey, Maryland, Virginia, Delaware, and the District of Columbia for operating convenience only;

Mineral wool and mineral wool products, from Dover, N.J., to points in North Carolina (except Hickory and points within 25 miles of Hickory), from Dover, N.J., to points in South Carolina, from points in Wood County, W. Va., to points in Georgia, South Carolina, and Tennessee; *damaged, defective and returned shipments* of the above described commodities, from the above specified destination points to the plantsite of the Broyhill Furniture Co., located at or near Rutherfordton, N.C., with restrictions; *new furniture and furniture parts*, from the plantsite of the Broyhill Furniture Co., located at or near Rutherfordton, N.C., to Maryland, from the plantsite of the Broyhill Furniture Co., located at or near Rutherfordton, N.C., to points in Connecticut, Delaware, Indiana, Massachusetts, Michigan, New Jersey, New York, Ohio, Rhode Island, and West Virginia, from points in Mitchell County, N.C., to points in Maryland and Michigan, with restriction, from points in Mitchell County, N.C., to points in Connecticut, Delaware, Massachusetts, that portion of New York on, west and south of a line beginning at Oswego, N.Y., and extending along New York Highway 57 to Syracuse, N.Y., thence along New York Highway 7 to the New York-Vermont State line, and Rhode Island, and returned shipments on return;

Uncrated new furniture, from High Point, N.C., to points in Delaware, Pennsylvania, Maryland, West Virginia, New York, and Ohio, except Wilmington, Del., Baltimore, Md., Philadelphia, Pa., and points in the New York, N.Y., commercial zone, as defined by the Commission; *new furniture* (uncrated), as defined by the Commission, from certain specified points in North Carolina to points in Maryland, Delaware, Pennsylvania, New Jersey, New York, Ohio, and the Lower Peninsula of Michigan; *empty containers*, for petroleum products, from points and places in North Carolina on and west of U.S. Highway 29, to Baltimore, Md.; *rejected shipments* of new furniture, from the above destination points and places to Charlotte, N.C.; *cotton batting*, used in the manufacture of upholstered furniture, from Depwe, N.Y., to points in North Carolina on and west of U.S. Highway 29; *lumber* (except plywood and veneer), from Hickory, N.C., to points in Pennsylvania and West Virginia; *polyurethane foams*, from Baltimore, Md., to points in that part of North Carolina on and west of U.S. Highway 29 (except Hickory, N.C., and points within 25 miles thereof), *foam rubber*, used in the manufacture of furniture, from Tonawanda, N.Y., to High Point and Hickory, N.C.; *cotton, cotton waste, and linter*, from Boston and Worchester, Mass., to Conover, N.C.; *damaged shipments*, from the destination points described above to their respective origin points; *forest products*, used in the manufacture of furniture, from points in New York, to points in that part of North Carolina on and west of U.S. Highway 1;

Laboratory, technical, public seating, and institutional furniture, fixtures, and equipment, all uncrated *and materials and supplies incidental thereto*, in cartons, from points in Burke and Catawba Counties, N.C., to points in Connecticut, Delaware, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and West Virginia; *returned shipments*, from the above described destination points, to points in Mitchell County, N.C. Vendee is authorized to operate as a *common carrier* in North Carolina, South Carolina, Delaware, Illinois, Ohio, Indiana, West Virginia, Kentucky, Michigan, Georgia, Tennessee, Virginia, New York, Pennsylvania, New Jersey, District of Columbia, Maryland, Alabama, Arkansas, Connecticut, Florida, Iowa, Kansas, Louisiana, Maine, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New

Hampshire, Oklahoma, Rhode Island, Texas, Vermont, Wisconsin, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC-F-11064. Authority sought for purchase by SALEM TRANSPORTATION COMPANY OF NEW JERSEY, INC., 1222 Jerome Avenue, Bronx, NY 10452, of a portion of the operating rights in certificate No. MC-128823, in the name of ROBERT C. BELL, JR., doing business as N. J. & N. Y. AIRPORT LIMOUSINE, 132-20 Horace Harding Boulevard, Flushing, NY 11367, and authorized to be acquired by N. J. & N. Y. AIRPORT LIMOUSINE, INC., care of JAMES A. CURTIS, 657 High Street, Newark, NJ 07102, pursuant to order of September 18, 1970, in No. MC-FC 72376, and for acquisition by JACK MIROW and GEORGE H. ROSEN, both of Bronx, N.Y., of control of such rights through the purchase. Applicants' attorney and representative: George H. Rosen, 265 Broadway, Post Office Box 348, Monticello, NY 12701, and Robert C. Bell, Jr., 528 Main Street, New Canaan, CN 06840. Operating rights sought to be transferred: Passengers and their baggage and pets, in the same vehicle with passengers, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, restricted to the transportation of passengers either originating at, or destined to, Newark Airport, at Newark, N.J., Teterboro Airport, at Teterboro, N.J., La Guardia Airport and John F. Kennedy International Airport, at New York, N.Y., as a common carrier over regular routes, between La Guardia Airport and Newark (N.J.) Airport via John F. Kennedy International Airport (N.Y.), between La Guardia Airport and New Brunswick, N.J., via John F. Kennedy International Airport, between La Guardia Airport (N.Y.) and Trenton, N.J., via John F. Kennedy International Airport (N.Y.), serving all intermediate points. Vendee holds no authority from this Commission. However it is affiliated with (1) CENTRAL STAGES, INC., (2) SALEM TRANSPORTATION CO., INC., (3) BELL TRANSPORTATION CO., INC. and (4) ACE DRIVEAWAY SYSTEM, INC., all of 1222 Jerome Avenue, Bronx, NY 10452, which are authorized to operate as common carriers in (1) New York and Connecticut, (2) New York, Pennsylvania, and New Jersey, (3) New Jersey, New York, and Pennsylvania, (4) New Jersey, New York, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-789 Filed 1-19-71;8:49 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JANUARY 15, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. (unknown), filed January 4, 1971. Applicant: BUTTE-DEER LODGE MOTOR FREIGHT, 1614 B Street, Post Office Box 369, Butte, MT 59701. Applicant's representative: John Leslie Hamner, 1229 Harrison Avenue, Butte, MT 59701. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities goods, wares and merchandise,* except commodities in bulk or in tank trucks between the cities of Butte (Silver Bow County) Mont., and Deer Lodge (Powell County) Mont., along Interstate Highway No. 90 including intermediate points along said route and the communities of Warm Springs and Galen, Mont. Particularly applicant desires to take shipments from interstate authorized carriers to a destination beyond their commercial zone along the route of applicant's authority in intrastate transportation. Both intrastate and interstate authority sought.

HEARING: Date, time, and place unknown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Board of Railroad Commissioners, Helena, Mont., 59601, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-783 Filed 1-19-71;8:48 am]

[Notice 230]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 14, 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 representaitve, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 79540 (Sub-No. 6 TA) filed January 11, 1971. Applicant: CRIMBLY TRUCKING SERVICE, INC., Rural Delivery Route 119, Post Office Box 397, Point Marion, PA 15474. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier,* by motor vehicle, over irbulk, in dump trucks, from the facfi regular routes, transporting: *Salt, in bulk, in dump trucks,* from the facilities of Standard Terminals, Inc., Springhill Township, Fayette County, Pa., to points in Berkeley and Taylor Counties, W. Va., for 150 days. Supporting shipper: Standard Terminals, Inc., One Fifth Street, New Kensington, PA 15068. Send protests to: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 416, Federal Office Building, Wheeling, WV 26003.

No. MC 106398 (Sub-No. 520 TA), filed January 11, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Box 51096, Dawson Station, Tulsa, OK 74151. Applicant's representative: Irvin Tull (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, and *buildings,* in sections mounted on wheeled undercarriages, from the plantsite of Atlantic Homes, Division Champion Homes Builders Co., Slayton, Minn., to points in the United States (except Alaska and Hawaii) for 180 days. Atlantic Homes Division, Jim Reconsin, Sales Manager, Alva Reed Road, Box 89, Slayton, MN 56172. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 110191 (Sub-No. 23 TA), filed January 11, 1971. Applicant: TURNER'S EXPRESS, INCORPORATED, 1300 Shelton Avenue, Post Office Box 1006, 23501, Norfolk, VA 23502. Applicant's representative: W. P. DAVIS (same address as above). Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tire tread material*, from Cumberland, Md., to Norfolk, Va., for 180 days. Supporting shipper: Kramer Tire Co. Inc., 1369 Azalea Garden Road, Norfolk, VA 23502. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10–502 Federal Building, Richmond, VA 23240.

No. MC 111170 (Sub-No. 155 TA), filed January 11, 1971. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, 2311 North West Avenue, El Dorado, AR 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate, fertilizer, and fertilizer ingredients*, in bags, from points in Clark County, Ark., to points in Louisiana, Oklahoma, and Texas, for 180 days. Supporting shipper: Arkla Chemical Corp., 400 East Capitol, Little Rock, AR 72203. Send protests to: District Supervisor William H. Land, Jr., 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 115092 (Sub-No. 15 TA), filed January 11, 1971. Applicant: WEISS TRUCKING, INC., Post Office Box O, Vernon, 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: *Barite*, from the plantsite at Battle Mountain, Nev., in Lander County, Nev., to points in New Mexico, Colorado, Utah, Wyoming, Montana, and North Dakota, for 180 days. Supporting shipper: Oilfield Products, Division Dresser Industries, Inc., Post Office Box 6504, Houston, TX 77005 (Austin Glover, Traffic manager). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, UT 84111.

No. MC 119567 (Sub-No. 11 TA), filed January 8, 1971. Applicant: F. H. McCLURE AND R. V. ESTELL, a partnership, doing business as EMPIRE TRANSPORT, 2007 Overland Road, Boise, ID 83705. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal and compressed automobile bodies and parts*, from points in Idaho, south of the southern boundary of Idaho County, to Portland, Oreg., for 150 days. NOTE: Carrier does not intend to tack or interline authority applied for with any other carrier. Supporting shipper: Rackliff Bros. Inc., 969 Bracken Street North, Twin Falls ID 83301. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, Boise, ID 83702.

No.MC 119789 (Sub-No. 52 TA), filed January 11, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Plainview, Tex., to points in Alabama, Pensacola, Fla., Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, North Carolina, South Carolina, Tennessee, and Wisconsin, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Missouri Beef Packers, Inc., 630 Amarillo Building, Amarillo, TX 79101. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, TX 75202.

No. MC 119917 (Sub-No. 29 TA), filed January 11, 1971. Applicant: DUDLEY TRUCKING COMPANY, INC., 717 Memorial Drive SE., Atlanta, GA 30316. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, advertising and promotional materials, display racks, stands and related items*, from Winston-Salem, N.C., to Atlanta, Ga., and *empty beverage containers and pallets*, from Atlanta, Ga., to Winston-Salem, N.C., for 180 days. Supporting shipper: Thomas Beverage Co., 2235 De Foor Hills Road NW., Atlanta, GA 30318. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Buerau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 126473 (Sub-No. 13 TA), filed December 28, 1970. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, IA 52580. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wines and champagnes*, from Fairfield, Iowa, to points in Connecticut, Illinois, Missouri, New Jersey, and New York; (2) *champagnes*, from New Jersey, and New York to Fairfield, Iowa; (3) *bottles*, from New York, and Pennsylvania to Fairfield, Iowa, for 180 days. Supporting shipper: Gino Wine Corp., Post Office Box 926, Fairfield, IA 52556. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, IA 52801.

No. MC 127575 (Sub-No. 3 TA), filed January 8, 1971. Applicant: GILPIN COUNTY EXPRESS & TRUCK LINE, INC., Post Office Box 303, 400 Lawrence Street, Central City, CO 80427. Applicant's representative: Herbert M. Boyle, 946 Metropolitan Building, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Denver, Colo., and the top of Loveland Pass, Colo., serving all intermediate points, between Silver Plume and the top of Loveland Pass, Colo., including Silver Plume, Colo., and Loveland Basin, Colo., over U.S. Highway 6. NOTE: Carrier intends to interline at Denver, Colo.; for 150 days. Supporting shipper: Loveland Ski Tow Co., Post Office Box 455, Georgetown, CO 80444. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, CO 80202.

No. MC 134073 (Sub-No. 8 TA), filed January, 11, 1971. Applicant: GENOVA TRANSPORT, INC., 484 Clayton Road, Williamstown, NJ 08094. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, for the account of Crown Zellerbach Corp. at Glassboro, N.J., from Glassboro, N.J., to Boston, Brockton, Cambridge, Everett, Fall River, Jamaica Plains, Malden, Salem, Somerville, Waltham, Woburn, and Worchester, Mass., Providence and Smithfield, R.I.; Avon, Bronx, Brooklyn, Buffalo, Ilion, Long Island City, New York City, North Chili, Richmond Hill, L.I., Rochester, Syracuse, White Plains, and Whitestone, N.Y.; Belleville, Chambersburg, Etna, Grove City, Hershey, Lancaster, Lebanon, Leetsdale, Philadelphia, Pittsburgh, Reading, and West Reading Pa.; Elizabeth and Newark, N.J.; Baltimore, Md.; Dover and Wilmington, Del.; Hopewell, Norfolk, Petersburg, and Suffolk, Va.; Cheraw, S.C.; Athens, Atlanta, Augusta, Bogart, Brunswick, Dawson, East Point, Jackson, Macon, and Savannah, Ga.; Ellaville, Live Oak, and Jacksonville, Fla.; for 180 days. Supporting shipper: Crown Zellerbach, Post Office Box 5810, 8966 Latty Road, Berkeley, MO 63134. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Carroll Building, Room 204, 428 East State Street, Trenton, NJ 08608.

No. MC 135190 (Sub-No. 1 TA), filed January 11, 1971. Applicant: C. H. JONES MOTOR COMPANY, INC., 3648 Hulmeville Road, Cornwells Heights, PA 19020. Applicant's representative: Norma Jones (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, loose, in special van type trailers, from Kirkwood Township, Broome City, N.Y., to Philadelphia, Sunbury, Pa., for 150 days. Supporting shipper: Booher Lumber Co., Inc., Lafayette, N.Y. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 135214 TA, filed January 11, 1971. Applicant: HOWELL TRANSFER & STORAGE COMPANY, INC., doing business as AKERS MOVING & STORAGE, 1407 Boruff Street, Knoxville, TN 37917. Applicant's representative: Monty Schumacher, Suite 310, Bankers Fidelity

Life Building, 2045 Peachtree Road NE., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, and *unaccompanied baggage, and personal effects*, between points in Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Cumberland, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Knox, Loudon, McMinn, Monroe, Roane, Sevier, Sullivan, Unicoi, Union, and Washington Counties, Tenn.; and Bell and Whitley Counties, Ky.; and Lee, Scott, Washington, and Wise Counties, Va.; and Ashe, Avery, Cherokee, Graham, Haywood, Madison, Mitchell, Swain, and Watanga Counties, N.C. Restriction: The operations authority herein are subject to the following conditions: Said operations are restricted to the transportation of traffic having a prior or subsequent movement in containers, except as to unaccompanied baggage and personal effects, beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Department of Defense—Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803–1808 West End Building, Nashville, TN 37203.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-786 Filed 1-19-71;8:48 am]

[Notice 231]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 15, 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 Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 14429 (Sub-No. 5 TA) filed January 11, 1971. Applicant: EDWIN L. LADD (Blanche L. Ladd, Administratrix), doing business as TED LADD'S MOTOR TRANSFER, School Street, Barre, VT 05641. Applicant's representative: John P. Monte, 61 Summer Street, Barre, VT 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, from Derby, Vt., to Barre, Vt., for 150 days. NOTE: Applicant intends to tack this authority with presently held authority in MC 14429 and Subs. at Barre, Vt., which is the origination point of present authority and interline point. Supporting shipper: Derby Granite, Inc., Derby, Vt. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 52 State Street, Montpelier, VT 05602.

No. MC 60169 (Sub-No. 26 TA) (Correction) filed December 28, 1970, and published FEDERAL REGISTER issue of January 6, 1971, and republished in part as corrected this issue. Applicant: FREEDMAN MOTOR SERVICE, INC., Vineyard Road, Post Office Box 280, Edison, NJ 08817. Applicant's representative: Alexander Markowitz, 1619 Woodcrest Avenue, Vineyard, NJ 08360. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Formaldehyde*, in bulk, in tank vehicles, from the plantsite or warehouse facilities of E. I. du Pont de Nemours & Co., Grasselli, N.J., to points in the States of Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, within 200 miles of Grasselli, N.J. and Wilton, N.H. NOTE: The purpose of this partial republication is to redescribe the territorial description, which was shown in error in previous publication. The rest of publication remains as previously published.

No. MC 64112 (Sub-No. 47 TA), filed January 11, 1971. Applicant: NORTHEASTERN TRUCKING COMPANY, 2508 Starita Road, Charlotte, NC 28213. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured tobacco products*, from Louisville, Ky., to Akron, Cincinnati, Cleveland, Columbus, Dayton, and Toledo, Ohio; Albany, North Tonawanda, Buffalo, Syracuse, and Rochester, N.Y.; Atlanta, Ga.; Birmingham and Montgomery, Ala.; Boston, Westwood, and Springfield, Mass.; Butte, Mont.; Chicago and East Peoria, Ill.; Dallas, Farmers Branch, El Paso, Houston, San Antonio, and Lubbock, Tex.; Denver, Colo.; Des Moines, Iowa; Detroit, Melvindale, and Grand Rapids, Mich.; East Hartford, Conn.; Fargo, N. Dak.; Green Bay and Milwaukee, Wis.; Harrisburg, Pittsburgh, and Scranton, Pa.; Jacksonville, Miami, and Tampa, Fla.; Jersey City, N.J.; Kansas City and St. Louis, Mo.; Little Rock, Ark.; Los Angeles, Wilmington, National City, Oakland, San Diego, Sacramento, and San Francisco, Calif.; Memphis and Nashville, Tenn.; Milwaukie, Oreg.; Minneapolis, Minn.; New Orleans and Shreveport, La.; Oklahoma City and Tulsa, Okla.; Omaha, Nebr.; Richmond, Va.; Phoenix, Ariz.; Portland, Maine; Providence, R.I.; Salt Lake City, Utah; Seattle and Spokane, Wash.; Sioux Falls, S. Dak.; Wichita, Kans., and Greensboro, N.C., for 150 days. Supporting shipper: Lorillard Corp., an operating division of Loew's Theatres, Inc., Greensboro Branch, 2525 East Market Street, Greensboro, NC 27420. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 417, BSR Building, 316 East Morehead Street, Charlotte, NC 28202.

No. MC 102817 (Sub-No. 15 TA), filed January 11, 1971. Applicant: PERKINS FURNITURE TRANSPORT, INC., 1202 North Pennsylvania Street, Indianapolis, IN 46202. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, IN 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Store fixtures, crated, and furniture, crated*, from Charlevoix, Mich., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, Nebraska, New Jersey, New York, North Dakota, North Carolina, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Freedman Artcraft Engineering Corp., Post Office Box 228, Charlevoix, MI. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 36 South Pennsylvania Street, 802 Century Building, Indianapolis, IN 46204.

No. MC 111397 (Sub-No. 97 TA), filed January 12, 1971. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, KY 42001. Applicant's representative: Herbert S. Melton, Jr., Box 1407, Avondale Station, Paducah, KY 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid synthetic latex*, in bulk, from plantsite of General Tire & Rubber Co., at or near Mayfield, Ky., to plantsite of Armstrong Rubber Co., at or near Natchez, Miss., for 180 days. Supporting shipper: The General Tire & Rubber Co., One General Street, Post Office Box 951, Akron, OH 44309. Richard E. Ridle, Assistant General Traffic Manager. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 167 North Main Street, Memphis, TN 38103.

No. MC 118831 (Sub-No. 76 TA), filed January 11, 1971. Applicant: CENTRAL TRANSPORT, INCORPORATED, Box 5044, Uwharrie Road 27263, High Point, NC 27261. Applicant's representative: Richard E. Shaw (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in New Hanover

County, N.C., and Spartanburg County, S.C., to points in Tennessee. NOTE: Service for which instant application is sought does not include tacking, however, there are parts of applicant's certificate which might be tacked with this application; for 180 days. Supporting shipper: F. L. Leuze, District Traffic Manager, Hercules Inc., 500 Life of Georgia Tower, Atlanta, GA 30308. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh, NC 27611.

No. MC 118989 (Sub-No. 58 TA), filed January 12, 1971. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53221. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers*, from St. Louis, Mo., to Fort Wayne, Ind., for 150 days. Supporting shipper: American Can Co., 200 South Michigan Avenue, Chicago, IL 60604 (W. A. Frazier, Transportation Coordinator). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 127094 (Sub-No. 1 TA), filed January 12, 1971. Applicant: CHARLES J. UNRATH, 1018 Milwaukee Street, Delafield, WI 53018. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Treated wooden poles and cross arms*, (1) from points in Florida, Illinois, Minnesota, Mississippi, Missouri, and Tennessee, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin, and (2) from points in Wisconsin to points in Illinois, Indiana, Iowa, Michigan, and Minnesota, for the account of Wisconsin Electric Cooperative, for 180 days. Supporting shipper: Wisconsin Electric Cooperative, Post Office 686, Madison, WI 53701 (W. S. Feit, Manager, Line Material Dept.). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 127094 (Sub-No. 2 TA), filed January 12, 1971. Applicant: CHARLES J. UNRATH, 1018 Milwaukee Street, Delafield, WI 53018. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum siding*, from Oconomowoc and Watertown, Wis., to points in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, and Texas, for the account of Mirro Aluminum Co., for 180 days. Supporting shipper: Mirro Aluminum Co., Manitowoc, Wis. 54220 (C. E. Nelson, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 135216 TA, filed January 12, 1971. Applicant: LEROY DENEAU, Route 1, Chana, Ill. 61015. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value classes A and B explosives, household goods as defined by the Commission in bulk, and those requiring special equipment, between Oregon, Ill., on the one hand, and, on the other, O'Hare International Airport, Midway Airport, and Meigs Field, at or near Chicago, Ill. Restricted to traffic having a prior or subsequent movement by air, and to interline with air freight carriers operating out of named airports for 180 days. Supporting shippers: E. D. Etnyre & Co., Oregon, Ill. 61061; The Quaker Oats Co., Oregon, Ill. 61061. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71-785 Filed 1-19-71;8:48 am]

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