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Part I

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1970, and specifies how they are affected.

Rules and Regulations

Title 7—AGRICULTURE

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 4]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas, and Quota Deficits for 1970

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act". The purpose of this amendment to Sugar Regulation 811 (34 F.R. 19901) as amended, is to revise the determination of sugar requirements for the calendar year 1970, established quotas, prorations, and direct-consumption limits consistent with such requirements and to determine and prorate or allocate the deficits in quotas established pursuant to the Act.

Section 201 of the Act requires that the Secretary shall revise the determination of sugar requirements at such time during the calendar year as may be necessary.

Distribution of sugar in 1970 continues to run well ahead of expectations. Supplies of sugar available for near term shipment appear to be adequate but some difficulty continues to be encountered in obtaining sufficient shipping for transporting sugar to the United States, especially north of Hatteras. The increase in requirements will bring the sugar supply more in line with prospective sugar needs for 1970. This, along with the allocation of deficits provides more flexibility in arranging shipments from various sources to assure supplies for the immediate future.

Accordingly, total sugar requirements for the calendar year 1970 are herein increased by 100,000 short tons, raw value, to a total of 11,100,000 short tons, raw value.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or proration of a quota. On the basis of the quota established for Puerto Rico for the calendar year 1970 a finding was heretofore made (35 F.R. 7777) that Puerto Rico was unable to fill its quota by 300,000 short tons, raw value, and accordingly a quota deficit was determined for Puerto Rico for 300,000 tons. On the basis of the latest available information it is herein found that Puerto Rico will be unable to fill its quota by an additional 250,000 short tons, raw value. Therefore, a total deficit is herein determined in the 1970 quota for Puerto Rico of 550,000 short tons, raw value. Accordingly, the additional quota deficits of 250,000 short tons, raw value, for Puerto Rico are herein determined and are allocated and prorated to foreign countries pursuant to section 204(a) of the Act. If production exceeds the present etimates for Puerto Rico, the marketing opportunities for that area within the total mainland quota for that area will not be limited as a result of the defict determination and proration provided herein.

The government of the Republic of the Philippines has notified the Department that it will be able to supply 100,000 tons of its share of deficits to the United States during 1970. Therefore, pursuant to section 204(a) of the Act, 100,000 tons of the additional deficit is herein allocated to the Republic of the Philippines and the remainder of the additional deficit amounting to 150,000 short tons, raw value, is herein prorated to Western Hemisphere countries listed in section 202(c)(3)(A) of the Act on the basis of published quotas most recently in effect.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.80, 811.81, 811.82, and 811.83 as follows:

1. Section 811.80 is amended to read as follows:

§ 811.80 Sugar requirements, 1970.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1970 is hereby determined to be 11,100,000 short tons, raw value.

2. Section 811.81 is amended by amending paragraph (a) to read as follows:

§ 811.81 Quotas for domestic areas.

(a)(1) For the calendar year 1970 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in Column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in Column (2) as follows:

Area	Quotas (1)	Direct-consumption limits (2)
	(Short tons, raw value)	
Domestic beet sugar	3,358,667	No limit
Mainland cane sugar	1,221,333	No limit
Hawaii	1,145,486	37,962
Puerto Rico	1,140,000	166,500
Virgin Islands	15,000	0

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1970 Puerto Rico and the Virgin Islands will be unable by 550,000 and 15,000 short tons, raw value, respectively, to fill the quotas established for such areas in subparagraph (1) of this paragraph. Pursuant to section 204(b) of the Act the determination of such deficits shall not affect the quotas established in subparagraph (1) of this paragraph.

* * * * *

3. Section 811.82 is amended by amending paragraph (a) to read as follows:

§ 811.82 Proration and allocation of deficits and quotas in effect.

(a) On the basis of information recently received from the Republic of the Philippines it is herein determined that the Republic of the Philippines will be able to fill 100,000 short tons, raw value, of its statutory share of deficits during the calendar year 1970. Therefore, pursuant to section 204(a) of the Act, 100,000 short tons, raw value, of the additional deficit in the quota determined in paragraph (a)(2) of § 811.82 amounting to 250,000 short tons, raw value, is herein allocated to the Republic of the Philippines and the remainder is prorated to Western Hemisphere countries named in section 202(c)(3)(A) of the Act on the basis of published quotas most recently in effect as established in Sugar Regulation 811 for 1970 (35 F.R. 7777).

* * * * *

4. Section 811.83 is amended by amening paragraphs (b) and (c) to read as follows:

§ 811.83 Quotas for foreign countries.

* * * * *

(b) For the calendar year 1970, the quota for the Republic of the Philippines is 1,226,020 short tons, raw value, representing 1,126,020 short tons, established pursuant to section 202 of the Act and 100,000 short tons established pursuant to section 204 of the Act. Of the quantity of 1,126,020 short tons established pursuant to section 202 of the Act, only 59,920 short tons, raw value, may be filled by direct-consumption sugar pursuant to section 207(d) of the Act.

(c) For the calendar year 1970, the prorations to individual foreign countries other than the Republic of the Philippines pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. Deficit prorations previously established in Amendment 3 of § 811.83 are shown in column (3). In column (4) a portion of the additional deficit in the quota for Puerto Rico amounting to 150,000 short tons, raw value, is herein prorated to Western Hemisphere countries listed in section 202(c)(3)(A) of the Act, on the basis of published quotas most recently in effect.

Countries	Basic quotas	Temporary quotas and prorations pursuant to sec. 202(d) [1]	Previous deficit prorations	New deficit prorations	Total quotas and prorations
	(1)	(2)	(3)	(4)	(5)
	(Short tons, raw value)				
Mexico	237,940	250,830	60,796	28,982	584,548
Dominican Republic	232,708	251,183	59,457	28,345	571,693
Brazil	232,708	251,183	59,457	28,345	571,693
Peru	185,612	200,347	47,424	22,608	455,991
British West Indies	92,960	75,280	21,101	9,937	199,278
Ecuador	33,860	36,547	8,651	4,124	83,182
French West Indies	29,242	23,680	6,638	3,126	62,686
Argentina	28,627	30,899	7,314	3,487	70,327
Costa Rica	27,395	29,571	6,999	3,337	67,302
Nicaragua	27,395	29,571	6,999	3,337	67,302
Colombia	24,625	26,580	6,292	2,999	60,496
Guatemala	23,087	24,918	5,899	2,812	56,716
Panama	17,238	18,606	4,404	2,099	42,347
El Salvador	16,930	18,273	4,326	2,062	41,591
Haiti	12,928	13,953	3,303	1,575	31,759
Venezuela	11,697	12,625	2,989	1,425	28,736
British Honduras	6,772	5,484	1,537	724	14,517
Bolivia	2,770	2,991	708	338	6,807
Honduras	2,770	2,991	708	338	6,807
Australia	110,813	89,157			199,970
Republic of China	46,172	37,149			83,321
India	44,325	35,663			79,988
South Africa	32,628	26,252			58,880
Fiji Islands	24,317	19,565			43,882
Thailand	10,158	8,173			18,331
Mauritius	10,158	8,173			18,331
Malagasy Republic	5,233	4,210			9,443
Swaziland	4,002	3,219			7,221
Ireland	5,351	0			5,351
Bahamas	10,000	0			10,000
Total	1,550,421	1,543,073	315,000	150,000	3,558,494

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.

* * * * *

(Secs. 201, 202, 204, and 403; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 932; and 7 U.S.C. 1111, 1112, 1114, and 1153)

Effective date. This action increases quotas for the calendar year 1970 by 100,000 tons and allocates and prorates additional deficits of 250,000 tons to the Republic of the Philippines and Western Hemisphere countries with sugar quotas in effect. In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 533 is unnecessary, impracticable, and contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on June 4, 1970.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 70-7197; Filed, June 9, 1970; 3:28 p.m.]

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

[Grapefruit Reg. 68, Amdt. 6]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of seeded grapefruit grown in Florida.

Order. In § 905.514 (Grapefruit Reg. 68, 34 F.R. 14380, 18449, 19809; 35 F.R. 5460, 6747, 7411), the provisions of (a)(1)(i) and (ii) are amended to read as follows:

§ 905.514 Grapefruit Regulation 68.

(a) * * *

(1) * * *

(i) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3\frac{13}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the U.S. Standards for Florida Grapefruit;

* * * * *

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

Dated June 5, 1970, to become effective June 8, 1970.

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

[F.R. Doc. 70-7220; Filed, June 9, 1970; 8:52 a.m.]

[Apricot Reg. 10]

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 922, as amended (7 CFR Part 922), regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Washington Apricot Marketing Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of apricots, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Washington Apricot Marketing Committee reflect its appraisal of the crop and

current and prospective market conditions. Shipments of apricots from the production area are expected to begin on or about June 15, 1970. The grade and size requirements provided herein are necessary to prevent the handling, on and after June 15, 1970, of any apricots of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall size and quality of the crop and (2) maximizing returns to the producers pursuant to the declared policy of the act.

Apricots of the Moorpark variety shipped in open containers are required to be generally well matured. Provision is made for apricots of the Blenheim, Blenril, and Tilton varieties to be of a smaller size when packed in unlidded containers. These three varieties are of a somewhat smaller size than other varieties at comparable stages of maturity. There is a demand for fruit meeting the foregoing specifications in local markets. Due to the nearness to the source of supply shipments of more mature fruit and fruit of the specified varieties of smaller sizes in less expensive unlidded containers is feasible and the disposition of such fruit in such markets tends to improve the overall returns to growers. Individual shipments, not exceeding 500 pounds of apricots sold for home use and not for resale are exempted from regulation in that such shipments do not materially affect the demand in commercial channels. Certain safeguards respecting such shipments are imposed, consistent with the order, to prevent such apricots from entering into regulated channels of trade.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of the regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 15, 1970. A reasonable determination as to the supply of, and the demand for, such apricots must await the development of the crop and adequate information thereon was not available to the Washington Apricot Marketing Committee until it met on May 20, 1970; recommendation as to the need for, and the extent of, regulation of shipments of such apricots was made at the said meeting of the committee on May 20, 1970, after consideration of all available information relative to the supply and demand conditions for such apricots, at which time the recommendation and supporting information were submitted to the Department; necessary supplemental data for consideration in connection with the specifications of the provisions were not available until June 3, 1970; shipments of the current crop of such apricots are expected to begin on or about the effective date hereof; and this regulation should be applicable, insofar as practicable, to all shipments of such apricots in order to effectuate the declared policy of the act; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 922.310 Apricot Regulation 10.

(a) Order: (1) Apricot Regulation 9 (34 F.R. 9614), is hereby terminated on June 15, 1970.

(2) During the period June 15, 1970, through June 30, 1971, no handler shall handle any container of apricots unless such apricots meet the following applicable requirements, or are handled in accordance with subparagraph (3) of this paragraph.

(i) *Minimum grade and maturity requirements.* Such apricots grade not less than Washington No. 1 and are at least reasonably uniform in color: *Provided,* That if such apricots are the Moorpark variety in open containers they are generally well matured; and

(ii) *Minimum size requirements.* Such apricots measure not less than 1½ inches in diameter: *Provided,* That apricots of the Blenheim, Blenril, and Tilton varieties when packed in unlidded containers may measure not less than 1¼ inches: *And provided further,* That not more than 10 percent, by count, of such apricots may fail to meet the applicable minimum diameter requirement.

(3) Notwithstanding any other provision of this section, any individual shipment of apricots which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 922.41 (Assessments), and of § 922.55 (Inspection and Certification):

(i) The shipment consists of apricots sold for home use and not for resale.

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of apricots; and

(iii) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; "diameter" and "Washington No. 1" shall have the same meaning as when used in the State of Washington Department of Agriculture Standards for Apricots, effective May 31, 1966; "reasonably uniform in color" means that the apricots in the individual container do not show sufficient variation in color to materially affect the general appearance of the apricots; and "generally well matured" means that, with respect to not less than 90 percent, by count, of the apricots in any lot of containers, and not less than 85 percent, by count, of such apricots in any container in such lot, at least 40 percent of the surface area of the fruit is at least as yellow as Shade 4 on the U.S. Standard Ground Color Chart for Apples and Pears in the Western States.

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

Dated: June 5, 1970.

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

[F.R. Doc. 70-7219; Filed, June 9, 1970; 8:52 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, in paragraph (e)(17) relating to the State of Virginia, subdivision (xii) relating to Surry, Isle of Wight, Southampton, and Sussex Counties is amended to read:

(17) *Virginia.* * * *

(xii) The adjacent portions of Surry, Isle of Wight, Southampton, and Sussex Counties bounded by a line beginning at the junction of Secondary Highways 611 and 616 in Surry County; thence, following Secondary Highway 616 in a generally easterly direction to Secondary Highway 626; thence, following Secondary Highway 626 in a generally southeasterly direction to Secondary Highway 621; thence, following Secondary Highway 621 in a southwesterly direction to Secondary Highway 680; thence, following Secondary Highway 680 in a southeasterly direction to Secondary Highway 683; thence, following Secondary Highway 683 in a southerly direction to Secondary Highway 623; thence, following Secondary Highway 623 in a westerly direction to Secondary Highway 621; thence, following Secondary Highway 621 in a southwesterly direction to Secondary Highway 637; thence, following Secondary Highway 637 in a southeasterly direction to U.S. Highway 258; thence, following U.S. Highway 258 in a southwesterly direction to Secondary Highway

605; thence, following Secondary Highway 605 in a southeasterly direction to the Isle of Wight-Nansemond County line; thence, following the Isle of Wight-Nansemond County line in a southwesterly direction to U.S. Highway 460; thence, following U.S. Highway 460 in a northwesterly direction to Secondary Highway 610; thence, following Secondary Highway 610 in a generally southerly direction to Secondary Highway 687; thence, following Secondary Highway 637 in a southwesterly direction to Secondary Highway 611; thence, following Secondary Highway 611 in a generally westerly direction to Secondary Highway 641; thence, following Secondary Highway 641 in a generally northeasterly direction to Secondary Highway 603; thence, following Secondary Highway 603 in a generally southwesterly direction to Secondary Highway 635; thence, following Secondary Highway 635 in a northeasterly direction to Secondary Highway 600; thence, following Secondary Highway 600 in a northwesterly direction to Secondary Highway 623; thence, following Secondary Highway 623 in a southwesterly direction to Secondary Highway 626; thence, following Secondary Highway 626 in a generally northwesterly direction to Secondary Highway 631; thence, following Secondary Highway 631 in a northerly direction to Secondary Highway 614; thence, following Secondary Highway 614 in a generally northeasterly direction to Secondary Highway 605; thence, following Secondary Highway 605 in a northwesterly direction to Secondary Highway 616; thence, following Secondary Highway 616 in a northeasterly direction to U.S. Highway 460; thence, following U.S. Highway 460 in a northwesterly direction to Primary State Highway 40; thence, following Primary State Highway 40 in a southwesterly direction to Secondary Highway 651; thence, following Secondary Highway 651 in a generally northwesterly direction to Secondary Highway 626; thence, following Secondary Highway 626 in a generally northwesterly direction to Secondary Highway 602; thence, following Secondary Highway 602 in a generally northeasterly direction to Secondary Highway 601; thence, following Secondary Highway 601 in a generally southeasterly direction to Secondary Highway 607; thence following Secondary Highway 607 in a northeasterly direction to Secondary Highway 608; thence, following Secondary Highway 608 in a southeasterly direction to Primary State Highway 40; thence, following Primary State Highway 40 in a northeasterly direction to Secondary Highway 611; thence, following Secondary Highway 611 in a southeasterly direction to its junction with Secondary Highway 616.

2. In § 76.2, in paragraph (e)(9) relating to the State of Missouri, a new subdivision (iii) relating to Chariton County is added to read:

(9) *Missouri.* * * *

(iii) That portion of Chariton County bounded by a line beginning at the junction of State Highway J and the Norfolk and Western Railway; thence, following the Norfolk and Western Railway in a generally northeasterly direction to the Chariton River; thence, following the west bank of the Chariton River in a northeasterly direction to the division line between R. 17 W. and R. 18 W.; thence, following the division line between R. 17 W. and R. 18 W. in a northerly direction to the division line between T. 54 N. and T. 55 N.; thence, following the division line between T. 54 N. and T. 55 N. in a westerly direction to the division line between R. 18 W. and R. 19 W.; thence, following the division line between R. 18 W. and R. 19 W. (also State Highway FF for part of distance) in a southerly direction to U.S. Highway 24; thence, following U.S. Highway 24 in a westerly direction to State Highway J; thence, following State Highway J in a generally southerly direction to its junction with the Norfolk and Western Railway.

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

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

The amendments quarantine a portion of Isle of Wight County, Va., and a portion of Chariton County, Mo., 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 areas designated herein.

The amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish their 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 amendments are impracticable 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 5th day of June 1970.

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

[F.R. Doc. 70-7217; Filed, June 9, 1970; 8:52 a.m.]

PART 78—BRUCELLOSIS

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

MODIFIED CERTIFIED BRUCELLOSIS AREAS

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

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. The entire State;
Alaska. The entire State;
Arizona. The entire State;
Arkansas. The entire State;
California. The entire State;
Colorado. The entire State;
Connecticut. The entire State;
Delaware. The entire State;
Florida. Alachua, Baker, Bay, Bradford, Brevard, Broward, Calhoun, Charlotte, Citrus, Clay, Collier, Columbia, Dade, De Soto, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hendry, Hernando, Holmes, Indian River, Jackson, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Liberty, Madison, Manatee, Marion, Monroe, Nassau, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Putnam, St. Johns, Santa Rosa, Sarasota, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington Counties;
Georgia. The entire State;
Hawaii. The entire State;
Idaho. The entire State;
Illinois. The entire State;
Indiana. The entire State;
Iowa. The entire State;
Kansas. The entire State;
Kentucky. The entire State;
Louisiana. The entire State;
Maine. The entire State;
Maryland. The entire State;
Massachusetts. The entire State;
Michigan. The entire State;
Minnesota. The entire State;
Mississippi. The entire State;
Missouri. The entire State;
Montana. The entire State;
Nebraska. The entire State;
Nevada. The entire State;
New Hampshire. The entire State;
New Jersey. The entire State;
New Mexico. The entire State;
New York. The entire State;
North Carolina. The entire State;
North Dakota. The entire State;
Ohio. The entire State;
Oklahoma. The entire State;
Oregon. The entire State;
Pennsylvania. The entire State;
Rhode Island. The entire State;
South Carolina. The entire State;
South Dakota. Aurora, Beadle, Bennett, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Corson, Custer, Davison, Day, Deuel, Dewey, Douglas, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hyde, Jackson, Jerauld, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Marshall, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Stanley, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;
Tennessee. The entire State;

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

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

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

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): Davison County in South Dakota; Collin, Rains, and Van Zandt Counties in Texas.

Mitchell and Scurry Counties in Texas were deleted from the list of modified certified brucellosis areas on May 19, 1970. Since said date, it has been determined that such counties again come within the definition of § 78.1(i); and, therefore, they have been redesignated as modified certified brucellosis areas.

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

Done at Washington, D.C., this 4th day of June 1970.

E. E. SAULMON,
Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 70-7216; Filed, June 9, 1970; 8:52 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER C—FEDERAL RESERVE SYSTEM LABOR RELATIONS PANEL

LABOR RELATIONS

1. Effective immediately, Subchapter C, entitled "Federal Reserve System Labor Relations Panel", consisting of Parts 290 and 292, as set forth below, is added to Title 12 of the Code of Federal Regulations.

2a. This subchapter is added by the Federal Reserve System Labor Relations Panel in accordance with § 269.6 of the "Policy on Unionization and Collective Bargaining for the Federal Reserve Banks" (Part 269 of Subchapter A of this chapter) issued May 9, 1969, by the Board of Governors of the Federal Reserve System. Notice of proposed rule making with respect to this subchapter was published in the FEDERAL REGISTER of March 17, 1970 (35 F.R. 4644).

b. The definitions and rules and regulations were adopted by the panel after consideration of all relevant material that was presented by interested persons.

c. The requirement of section 533(d) of title 5, United States Code, with respect to deferred effective date was not followed in connection with adoption of this subchapter, the panel having determined that immediate use of these rules and regulations is required with respect to labor relations matters pending within the Federal Reserve System.

By order of the Federal Reserve System Labor Relations Panel, June 3, 1970.

[SEAL] PAUL M. METZGER,
Secretary.

In accordance with § 269.6 of the "Policy on Unionization and Collective Bargaining for the Federal Reserve Banks" (hereinafter referred to as the Policy) (Part 269 of this chapter) issued May 9, 1969, by the Board of Governors of the Federal Reserve System, the Federal Reserve System Labor Relations Panel (hereinafter referred to as the panel) adopts these rules to assist the Federal Reserve Banks, their employees, and representatives to understand their responsibilities and rights under the policy, to effectuate the proper administration and enforcement of the provisions of the policy, and to carry out the purposes of the policy, including the removal of recognized sources of strife and unrest by protecting the right of employees to unionize and bargain collectively or to refrain from such activities.

PART 290—DEFINITIONS AS USED IN RULES AND REGULATIONS OF THE PANEL

Sec.
290.1 Party.
290.2 Party in interest.
290.3 Intervenor.
290.4 Investigator.
290.5 Hearing officer.

AUTHORITY: The provisions of this Part 290 issued under sec. F(4) of the Policy on Unionization and Collective Bargaining for the Federal Reserve Banks, 12 CFR 269.6(d).

§ 290.1 Party.

The term "Party" means any person, employee, group of employees, labor organization, or bank as defined in § 269.2 of this chapter (a) filing a charge, petition, application, or request pursuant to these rules and regulations, (b) named as a party in a charge, complaint, petition, application, or request, or (c) whose intervention has been permitted or directed by the investigator, the hearing officer, or the panel, as the case may be, but nothing shall be construed to prevent the panel, or any officer designated by it, from limiting any party's participation in the proceedings to the extent of his interest as determined by the investigator, hearing officer, or panel.

§ 290.2 Party in interest.

The term "party in interest" means any person, employee, group of employees, labor organization, or bank that will be or is directly affected by the resolution of any charge, complaint, petition, application, or request presented to or being considered by the panel or its designated officers. Any (a) labor organization (not a charging party nor a charged party) attempting to organize the employees of a bank or that is or was recently a party to a collective bargaining agreement with a bank named as a party in a charge, complaint, petition, application, or a request, or (b) bank (not a charging party nor a charged party) that acts as the employer of any person named in a charge, complaint, petition, or request shall be deemed to be also a party in interest and shall be entitled to notification and service of all relevant procedures and documents.

§ 290.3 Intervenor.

The term "intervenor" means the party in a proceeding whose intervention has been permitted or directed by the panel or its designated officer.

§ 290.4 Investigator.

The term "investigator" means the officer designated by the panel to investigate and determine whether or not

a complainant has established a prima facie case, as defined in § 292.210 of this subchapter.

§ 290.5 Hearing officer.

The term "hearing officer" means the officer designated by the panel to conduct hearings pursuant to § 292.420 et seq. of this subchapter and whose duties and power are enumerated in §292.442 of this subchapter.

PART 292—RULES AND REGULATIONS PERTAINING TO CHARGES OF UNFAIR LABOR PRACTICES

CHARGES OF VIOLATIONS OF § 269.6 (OF THE POLICY)

AUTHORITY: The provisions of this Part 292 issued under sec. F(4) of the Policy on Unionization and Collective Bargaining for the Federal Reserve Banks, 12 CFR 269.6(d).

CHARGES OF VIOLATIONS OF § 269.6 (OF THE POLICY)

§ 292.110 Charges.

A charge that any bank or labor organization, or agents or representatives of a bank or labor organization, has engaged in or is engaging in any act prohibited under § 269.6 of the policy or has failed to take any action required by § 269.6 of the policy may be filed by any party in interest, or its representative, within 60 days after the alleged violations or within 60 days after the charging party has become or should have become aware of the alleged violation.

§ 292.111 Filing of charges.

Any charge pursuant to § 292.110 shall be in writing and signed. An original and three copies of such charge, together with one copy for each charged party named, shall be transmitted to the Secretary of the Federal Reserve System Labor Relations Panel, 20th Street and Constitution Avenue NW., Washington, D.C. 20551. Within 5 days after receipt of a properly filed charge that meets the formal requirements set forth in § 292.112, the Secretary will cause a copy of such charge to be served on each party against whom the charge is made and upon all other potential parties in interest.

§ 292.112 Contents of the charge.

A charge shall contain the following:

(a) The full name, address, and telephone number of the person, bank, or labor organization making the charge (hereinafter referred to as the charging party) and of the person signing the charge who shall state also his relation to or his capacity with the complainant. Where discrimination is alleged, all known discriminatees shall be named;

(b) The name, address, and telephone number of the bank or labor organization against whom the charge is made (hereinafter referred to as the respondent) and of any parties in interest;

(c) A clear and concise statement of the facts constituting the alleged unfair labor practice, including the time and place of occurrence of the particular acts, and a statement of the portion or portions of the policy alleged to have been violated. A charge shall not incorporate by reference affidavits or other documents submitted in support of the charge;

(d) A statement of the relief sought;

(e) A statement of any other remedies invoked for the redress of the alleged violations of the policy and the results, if any, of their invocation. If the issue in such charge is subject to an established grievance procedure, the complainant must irrevocably elect, prior to the completion of the first applicable step of the grievance procedure, whether he will invoke the grievance procedure or whether he will invoke the unfair labor practice procedures of the panel. A charge which is withdrawn or rejected by the panel as defective prior to the institution of any formal proceedings by the panel shall not prejudice the filing of a grievance on the same matter, unless the parties otherwise so provide.

(f) A declaration by the person signing the charge, that its contents are true and correct to the best of his knowledge and belief, such declaration to be subject to applicable provisions of the Federal Criminal Code (18 U.S.C. 1001).

§ 292.113 Withdrawal or settlement.

A charge may be withdrawn or settlement of the matter may be reached without consent of the panel at any time. In connection with any such settlement the parties in interest shall prepare and sign a settlement agreement which shall record that the settlement is mutually satisfactory, shall stipulate any occurrences which constituted unfair labor practices and shall set forth the terms of the settlement.

§ 292.120 Answer to a charge.

The respondent shall file an answer to the charge with the Secretary of the panel within 15 days after service of the charge. Upon application and for good cause shown, the panel may extend the time within which the answer shall be filed. One copy of the answer shall be served on each party with proof of service furnished to the Secretary, and the original, which shall be signed, and four copies shall be filed with the Secretary.

§ 292.121 Contents of answer.

The answer shall contain:

(a) A specific admission or denial, and where appropriate, explanation thereof; or if the respondent is without knowledge of the allegation, he shall so state and such statement shall operate as a denial. Admissions or denials may be to all or part of an allegation but shall be responsive to the substance of the allegation;

(b) A specified, detailed statement of any affirmative defense;

(c) A clear and concise statement of the facts and matters of law relied upon constituting the grounds of defense.

Any allegation of the charge not denied in the answer may be deemed admitted and may be so found by the panel.

PRELIMINARY INVESTIGATION

§ 292.210 Referral to National Center for Dispute Settlement.

(a) Within 5 days after the answer to the charge has been or should have been filed, the panel may refer the matter, accompanied by a general or particularized request, to the National Center for Dispute Settlement of the American Arbitration Association (hereinafter referred to as the Center) to make an investigation and to determine whether the charging party has established a prima facie case.

(b) For the purposes of this part, a "prima facie case" means a case where

allegations of an unfair labor practice that have been presented give reasonable cause to believe that such practice may have occurred, but where evidentiary proceedings are necessary for determination of whether the allegations are substantiated.

(c) The Center may use its own personnel or may hire individuals on a contract basis to conduct such investigations. The panel may consolidate or sever proceedings conducted pursuant to this part.

(d) Any party may request the Center or other appointing authority to withdraw appointment of the investigator within 3 days after designation on the basis of previously demonstrated personal bias, conflict of interest, or prejudice. Such a request shall set forth in detail the matter alleged to constitute grounds for disqualification. Denial of a request by the Center or other appointing authority shall be substantiated in writing and transmitted to the requesting party, and shall be submitted to the panel together with the complete report of the investigator required in § 292.240 (b).

§ 292.220 Priority; acceleration of proceedings.

(a) A charge of "refusal to bargain" or a charge that, if sustained, would require the setting aside of an election or the conduct of a new election shall be given priority.

(b) The parties, individually or jointly, may petition the panel at any time to invoke immediately the formal hearing procedures set forth in § 292.410. They may also petition the panel to entertain the matter itself without prior investigation and/or without the formal hearing procedure set forth in § 292.410. The panel is empowered also on its own motion to so accelerate disposition of the case.

(c) Before accelerating a case the panel may utilize whatever proceedings it may deem appropriate and timely to allow parties in interest to comment on the proposed course of action.

§ 292.230 Assessment of costs; posting of bond.

(a) The panel shall normally bear the costs of an investigation conducted pursuant to § 292.210, but the panel may require that the charging party, the respondent, and/or other parties in interest or intervenors, or several of them, shall bear a portion or all of the costs therefor. With respect to each case where an investigation is directed by the panel, the charging party may, in the discretion of the panel, be required to file a cost bond, or equivalent security, of $500, unless the panel fixes a different amount.

(b) Among the circumstances that may be the basis for payment of costs by other than the panel are cases where a clearly spurious charge has been filed or where the filing of a charge was necessary to redress the respondent's flagrant misconduct.

(c) The bond or equivalent security shall be to secure the payment of the costs of the investigation as may be assessed by the panel. In those cases where the panel does not assess such costs, the bond posted and the cost thereof shall be reimbursed to the charging party. The panel may require also the posting of a cost bond by the respondent or other party to the proceeding, who shall be entitled to reimbursement of the cost of the bond in the event that no costs of investigation are assessed upon such party by the panel.

(d) Notification of the panel's decision that a bond shall be required shall be effected by registered mail, such notice to advise of the amount of the bond required and the period by which it shall be posted.

(e) Absent good cause shown, failure of a party to file timely such cost bond or equivalent security may be ground for dismissal or other administrative sanctions deemed appropriate by the Panel.

§ 292.240 The investigation.

(a) The purpose of the investigation is (1) to ascertain, analyze, and apply the relevant facts in order to determine whether or not formal proceedings are warranted and (2) to assist, by mediation and other appropriate means, the parties to reach a mutually satisfactory resolution of the issues as an alternative to the hearing process. In so doing, the investigator is not limited to the allegations set forth in the charge and may advise the charging party to amend his charge. In addition, he should adduce facts pertaining to the remedy as well as to the alleged violation. Investigation should also adduce facts pertaining to the jurisdiction of the panel and the timeliness of the charge. If the charge is untimely on its face, no investigation shall be required except to determine whether or not attending circumstances warrant waiving the time requirements, set forth in § 292.110. The investigator may request the appearance of parties and witnesses, may cause the production of relevant documents, and may take or cause depositions to be taken.

(b) When the investigation has been completed, the Center shall issue a written determination whether the charging party has established a prima facie case, whether the charge was timely filed, and whether the charge is within the jurisdiction of the panel, and reasons therefor. This determination shall be served upon the panel and all parties. The panel shall receive also the complete report of the investigator.

APPEAL FROM THE CENTER'S DETERMINATION

§ 292.310 Appeal rights.

Where the investigator has found that a prima facie case does not exist, a party, including an intervenor but excluding the respondent or other parties having the same interest as the respondent, within 5 days after receiving the Center's determination may petition the panel to set aside the determination and to cause formal proceedings, set forth in § 292.410, to be invoked. The panel may grant such petition only on grounds that the Center or its agents were arbitrary, capricious, or acted contrary to law or the policy, or that the investigator's determination is clearly erroneous. The filing requirements for such a petition shall be the same as that for the filing of a charge, as set forth in § 292.111.

§ 292.320 Proceedings before the panel.

The panel shall issue its decision within 15 days after the receipt of the petition provided for in § 292.310 or by the end of that period shall announce that it will require briefs by the parties. Such announcement shall specify the requirements as to contents of the briefs, and the time for submission, which shall vary to meet the circumstances of the matter appealed. The panel, at such time, may also require oral argument or the production of evidence or may so order oral argument and/or the production of evidence after examination of the briefs. The panel shall issue its final decision within 20 days after briefs have been filed, evidence has been produced, or oral argument has been conducted.

FORMAL PROCEEDINGS

§ 292.410 Notice of hearing.

If formal proceedings are found to be needed under the above procedures, and if no satisfactory settlement has been reached within 5 days after finding that a prima facie case exists, the Secretary of the panel, unless there is cause for granting an extension of time, shall issue and cause to be served upon the parties a notice of hearing. The panel shall appoint, pursuant to § 292.420, a hearing officer to hold a hearing and issue a report to the panel containing findings of fact, conclusions of law, and recommendations including, where appropriate, remedial action to be taken and notices to be posted. The Secretary shall furnish to the hearing officer the investigator's report and all other relevant information in the panel's possession.

§ 292.420 Designation of hearing officer.

(a) The panel, absent special circumstances, shall employ the center to select the hearing officer to conduct the hearing at a site most convenient to the parties and witnesses. The individual who performed the investigation, pursuant to § 292.210, shall be barred from acting as a hearing officer on the same matter, unless all parties in interest agree to his participation. The selection of the hearing officer, to the extent practicable, shall be done with the concurrence of the parties.

(b) Any party may request the hearing officer, at any time following his designation and before the filing of his decision, to withdraw on grounds of previously demonstrated personal bias, conflict of interest, or prejudice by filing with him promptly upon the discovery of the alleged facts a timely affidavit setting forth in detail the matters alleged to constitute grounds for disqualification. If, in the opinion of the hearing officer, such affidavit is filed with due diligence and is sufficient on its face, he shall forthwith disqualify himself and

withdraw from the proceeding. If he does not so withdraw, he shall so rule upon the record, stating the grounds for his ruling and proceed with the hearing, or, if the hearing has closed, he shall proceed with the issuance of his decision, and his ruling shall be subject to the same review by the panel that is given to the rest of his decision.

(c) The costs of conducting the hearing and of the hearing officer shall be borne by the panel. Witness fees and expenses shall be paid by the party at whose instance the witnesses appear.

§ 292.430 Contents of notice of hearing.

The notice of hearing shall include:

(a) A copy of the charge;

(b) A statement of the time of the hearing which shall be not less than 10 days after service of the notice of hearing, except in extraordinary circumstances. All charges involving a "refusal to bargain" allegation and all charges, if sustained, that would require the setting aside of an election, or the conducting of a new election shall be given first priority;

(c) A statement of the place and nature of hearing;

(d) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(e) A reference to the particular section of the policy and rules and regulations of this chapter involved;

(f) A copy of the determination, if any, made causing the invocation of these formal proceedings.

§ 292.440 Conduct of hearing.

(a) Hearing shall be public unless otherwise ordered by the hearing officer or the panel. An official reporter shall make the only official transcript of such proceedings.

(b) Copies of the official transcript will not be provided to the parties, but may be purchased by arrangement with the official reporter or with such costs as the panel may otherwise assess, or may be examined in the offices of the panel and/or the hearing officer subject to such conditions as the panel may prescribe.

(c) A charging party in asserting that an unfair labor practice has been committed within the meaning of the policy, shall have the burden of proving the allegations of the charge, or the amended charge, by a preponderance of the evidence.

(d) The parties shall not be bound by the technical rules of evidence, but the hearing officer may, in his discretion, exclude any evidence or offer of proof if he finds that its probative value is substantially outweighed by the risk that its admission will either necessitate undue consumption of time or create substantial danger of undue prejudice or confusion.

§ 292.441 Rights of parties.

(a) Any party shall have the right to appear at such hearing in person, by counsel, or by other representative, to call, examine, and cross-examine witnesses as may be required for a full and true disclosure of the facts, and to introduce into the record documentary or other relevant evidence, except that the participation of any party shall be limited to the extent permitted by the hearing officer. Five copies of such documentary evidence shall be submitted unless the hearing officer permits a reduced number for good cause shown.

(b) Any party shall be entitled, upon request, to a reasonable period at the close of the hearing for oral argument, which shall be included in the stenographic report of the hearing.

(c) Any party shall be entitled to file a brief to the hearing officer within 10 days after the close of the hearing, but no reply brief may be filed except upon special permission of the hearing officer. A party filing a brief must file the original and one copy with the hearing officer along with proof of service of a copy of such brief to all parties. Requests for extension of time to file briefs must be made to the hearing officer who must receive the request at least 3 days prior to the expiration of time fixed for filing of briefs and notice of the request shall be served simultaneously on all other parties, and proof of service shall be furnished. If a request for extension of time is based on the need for a copy of the transcript prior to filing a brief, such request must be made to the hearing officer before the hearing is closed and must be ruled on prior to the close of the hearing.

§ 292.442 Duties and powers of the hearing officer.

The hearing officer shall inquire fully into the facts as to whether the respondent has engaged or is engaging in an unfair labor practice as set forth in the charge or the amended charge. The hearing officer shall have authority, with respect to cases assigned to him, between the time he is designated and transfer of the case to the panel, subject to the rules and regulations in this subchapter, to:

(a) Grant requests for attendance of witnesses and production of documents;

(b) Rule upon petitions to quash requests made pursuant to paragraph (a) of this section;

(c) Call, examine, and cross-examine parties and witnesses as may be required for a full and true disclosure of the facts and to introduce into the record documentary or other evidence;

(d) Rule upon offers of proof and receive relevant evidence;

(e) Take or cause depositions to be taken whenever the ends of justice would be served thereby;

(f) Limit lines of questioning or testimony which are repetitive, cumulative, or irrelevant;

(g) Regulate the course of the hearing and, if appropriate or necessary, exclude persons or counsel from the hearing for contemptuous conduct and strike all related testimony of witnesses refusing to answer any proper question;

(h) Hold such prehearing conferences as may be necessary to expedite proceedings and hold such other conferences for the settlement or simplification of the issues by consent of the parties or upon his own motion;

(i) Dispose of procedural requests, motions, or similar matters which shall be made part of the record of the proceeding, including motions referred to the hearing officer by the panel, and motions to amend pleadings, also to recommend dismissal of cases or portions thereof, and to order hearings reopened or, upon motion, consolidated prior to issuance of the hearing officer's report and recommendations;

(j) Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;

(k) Require the parties, if necessary, to file written briefs in support of their positions;

(l) Take any other action necessary under the foregoing and authorized by the rules and regulations in this subchapter.

In the event the hearing officer designated to conduct the hearing becomes unavailable, the panel may designate another hearing officer for the purpose of further hearing or issuance of a report and recommendation on the record as made, or both.

§ 292.443 Motions before or after a hearing.

All motions (including motions for intervention), other than those made during a hearing, shall be made in writing to the Secretary of the panel, shall briefly state the relief sought, shall set forth the grounds for such motion, and shall be accompanied 3 days thereafter by proof of service on all parties. Answering statements, if any, must be served on all parties and the original thereof, together with two copies and statement of service, shall be filed with the Secretary within 5 days after service of the moving papers, unless the Secretary directs otherwise. Motions may be referred to the hearing officer whose ruling shall be made upon the record or the motion may be stayed until such time as the panel reviews the hearing officer's report and recommendations.

§ 292.444 Objection to conduct of hearing; other motions during hearing.

Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, or any other motion during the course of the hearing, including a request to allow intervention, may be stated orally or in writing accompanied by a short statement of the grounds for such objection, and included in the record. No such objection shall be deemed waived by further participation in the hearing and such objection shall not stay the conduct of the hearing. Automatic exceptions will be allowed to all adverse rulings and shall be considered by the panel upon its review of the hearing officer's report and recommendations, if exception to the ruling is included in a statement of exceptions submitted to the panel after the close of the hearing, subject to the requirements of § 292.520.

§ 292.450 Submission of hearing officer's report to the panel.

After the close of the hearing, and the receipt of briefs, if any, the hearing officer shall prepare a report and recommendations, containing findings of fact, conclusions of law, including judgments as to the credibility of witnesses where appropriate, and the reasons or basis therefor, and recommendations as to the disposition of the case, and, where appropriate, including the remedial action and notices to be posted. After he has caused his report and recommendations to be served promptly on all parties to the proceeding, he shall transfer the case to the panel including his report and recommendations and the complete record. Such submission shall be made within 20 days after the close of the hearing and the receipt of briefs, if any, unless otherwise extended by the panel. The record shall include the charge, notice of hearing, service sheet, motions, rulings, orders, official transcript of the hearing, stipulations, objections, depositions, documentary evidence, exhibits, and any briefs or other documents submitted to the parties.

PANEL REVIEW OF HEARING OFFICER'S REPORT AND RECOMMENDED DECISION

§ 292.510 Review by panel.

The panel shall review the report and recommendations of each hearing officer, the record of the hearing, and such other documents as enumerated in § 292.450, whether or not any party files an appeal, unless the parties file with the panel a settlement agreement within 10 days after service of the hearing officer's report upon them. In the course of such review, the panel may require oral argument or written briefs on any relevant issue within such time limits as the panel may prescribe, and may reopen the record in any case and receive further evidence.

§ 292.520 Exceptions to hearing officer's report.

(a) Any party may file with the panel exceptions to the hearing officer's report and recommendations, and any ruling contained therein, if made within 10 days after service of the report and recommendations. The Panel may, for good cause shown, extend the time for filing such exceptions upon written request, with copies served simultaneously on the other parties, received not later than 3 days before the date exceptions are due. Requests for oral argument will not be considered unless filed with exceptions.

(b) Any exception to a ruling, finding, conclusion, or recommendation which is not specifically urged shall be deemed to have been waived, although the panel may on its own motion rule upon any matter in the report and recommendations.

(c) Any exception which fails to comply with the following requirements may be disregarded:

(1) The exceptions shall set forth specifically the questions of procedure, fact, law, or policy to which exceptions are taken;

(2) The exceptions shall identify the part of the hearing officer's report to which objection is made;

(3) The exceptions shall designate by precise citation of page the portions of the record relied on, shall state the grounds for the exceptions, and shall include the citation of authorities unless set forth in a supporting brief.

(d) Any brief in support of exceptions shall contain no matter not included within the scope of the exceptions and shall contain in the order indicated, the following:

(1) A concise statement of the case containing all that is material to the consideration of the questions presented;

(2) A specification of the questions involved and to be argued;

(3) The argument, presenting clearly the points of fact and law relied on in support of the position taken on each question, with specific page reference to the transcript and the legal or other material relied on.

(e) Answering briefs to the exceptions, and cross-exceptions and supporting briefs will not be permitted without special leave of the panel. Requests for oral argument will not be considered unless accompanying such petition for special leave.

(f) Five copies of exceptions and briefs must be filed with the panel along with a statement of service of copies of the exceptions and supporting briefs upon all parties.

§ 292.530 Briefs in support of the hearing officer's report.

Any party may file a brief in support of the hearing officer's report and recommendations subject to the same time limits and rules pertaining to filing exceptions and briefs in support thereof, as set forth in § 292.520.

§ 292.540 Action by the panel.

After considering the hearing officer's report and recommendations, the record, any other documents, any exceptions filed, and any oral argument permitted, the panel shall issue its written decision. Upon finding that the respondent is engaging in or has engaged in an unfair labor practice, the panel shall order the respondent to cease and desist from such conduct and may require the respondent to take such affirmative corrective action as the panel deems appropriate to effectuate the Policy. Such action by the panel may include, but shall not be limited to, orders to provide back pay, provide reinstatement, set aside an election, bargain, and award recognition. Upon finding no violation of the policy, the panel shall dismiss the case. The panel's decision and order setting forth the remedial action, if any, required shall be conspicuously posted by the parties.

COMPLIANCE

§ 292.610 Procedures.

Where remedial action is ordered or provided for in a settlement agreement, a report to the panel that such action has been taken and that compliance with the decision and orders of the panel has been effected shall be submitted within the period of time specified in the panel's decision. The panel is empowered to utilize whatever administrative procedures it deems necessary to ascertain compliance.

§ 292.620 Action by Panel.

In any case where it is found, after a hearing, that the respondent has failed to comply with the final decision and order of the panel, the panel shall be empowered to take whatever action may be appropriate and shall expect the full cooperation of the Board of Governors of the Federal Reserve System in obtaining such compliance. Among the actions that may be taken by the panel against a noncomplying respondent labor organization, after a show cause hearing, may be suspension of that labor organization's checkoff privileges or recognition as exclusive bargaining representative for such period of time as determined by the panel.

GENERAL RULES

§ 292.710 Rules to be liberally construed.

(a) Whenever the panel finds that unusual circumstances or good cause exist and that strict compliance with the terms of the rules and regulations in this subchapter will work an injustice or unfairness, it shall construe the rules and regulations in this subchapter liberally to prevent injustices and to effectuate the purposes of the policy.

(b) When an act is required or allowed to be done at or within a specified time, the panel may at any time, in its discretion, order the period altered where it shall be manifest that strict adherence will work surprise or injustice or interfere with the proper effectuation of the policy.

§ 292.720 Computation of time for filing papers.

In computing any period of time prescribed by or allowed by the panel, the day of the act, event, or default after which the designated period of time begins to run, shall not be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or the applicable local legal holiday in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or legal holiday. When the period of time prescribed, or allowed, is seven days or less, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computations. When the rules and regulations in this subchapter require the filing of any paper, such document must be received by the panel or the officer or agent designated by it to receive such matter before the close of business of the last day of the time limit, if any, for such filing or extension of the time that may have been granted.

§ 292.730 Number of copies; form.

Except as otherwise provided in the regulations in this subchapter, any documents or papers shall be filed with four copies in addition to the original. All

matters filed shall be printed, typed, or otherwise legibly duplicated; carbon copies of typewritten matter will be accepted if they are clearly legible.

§ 292.731 Signature.

The original of each document filed shall be signed by the party or by an attorney or representative of record for the party, or by an officer of the party and shall contain the address and telephone number of the person signing it.

§ 292.740 Service of pleading and other paper; statement of service.

(a) *Method of service.* Notices of hearings, decisions, orders, and other papers may be served personally or by registered or certified mail or by telegraph.

(b) *Upon whom served.* Unless otherwise provided in the rules and regulations in this subchapter, all papers except complaints, petitions, and papers relating to requests for appearance or production of documents, shall be served upon all counsel of record and upon parties not represented by counsel or by their agents designated by them or by law and upon the panel, or its designated officers or agents, where appropriate. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be transmitted to the party.

(c) *Proof of service.* The party or person serving the papers or process shall submit simultaneously to the panel or its designated representative, or the individual conducting the proceeding, a written statement of such service. Failure to file a statement of service shall not affect the validity of the service. Proof of service, except where otherwise provided, shall be required only if subsequent to the receipt of a statement of service a question is raised with respect to proper service.

§ 292.750 Requests for appearance of witnesses and production of documents.

Parties may request appearance of witnesses and production of documents by filing application therefor, depending upon the stage of the proceedings at which the request is made, with the officer conducting the investigation or hearing, or with the panel. Such application shall name and identify the witnesses or documents sought and shall briefly state the need for such appearance or production. The officer with whom such request is filed shall rule upon each such request and the record of the proceeding shall contain a record of that ruling and the basis therefor. The record shall also contain a statement of reasons for any request for the appearance of witnesses or production of documents initiated by a presiding officer.

Effective date. These rules and regulations shall take effect immediately.

[F.R. Doc. 70-7113; Filed, June 9, 1970; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 70-WE-9-AD; Amdt. 39-1004]

PART 39—AIRWORTHINESS DIRECTIVES

General Dynamics Corp. Model 340 and 440 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive requiring repetitive inspections and rework or replacement of the main landing gear axle on General Dynamics Model 340 and 440 airplanes was published in 35 F.R. 4708.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Two comments were received. One comment pointed out that the MLG piston axle assembly part number called out in the NPRM was incorrect. This was a typographical error and has been corrected.

Another comment suggested that a magnetic particle inspection procedure be allowed as an alternate to the dye penetrant inspection procedure specified in the NPRM. The FAA agrees; the procedure has been included in the final amendment.

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 all Model 340 and 440 Series airplanes including those modified in accordance with STC SA4-1100 or STC SA1096WE.

Compliance required as indicated.

To detect cracks and prevent failure of the main landing gear axle:

Within the next 150 hours' time in service after the effective date of this AD, unless already accomplished within the last 650 hours' time in service, visually inspect MLG Piston/Axle Assemblies P/N 528039 with 10,000 or more hours' time in service for crack indications in the fillet radius area between the axle and the outboard face of both brake attachment flanges, by dye penetrant inspection procedures, in accordance with Part I of General Dynamics 640(340D) Service Bulletin No. 32-3, dated October 31, 1969, or later FAA-approved revision, or by magnetic particle inspection procedure, or an equivalent inspection procedure approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(a) If no cracks are found, repeat the inspection specified above at intervals not to exceed 1,000 hours' time in service from the last inspection. This 1,000-hour inspection interval may be discontinued when the area identified above has been reworked in accordance with paragraphs C, D, and E of Part II of S.B. 32-3, dated October 31, 1969, or later FAA-approved revision, or an equivalent rework approved by the Chief, Aircraft Engineering Division, FAA Western Region. Subsequent to the accumulation of 2,000 hours' time in service after this rework, and prior to 2,500 hours' time in service after rework, perform an inspection for cracks as described above. If no cracks are found as a result of this inspection, further inspections are not required by this AD. If cracks are found, accomplish (b), below.

(b) If cracks are found as a result of any of the inspections outlined above, accomplish the following before further flight:

(1) Rework the cracked area in accordance with all of the provisions of Part II of S.B. 32-3, dated October 31, 1969, or later FAA-approved revision, or an equivalent rework approved by the Chief, Aircraft Engineering Division, FAA Western Region, provided axle wall thickness remaining after rework is a minimum of 0.30 inches. After rework, repeat the inspection procedure specified above at intervals not to exceed 2,500 hours' time in service from the last inspection.

(2) If cracks are found which require removal of material that would leave a minimum axle wall thickness of less than 0.30 inches, the axle must be replaced.

NOTE: The holder of STC SA4-1100, Allison Division of General Motors Corp., has determined that Part II of General Dynamics Service Bulletin 32-3 is applicable to all aircraft modified in accordance with STC SA4-1100.

This amendment becomes effective June 12, 1970.

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

Issued in Los Angeles, Calif., on June 1, 1970.

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 70-7183; Filed, June 9, 1970; 8:48 a.m.]

[Airworthiness Docket No. 70-WE-19-AD; Amdt. 39-1003]

PART 39—AIRWORTHINESS DIRECTIVES

General Dynamics 340 and 440 Aircraft

There have been cracks in the MLG trunnion fitting on General Dynamics 340 and 440 airplanes that could result in failure of the MLG support structure. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require repetitive inspections of the trunnion fitting and stop drilling and replacement if cracked, in accordance with General Dynamics 640(340D) Service Bulletin 57-4, dated May 25, 1970, or later FAA-approved revision or an equivalent FAA-approved inspection and rework procedure.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable 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 General Dynamics 340 and 440 airplanes including those modified to turbopropeller power.

Compliance required as indicated.

To detect cracks and prevent failure of the MLG trunnion fitting P/N 340-8510109, accomplish the following:

Within the next 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 450 hours' time in service, visually inspect MLG trunnion fittings P/N 340-8510109 for crack indications in the outboard fitting face and inboard boss area, primarily in the upper area of the fitting above the boss radius, by dye penetrant inspection procedures, in accordance with General Dynamics 640(340D) Service Bulletin No. 57-4, dated May 25, 1970, or later FAA approved revision or an equivalent inspection procedure approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(a) If no cracks are found, repeat the above inspection procedure at inspection intervals not to exceed 500 hours' time in service from the last inspection.

(b) If cracks are found as a result of the above inspections, accomplish one of the following before further flight:

(1) If trunnion fitting cracking exceeds 2 inches or if a crack is found in the trunnion boss face, the fitting must be replaced.

(2) If cracking is in excess of 1 inch in length but less than 2 inches in length, either replace the fitting or stop-drill using a 0.25-inch drill and reinspect daily for crack growth until the fitting can be replaced.

(3) If cracking is 1 inch in length or less, either replace the fitting or stop-drill using a 0.25-inch drill and reinspect for crack growth at intervals not to exceed 50 hours' time in service.

NOTE: Where insufficient clearance precludes the use of a 0.25-inch drill, it is permissible to use a 0.1875-inch drill.

(c) Replace stop-drilled fittings within 500 hours' time in service from the initial stop-drilling.

(d) Any crack progressing beyond a stop-drilled hole may be stop-drilled again if the total crack length is less than 2 inches. This fitting must be replaced if a crack progresses to 2 inches or more in length.

This amendment becomes effective June 11, 1970.

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

Issued in Los Angeles, Calif., on June 1, 1970.

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 70-7184; Filed, June 9, 1970; 8:48 a.m.]

[Airspace Docket No. 70-EA-29]

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

Revocation and Designation of Reporting Points

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to revoke the South Bangor, Maine, low altitude reporting point and designate the Amzie, Maine, reporting point.

The South Bangor reporting point is designated as the intersection of the Bangor low frequency RBN 153° bearing and centerline of Control 1143. The Bangor RBN will be decommissioned in the near future which will result in the elimination of this reporting point. A need exists for a compulsory reporting point on Control 1143 in the vicinity of the boundary of the Boston and Moncton Air Route Traffic Control Centers. Action is taken herein to revoke the South Bangor reporting point and designate the intersection of the Bangor VORTAC 146°T (165°M) radial and the centerline of Control 1143 as a compulsory reporting point. This reporting point will be known as the Amzie Intersection.

Since these actions are minor in nature and neither designate nor redesignate navigable airspace, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

Section 71.203 (35 F.R. 2292) is amended as follows:

1. The South Bangor Intersection is deleted.

2. The Amzie Intersection is added as follows:

Amzie INT: INT Bangor 146° radial and centerline of Control 1143.

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

Issued in Washington, D.C., on June 3, 1970.

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

[F.R. Doc. 70-7176; Filed, June 9, 1970; 8:48 a.m.]

[Airspace Docket No. 70-EA-3]

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

Revocation of Federal Airway Segment

On April 1, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 5413) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke VOR Federal airway No. 57 segment between Falmouth, Ky., and the Moss, Ohio, Intersection.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 20, 1970, as hereinafter set forth.

In § 71.123 (35 F.R. 2009) V-57 is amended to read:

V-57 From Lexington, Ky., to Falmouth, Ky.

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

Issued in Washington, D.C., on June 3, 1970.

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

[F.R. Doc. 70-7178; Filed, June 9, 1970; 8:48 a.m.]

[Airspace Docket No. 70-EA-8]

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

Revocation of Federal Airway Segment

On April 8, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 5712) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke V-47W between Cincinnati, Ohio, and the Englewood, Ohio, intersection.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 20, 1970, as hereinafter set forth.

Section 71.123 (35 F.R. 2009) is amended as follows: In V-47 all between the phrases "Cincinnati, Ohio;" and "Findlay, Ohio, including" is deleted and the phrase "Rosewood, Ohio;" is substituted therefor.

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

Issued in Washington, D.C., on June 3, 1970.

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

[F.R. Doc. 70-7179; Filed, June 9, 1970; 8:48 a.m.]

[Airspace Docket No. 70-SW-6]

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

Alteration of Federal Airway Segment

On April 8, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 5712) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign VOR Federal airway No. 14 south alternate segment from Oklahoma City, Okla.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 20, 1970, as hereinafter set forth.

In § 71.123 (35 F.R. 2009, 3109, 4396, 6274, 7051) V–14 is amended by deleting "INT Oklahoma City 107°" and substituting "INT Oklahoma City 087°" therefor.

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

Issued in Washington, D.C., on June 3, 1970.

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

[F.R. Doc. 70–7180; Filed, June 9, 1970; 8:48 a.m.]

[Airspace Docket No. 70–SO–27]

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

Alteration of Control Zone and Transition Area

On April 22, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 6438), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Birmingham, Ala., control zone and transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 20, 1970, as hereinafter set forth.

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

BIRMINGHAM, ALA.

Within a 5-mile radius of Birmingham Municipal Airport (lat. 33°33'50" N., long. 86°45'30" W.); within 2 miles each side of Birmingham ILS localizer southwest course, extending from the 5-mile radius zone to 1 mile northeast of the OM; within 3 miles each side of the 056° and 236° bearings from Roebuck RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN.

In § 71.181 (35 F.R. 2134), the Birmingham, Ala., transition area is amended as follows: "* * * point of beginning * * *" is deleted and "* * * point of beginning; within 5 miles each side of Birmingham ILS localizer southwest course, extending from the 17-mile radius area to 11.5 miles southwest of the OM * * *" is substituted therefor.

(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 June 2, 1970.

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

[F.R. Doc. 70–7181; Filed, June 9, 1970; 8:48 a.m.]

[Airspace Docket No. 70–SO–24]

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

Alteration of Control Zone and Transition Area

On April 22, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 6438), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Gulfport, Miss., control zone and 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 determined that the proposal to designate a transition area extension predicated on Gulfport VORTAC 325° radial was erroneously cited as the 235° radial. It is necessary to alter the transition area description to reflect the correct radial. Since this amendment imposes no additional burden on the public, notice and public procedure hereon are unnecessary and action is taken herein to amend the transition area description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 20, 1970, as hereinafter set forth.

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

GULFPORT, MISS.

Within a 5-mile radius of Gulfport Municipal Airport (lat. 30°24'27.5" N., long. 89°04'05" W.); within 3 miles each side of Gulfport VORTAC 050°, 129°, 213° and 325° radials, extending from the 5-mile radius zone to 8.5 miles northeast, southeast, southwest and northwest of the VORTAC; excluding the portion that coincides with the Biloxi, Miss., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (35 F.R. 2134), the Gulfport, Miss., transition area is amended as follows: "* * * within an 8.5-mile radius of Keesler AFB * * *" is deleted and "* * * within 9.5 miles southwest and 4.5 miles northeast of Gulfport VORTAC 325° radial, extending from the VORTAC to 18.5 miles northwest; within an 8.5-mile radius of Keesler AFB * * *" is substituted therefor.

(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 June 2, 1970.

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

[F.R. Doc. 70–7182; Filed, June 9, 1970; 8:48 a.m.]

[Airspace Docket No. 70–SW–1]

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

PART 73—SPECIAL USE AIRSPACE

PART 75—ESTABLISHMENT OF JET ROUTES

Designation of Restricted Area and Jet Routes and Alteration of Controlled Airspace

On April 23, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 6511) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71, 73, and 75 of the Federal Aviation Regulations which would designate a restricted area in the Magdalena Mountains, Socorro, N. Mex.; designate jet routes from Truth or Consequences, N. Mex., to Albuquerque, N. Mex., and San Simon, Ariz., to Socorro, N. Mex.; and include the restricted area in the continental control area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The Air Transport Association of America stated they would have no objection to the proposal provided the FAA did not intend using the alternate jet routes at all times regardless of whether the restricted area was in use by the using agency. It is the intent of the FAA that joint use will be effected and traffic will be cleared on Jet Routes Nos. 104 and 13 when the restricted area is not being used. The Air Line Pilots Association expressed concern over the possibility that rockets and balloons launched in proximity to the airways and routes might stray outside the restricted area. However, the proponent has assured the FAA that procedures have been established which will assure that all rocket firings and moored balloons will be contained within the restricted area. All other comments were favorable.

In consideration of the foregoing, Parts 71, 73, and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., July 23, 1970, as hereinafter set forth.

1. Section 73.51 (35 F.R. 2340) is amended by adding:

R–5113 SOCORRO, N. MEX.

Boundaries. Beginning at lat. 34°00'00" N., long. 107°07'30" W.; thence to lat. 33°55'30" N., long. 107°07'30" W.; to lat. 33°55'30" N., long. 107°12'30" W.; to lat. 34°00'00" N., long. 107°12'30" W.; to point of beginning.

Designated altitudes. Surface to 45,000 feet MSL.

Time of designation. From 0900 to 1900 local time, daily June 1 through September 30, annually.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. U.S. Navy, Office of Naval Research, Atmospheric Sciences.

2. Section 75.100 (35 F.R. 2359) is amended by adding the following:

JET ROUTE NO. 57 (TRUTH OR CONSEQUENCES, N. MEX., TO ALBUQUERQUE, N. MEX.)

From Truth or Consequences, N. Mex., via Socorro, N. Mex.; to Albuquerque, N. Mex.

JET ROUTE No. 142 (SAN SIMON, ARIZ., TO SOCORRO, N. MEX.)

From San Simon, Ariz., via the INT of the San Simon 038° and the Socorro, N. Mex., 233° radials; to Socorro.

3. Section 71.151 (35 F.R. 2043) is amended by adding: "R-5113 Socorro, N. Mex."

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

Issued in Washington, D.C., on June 5, 1970.

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

[F.R. Doc. 70-7209; Filed, June 9, 1970; 8:51 a.m.]

[Airspace Docket No. 70-EA-32]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to change the using agency of the Lake Erie, Ohio, Restricted Area R-5505. This change was requested by the Department of the Navy.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 73.55 (35 F.R. 2345) the Lake Erie, Ohio, Restricted Area R-5505 is amended by changing the using agency from "Commanding Officer, U.S. Naval Air Station, Grosse Ile, Mich." to "Commanding Officer, U.S. Naval Air Facility, Detroit, Mich."

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

Issued in Washington, D.C., on June 3, 1970.

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

[F.R. Doc. 70-7177; Filed, June 9, 1970; 8:48 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Special Economic Reg. ER-625; Amdt. 6]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Waiver of Liability Limits Under Warsaw Convention by Certain Air Taxi Operators; Modification of Permissive Exclusionary Provision in Liability Insurance Policies of Air Taxi Operators

Postponement of effective date of Amendment No. 6 to Part 298; postponement of date of reregistration of air taxi operators to July 31, 1970.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of June 1970.

By this regulation the Board is extending to July 31, 1970, (a) the effective date of ER-621 entitled "Waiver of Liability Limits under Warsaw Convention by Certain Air Taxi Operators; Modification of Permissive Exclusionary Provision in Liability Insurance Policies of Air Taxi Operators," and (b) the date for reregistration of air taxi operators with the Board.

By ER-621 (35 F.R. 7695), the Board on May 12, 1970, adopted Amendment No. 6 to Part 298 providing for a waiver of liability limits under the Warsaw Convention by certain air taxi operators and a modification of a permissive exclusionary provision in liability insurance policies of air taxi operators. The rule required certain classes of air taxi operators[1] to file with the Board's Docket Section a signed counterpart to the Interim Agreement of carriers raising the limits of liability for death or injury to passengers under the Warsaw Convention from $8,290 per passenger to $75,000 per passenger in the form attached to the rule and to file with the Tariffs Section a simple tariff embodying the salient features of the Interim Agreement also in the form attached to the rule. The rule also modified a permissive exclusion of liability provision in Part 298 with respect to insurance policies of carriers so as to make clear that this exclusion would not become operative by reason of a carrier's signing a counterpart to the aforesaid Interim Agreement. The effective date of the rule was set for June 18, 1970.

By EDR-177, dated March 26, 1970, and published in the FEDERAL REGISTER at 35 F.R. 5348, the Board proposed extensive amendments to the liability insurance requirements for air taxi operators. These amendments included a revised registration form (CAB Form 298-A) and a revised Standard Endorsement for liability insurance policies (CAB Form 262). The explanatory statement to the proposed rule stated that it was anticipated that the final rule would be made effective July 1, 1970, the date for re-registration for most air taxi operators and commuter air carriers under the present rule. It now appears that this rule making proceeding cannot be completed in sufficient time so as to make the new rule effective July 1, 1970.

In view of the foregoing, we shall postpone the requirement for reregistration for all air taxi operators for this year only, until July 31, 1970. We shall also postpone the effective date of ER-621, supra, pertaining to the Warsaw Convention amendments for air taxi operators to the same date. This will avoid piecemeal processing of amendments to insurance policies. In addition, the Board has been informally advised that air taxi operators have been experiencing difficulty in meeting the requirements of ER-621 including obtaining the related insurance coverage within the 30-day notice period provided.

Since this matter merely involves extensions of time within which to comply with Board regulations, notice and public procedure thereon are unnecessary and the rule may be made effective immediately.

Accordingly, the Board hereby adopts the following special economic regulation, effective June 10, 1970, as follows:

SECTION 1. The date for reregistration for all air taxi operators including commuter air carriers as defined in Part 298 (14 CFR Part 298) for the year 1970 shall be July 31, 1970.

SEC. 2. The effective date of Regulation ER-621 (Amendment No. 6 to Part 298), 35 F.R. 7695, titled "Waiver of Liability Limits under Warsaw Convention by Certain Air Taxi Oporators; Modification of Permissive Exclusionary Provision in Liability Insurance Policies of Air Taxi Operators," shall be July 31, 1970.

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

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-7199; Filed, June 9, 1970; 8:50 a.m.]

[1] Those who (1) are commuter air carriers as defined in Part 298; (2) are parties to an interline agreement with a certificated air carrier or foreign air carrier; or (3) carry passengers in air transportation between any point in the United States and any point outside thereof.

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-386; Order 402-A]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Temporary Emergency Sales and Deliveries of Natural Gas for Resale in Interstate Commerce by Certain Persons With Exemptions

JUNE 3, 1970.

On May 6, 1970, the Commission issued its Order No. 402[1] in Docket No. R-386 announcing a new policy with respect to sales and deliveries of natural gas for resale in interstate commerce by companies with exemptions under section 1(c) of the Natural Gas Act to alleviate temporary emergencies. Since the issuance of the policy statement the Commission has received requests for approval of short-term sales contemplated by the order by companies (1) with Hinshaw exemptions under section 1(c) of the Act and (2) exempt from Commission jurisdiction by virtue of section 1(b) of the Act. The instant amendment embraces within the purview

[1] Published at 35 F.R. 7511, May 14, 1970.

of the policy statement distribution companies and intrastate pipelines, only, who have never sought an exemption under section 1(c) because of their exempt status under section 1(b). Additionally, we are amending the reporting requirements.

The Commission finds:

(1) The amended statement adopted herein concerns a matter of general policy which does not require notice or hearing under section 553 of title 5 of the United States Code.

(2) Early dissemination of the Commission's statement of general policy, as amended, referred to herein is in the public interest. Good cause therefore exists to bring it to the immediate attention of persons affected thereby.

The Commission, acting pursuant to the authority of the Natural Gas Act, as amended, particularly sections 1(b), 1(c), 7(c), and 16 thereof (68 Stat. 36, 52 Stat. 821, 825, 830,-56 Stat. 83; 15 U.S.C. 717(b), 717(c), 717f(c), 717o, orders:

(A) Effective upon issuance of this statement, § 2.68 in Part 2, Subchapter A, General Rules, Chapter I of Title 18, of the Code of Federal Regulations, is revised to read as follows:

§ 2.68 Policy with respect to temporary emergency sales and deliveries of natural gas for resale in interstate commerce by persons with exemptions under the Natural Gas Act pursuant to section 1(c), and certain persons exempt under the Natural Gas Act pursuant to section 1(b).

(a) With respect to persons exempt from the provisions of the Natural Gas Act pursuant to section 1(c), and distribution companies and intrastate pipelines only, exempt from the provisions of the Natural Gas Act pursuant to section 1(b), it will be the general policy of the Commission to encourage such persons and companies, if requested, to aid natural gas distribution companies and pipeline companies in need of temporary emergency gas supplies, by making short-term sales or deliveries of natural gas in interstate commerce for periods up to and including 60 consecutive days without any express authorization by the Federal Power Commission: *Provided*, That the seller (the exempt company) or transporter (a jurisdictional natural gas company) files with the Commission, in Docket No. R-386, within 10 days after the emergency commences, a statement in writing and under oath, together with four (4) conformed copies thereof, briefly outlining the nature of the emergency. Within 10 days after the termination of the emergency, a further sworn statement, and four (4) conformed copies thereof, shall be filed setting forth the volume of gas delivered and indicating (1) the total reimbursement received by the seller and (2) the applicable rate schedule, if any, or, alternatively, the bases by which the per Mcf reimbursement was derived. A transporter should, of course, receive adequate compensation for any additional transportation services rendered in connection with its participation in the delivery of the emergency volumes of gas and, upon termination of the emergency, shall inform the Commission, in writing, of the total amount of compensation received, if any, and the means by which the per Mcf compensation was derived.

(b) If the emergency responded to is expected to have a duration longer than 60 consecutive days, the seller or the transporter shall obtain an advance statement from the Commission, prior to termination of the 60-day period, that the seller's status under section 1 (b) or (c) of the Act will not be affected as a result of the contemplated emergency sales or deliveries, as the circumstances of such sales are described in a written petition filed pursuant to § 1.7 of the Commission's rules of practice and procedure in this chapter to be addressed to the Commission. Said petition shall also set forth (1) the volumes of gas anticipated to be delivered during (i) the initial 60-day period and (ii) during the period of extension, and (2) the total anticipated compensation or reimbursement to be received, if any, and the bases by which such per Mcf price was derived. Within 10 days after the termination of the emergency, as extended, the seller or transporter shall comply with all the requirements of the instant policy statement, as amended.

(Secs. 1(b), 1(c), 7(c), and 16 thereof (52 Stat. 821, 825, 830; 56 Stat. 83; 68 Stat. 36); 15 U.S.C. 717(b), 717(c), 717f(c), 717o)

(B) The Secretary shall cause prompt publication of this Statement to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 70-7215; Filed, June 9, 1970; 8:52 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 4]

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950——)

Subpart P—Rights and Benefits Based on Disability

Correction

In F.R. Doc. 68-9986 appearing at page 11749 in the issue for Tuesday, August 20, 1968, in the Appendix, under the impairment "12.00 Mental Disorders" add the words "evaluation process" to the fourth paragraph under the center heading "Discussion of Mental Disorders".

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Standardizing Quantity of Contents Declaration on Pickles and Pickle Products

In the matter of standardizing, in volumetric terms, the declaration of net quantity of contents on pickles and pickle products including relishes but excluding one of two whole pickles in clear plastic bags:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of January 10, 1969 (34 F.R. 399).

In responding comments, one Federal Agency, two State agencies, and one pickle firm support the proposal. One city weights and measures official opposes the proposal, urging a drained weight declaration on such products. One State agency supports the proposal except as it applies to sliced pickles and pickle relish, suggesting (a) that limiting the declaration to volumetric terms on such products is unnecessary and (b) that providing for the option of declaring either volume or weight, according to trade practice, might be warranted.

Having considered the comments received and other relevant information, the Commissioner concludes that the proposal should be adopted as set forth below.

Therefore, pursuant to provisions of the Fair Packaging and Labeling Act (secs. 4, 5(a), 6(a), 80 Stat. 1297-1300; 15 U.S.C. 1453-55) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That § 1.8b be amended by adding thereto a new paragraph, as follows:

§ 1.8b Food labeling; declaration of net quantity of contents; when exempt.

* * * * *

(r) The declaration of net quantity of contents on pickles and pickle products, including relishes but excluding one or two whole pickles in clear plastic bags which may be declared by count, shall be expressed in terms of the U.S. gallon of 231 cubic inches and quart, pint, and fluid ounce subdivisions thereof.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md.

20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective December 31, 1970, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 4, 5(a), 6(a), 80 Stat. 1297-1300; 15 U.S.C. 1453-55; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371)

Dated: June 1, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-7146; Filed, June 9, 1970; 8:46 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Ammoniates of [Ethylenebis(dithiocarbamato)] Zinc and Ethylenebis [Dithiocarbamic Acid] Bimolecular and Trimolecular Cyclic Anhydrosulfides and Disulfides

A petition (PP 0F0921) was filed with the Food and Drug Administration by FMC Corp., 100 Niagara Street, Middleport, N.Y. 14105, proposing the establishment of tolerance for residues of a fungicide that is a mixture of 5.2 parts by weight of ammoniates of [ethylenebis (dithiocarbamato)] zinc with 1 part by weight ethylenebis [dithiocarbamic acid] bimolecular and trimolecular cyclic anhydrosulfides and disulfides, calculated as zinc ethylenebisdithiocarbamate, in or on the raw agricultural commodities pecans and potatoes at 0.5 part per million (negligible residue).

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which the tolerances are being established.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that:

1. Since residues of the subject chemicals are not reasonably expected to occur in meat and milk from the proposed or established uses, tolerances regarding these items are unnecessary. The uses are in the category specified in § 120.6 (a)(3).

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.217 is amended by adding thereto a new paragraph as follows to establish the subject tolerances:

§ 120.217 Ammoniates of [ethylenebis (dithiocarbamato)] zinc and ethylenebis [dithiocarbamic acid] bimolecular and trimolecular cyclic anhydrosulfides and disulfides; tolerances for residues.

* * * * *

0.5 part per million (negligible residue) in or on pecans and potatoes.

* * * * *

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

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

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 2, 1970.

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

[F.R. Doc. 70-7147; Filed, June 9, 1970; 8:46 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2,2-Dichlorovinyl Dimethyl Phosphate

No comments or requests for referral to an advisory committee were received in response to the notice published in the FEDERAL REGISTER of January 23, 1970 (35 F.R. 987), proposing establishment of certain tolerances for residues of the subject insecticide in or on cucumbers, lettuce, radishes, and tomatoes. The Commissioner of Food and Drugs concludes that the proposal should be adopted wihout change.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.235 is revised to read as follows:

§ 120.235 2,2-Dichlorovinyl dimethyl phosphate; tolerances for residues.

Tolerances for residues of the insecticide 2,2-dichlorovinyl dimethyl phosphate are established as follows:

2 parts per million from postharvest application in or on nonperishable packaged or bagged raw agricultural commodities that contain more than 6 percent fat.

1 part per million (expressed as naled) in or on lettuce.

0.5 part per million (expressed as naled) in or on cucumbers.

0.5 part per million (expressed as naled) in or on tomatoes from preharvest and postharvest application.

0.5 part per million in or on radishes.

0.5 part per million from postharvest application in or on nonperishable packaged or bagged raw agricultural commodities that contain 6 percent fat or less.

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

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

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: June 2, 1970.

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

[F.R. Doc. 70-7145; Filed, June 9, 1970; 8:46 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

O-Ethyl S,S-Dipropylphosphorodithioate

A petition (PP 0F0872) was filed with the Food and Drug Administration by the Mobil Chemical Co., Industrial Chemicals Division, Post Office Box 631, Ashland, Va. 23005, proposing establishment of tolerances for negligible residues of the

insecticide and nematocide *O*-ethyl *S,S*-dipropylphosphorodithioate in or on the raw agricultural commodities peanuts, soybeans, and sweetpotatoes at 0.02 part per million.

Subsequently, the petitioner amended the petition by proposing such tolerances also regarding peanut hay and soybean forage and hay.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data in the petition and other relevant material, the Commissioner of Food and Drugs concludes that:

1. Residues of the insecticide are not reasonably expected to occur in meat, milk, poultry, or eggs from feeding the treated crops or their byproducts to livestock. The uses are in the category specified in § 120.6(a)(3).

2. The tolerances established by this order are safe and will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.262 is revised to read as follows to establish the new tolerances:

§ 120.262 *O*-Ethyl *S,S*-dipropylphosphorodithioate; tolerances for residues.

Tolerances are established for negligible residues of the insecticide *O*-ethyl *S,S*-dipropylphosphorodithioate in or on the raw agricultural commodities corn (in the grain and ear form), corn fodder and forage, peanuts, peanut hay, soybeans, soybean forage and hay, and sweetpotatoes at 0.02 part per million.

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

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

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 2, 1970.

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

[F.R. Doc. 70-7143; Filed, June 9, 1970; 8:46 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2-Chloro-*N,N*-Diallylacetamide

A petition (PP 0F0901) was filed with the Food and Drug Administration by the Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing establishment of tolerances for negligible residues of the herbicide 2-chloro-*N,N*-diallylacetamide in or on the raw agricultural commodities cabbage, castor beans, celery, corn grain, forage, and fodder (including field corn, sweet corn, and popcorn), dried beans, lima beans, lima bean forage, onions, peas, pea forage, potatoes, snap beans, snap bean forage, sorghum (grain and forage), soybeans, soybean forage, sugarcane, sweetpotatoes, and tomatoes at 0.05 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on the consideration given the data in the petition and other relevant material, the Commissioner of Food and Drugs concludes that:

1. Since the proposed uses are not reasonably expected to cause such residues to occur in milk, meat, eggs, or poultry, tolerances regarding these commodities are unnecessary. The uses are in the category specified in § 120.6(a)(3).

2. The tolerances established by this order are safe and will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), the following new section is added to Part 120:

§ 120.282 2-Chloro-*N,N*-diallylacetamide; tolerances for residues.

Tolerances are established for negligible residues of the herbicide 2-chloro-*N,N*-diallylacetamide in or on the raw agricultural commodities cabbage, castor beans, celery, corn grain (includes popcorn), fresh corn including sweet corn (kernels plus cobs with husk removed), corn forage or fodder (including sweet corn, field corn, and popcorn), dried beans, lima beans, lima bean forage, onions, peas, pea forage, potatoes, snap beans, snap bean forage, sorghum grain, sorghum forage, soybeans, soybean forage, sugarcane, sweetpotatoes, and tomatoes at 0.05 part per million.

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

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

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 2, 1970.

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

[F.R. Doc. 70-7144; Filed, June 9, 1970; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DISODIUM EDTA

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 0A2465) filed by Mother's Food Products, Inc., 50 Wheeler Point Road, Newark, N.J. 07105, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of disodium EDTA as set forth below. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1056(b)(1) is amended by inserting alphabetically in the table a new item, as follows:

§ 121.1056 Disodium EDTA.

* * * * * * *

(b) * * *

(1) * * *

Food	Limitation (parts per million)	Use
* * *	* * *	* * *
Gefilte fish balls or patties in packing medium.	50 (based on total weight of finished product including packing medium).	Inhibit discoloration.
* * *	* * *	* * *

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

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

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

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

Dated: June 2, 1970.

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

[F.R. Doc. 70-7148; Filed, June 9, 1970; 8:46 a.m.]

SUBCHAPTER C—DRUGS

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

Antibiotic Drugs for Parenteral Use Containing Dihydrostreptomycin Sulfate and Dihydrostreptomycin Sulfate With Streptomycin Sulfate

In the FEDERAL REGISTER of February 6, 1970 (35 F.R. 2670), the Commissioner of Food and Drugs announced (DESI 60109) the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, regarding the following antiinfective drugs offered for intramuscular use in man:

1. Dihydrostreptomycin sulfate powder, equivalent to 1.0 gram dihydrostreptomycin base per vial; by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017.

2a. Dihydrostreptomycin sulfate powder, equivalent to 1.0 gram and 5.0 grams dihydrostreptomycin base per vial; and

b. Dihydrostreptomycin sulfate solution 2.5 cc. (1 gram) and 12.5 cc. (5 grams); both by Merck & Co., Inc., Rahway, N.J. 07065.

3a. Dihydrostreptomycin sulfate powder, equivalent to 1.0 gram and 5.0 grams dihydrostreptomycin base per vial; and

b. Dihydrostreptomycin sulfate solution, equivalent to 0.4 gram or 0.5 gram dihydrostreptomycin base per cc.; both by Philadelphia Labs., 9815 Roosevelt Boulevard, Philadelphia, Pa. 19114.

4. Dihydrostreptomycin sulfate powder, equivalent to 1.0 gram and 5.0 grams dihydrostreptomycin base per vial; by E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903.

5a. Dihydrostreptomycin sulfate powder, equivalent to 1.0 gram and 5.0 grams dihydrostreptomycin base per vial; and

b. Dihydrostreptomycin sulfate solution, equivalent to 0.5 gram dihydrostreptomycin base per cc.; both by Pure Laboratories, Inc., 50 Intervale Road, Parsippany, N.J. 07054.

6. Dihydrostreptomycin sulfate powder with streptomycin sulfate powder, equivalent to 0.5 gram dihydrostreptomycin base and 0.5 gram streptomycin base per vial; by Merck & Co., Inc., Rahway, N.J. 07065.

7. Dihydrostreptomycin sulfate powder with streptomycin sulfate powder, equivalent to 0.5 gram dihydrostreptomycin base and 0.5 gram streptomycin base per vial, or 2.5 grams dihydrostreptomycin base and 2.5 grams streptomycin base per vial; by E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903.

Although these drugs had been evaluated by the Academy as effective for certain indications, the Commissioner concluded that the risks involved in their use outweigh any benefits that might be derived from such use and that provision for their certification should be repealed. Also announced was that dihydrostreptomycin sulfate, alone or in combination, is regarded as unsafe for its recommended uses because such uses expose patients to the drug's ototoxic hazard.

No comments were received in response to the proposal to amend the antibiotic drug regulations to repeal provision for certification of these drugs and to revoke certificates of safety heretofore issued for them.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended; 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 141b and 146b are amended:

1. By revising the section headings of §§ 141b.111, 141b.118, and 141b.122 to read as follows:

§ 141b.111 **Streptomycin sulfate injection; dihydrostreptomycin sulfate injection veterinary; crystalline dihydrostreptomycin sulfate injection veterinary.**

§ 141b.118 **Dihydrostreptomycin-streptomycin sulfates veterinary.**

§ 141b.122 **Dihydrostreptomycin-streptomycin sulfates solution veterinary.**

§ 141b.125 [Revoked]

2. By revoking § 141b.125 *Dihydrostreptomycin-streptomycin sulfates with isonicotinic acid hydrazide.*

§ 146b.103 [Amended]

3. In § 146b.103 *Dihydrostreptomycin sulfate, crystalline dihydrostreptomycin sulfate, dihydrostreptomycin hydrochloride:*

a. By adding to paragraph (a) a new subparagraph reading as follows:

(3) Its labeling shall conform to the requirements of § 146b.101(c) (2) or (3).

b. By deleting paragraph (b).

4. In § 146b.106:

a. By revising the section heading and paragraphs (b) and (c)(1) to read as follows:

§ 146b.106 **Streptomycin sulfate injection; dihydrostreptomycin sulfate injection (crystalline dihydrostreptomycin sulfate injection) veterinary.**

* * * * *

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U.S.P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling*—(1) *If it is intended for use by man.* It does not contain dihydrostreptomycin and in addition to the labeling requirements prescribed by § 1.106 (b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container and the immediate container, the statement "Expiration date_____," the blank being filled in with the date that is 12 months after the month during which the batch was certified except that the blank may be filled in with the date that is 18 months, 24 months, 36 months, 48 months, or 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section.

(ii) On the outside wrapper or container the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)" unless the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section after having been stored at room temperature.

* * * * *

b. By deleting "(i)(*a*) and (ii)" from paragraph (c)(2).

c. By deleting "(1)(*a*) and (1)(ii)" from paragraph (c)(3)(iv).

d. By changing in the second sentence of paragraph (d)(3)(iii) the phrase "requirements of" to "requirements for veterinary use of".

5. In § 146b.113, by revising the section heading and paragraphs (c) and (d)(4) to read as follows:

§ 146b.113 **Dihydrostreptomycin-streptomycin sulfates veterinary.**

* * * * *

(c) *Labeling.* It shall be labeled in accordance with § 146b.101(c) (2) or (3), except that each package shall bear on the outside wrapper or container the number of grams of dihydrostreptomycin, the number of grams of streptomycin, and the total number of grams of both salts in the immediate container.

(d) * * *

(4) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of the following:

(i) For all tests except sterility: 6 packages.

(ii) For sterility testing: 20 packages.

Each such package shall contain not less than 0.5 gram of dihydrostreptomycin and 0.5 gram of streptomycin taken from different parts of such batch, and each shall be packaged in accordance with the requirements for veterinary use of § 146b.101(b).

* * * * *

6. In § 146b.117, by deleting paragraph (a)(1) and by revising the section heading and paragraph (c) to read as follows:

§ 146b.117 Dihydrostreptomycin-streptomycin sulfates solution veterinary.

(a) * * *

(1) [Deleted]

* * * * *

(c) *Labeling.* It shall be labeled in accordance with the requirements of § 146b.101(c) (2) or (3).

* * * * *

§ 146b.120 [Revoked]

7. By revoking § 146b.120 *Dihydrostreptomycin-streptomycin sulfates with isonicotinic acid hydrazide.*

Any person who will be adversely affected by the removal of any such drug from the market may file objections to this order, within 30 days after its publication in the FEDERAL REGISTER, stating reasonable grounds and requesting a hearing on such objections. A statement of reasonable grounds and request for a hearing shall identify the claimed errors in the NAS-NRC evaluation and the Administration's conclusions as to risk involved in the parenteral use of dihydrostreptomycin sulfate alone or in combination with streptomycin sulfate. It shall identify and provide a well-organized and full-factual analysis of any adequate and well-controlled investigations the objector is prepared to prove in support of his objections. A request for a hearing must set forth specific facts showing there is a genuine and substantial issue of fact that requires a hearing. If a hearing is requested and justified by the objections, the issues will be defined and a hearing examiner named to conduct the hearing. (35 F.R. 7250; May 8, 1970). Objections should be filed, preferably in quintuplicate, with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER to allow time for recall to be completed.

(Secs. 502, 507, 52 Stat. 1050-51, as amended; 59 Stat. 463, as amended; 21 U.S.C. 352, 357)

Dated: May 28, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-7149; Filed, June 9, 1970; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7045]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Public Utility Property; Election as to New Property Representing Growth in Capacity

On April 30, 1970, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 167(l)(4)(A) (relating to election as to new property representing growth in capacity) of the Internal Revenue Code was published in the FEDERAL REGISTER (35 F.R. 6869). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment as proposed is hereby adopted, except that § 1.167(l)-4 is amended by revising so much of paragraph (a) that precedes paragraph (a)(1), and by revising all of paragraphs (b), (c), (d), and (g).

Because the election provided in section 167(l)(4)(A) must be made not later than June 29, 1970, it is found impracticable to issue this Treasury decision subject to the effective date limitation of 5 U.S.C., sec. 553(d).

(Sec. 167(l), 7805, Internal Revenue Code of 1954 (68A Stat. 917, 83 Stat. 625; 26 U.S.C. 167, 7805))

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

Approved: June 5, 1970.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

In order to prescribe the manner in which the election provided by section 167(l)(4)(A) of the Internal Revenue Code of 1954, as added by section 441(a) of the Tax Reform Act of 1969 (83 Stat. 625), shall be made, the Income Tax Regulations (26 CFR Part 1) are amended by adding, immediately preceding § 1.168, the following new sections:

§ 1.167(l) Statutory provisions; depreciation; public utility property.

SEC. 167. *Depreciation*— * * *

(l) *Reasonable allowance in case of property of certain utilities*—(1) *Pre-1970 public utility property*—(A) *In general.* In the case of any pre-1970 public utility property, the term "reasonable allowance" as used in subsection (a) means an allowance computed under—

(i) A subsection (l) method, or

(ii) The applicable 1968 method for such property.

Except as provided in subparagraph (B), clause (ii) shall apply only if the taxpayer uses a normalization method of accounting.

(B) *Flow-through method of accounting in certain cases.* In the case of any pre-1970 public utility property, the taxpayer may use the applicable 1968 method for such property, if—

(i) The taxpayer used a flow-through method of accounting for such property for its July 1969 accounting period, or

(ii) The first accounting period with respect to such property is after the July 1969 accounting period, and the taxpayer used a flow-through method of accounting for its July 1969 accounting period for the property on the basis of which the applicable 1968 method for the property in question is established.

(2) *Post-1969 public utility property.* In the case of any post-1969 public utility property, the term "reasonable allowance" as used in subsection (a) means an allowance computed under—

(A) A subsection (l) method,

(B) A method otherwise allowable under this section if the taxpayer uses a normalization method of accounting, or

(C) The applicable 1968 method, if, with respect to its pre-1970 public utility property of the same (or similar) kind most recently placed in service, the taxpayer used a flow-through method of accounting for its July 1969 accounting period.

(3) *Definitions.* For purposes of this section—(A) *Public utility property.* The term "public utility property" means property used predominantly in the trade or business of the furnishing or sale of—

(i) Electrical energy, water, or sewage disposal services,

(ii) Gas or steam through a local distribution system,

(iii) Telephone services, or other communication services if furnished or sold by the Communications Satellite Corporation for purposes authorized by the Communications Satellite Act of 1962 (47 U.S.C. 701), or

(iv) Transportation of gas or steam by pipeline,

if the rates for such furnishing or sale, as the case may be, have been established or approved by a State or political subdivision thereof, by any agency or instrumentality of the United States, or by a public service or public utility commission or other similar body of any State or political subdivision thereof.

(B) *Pre-1970 public utility property.* The term "pre-1970 public utility property" means property which was public utility property in the hands of any person at any time before January 1, 1970.

(C) *Post-1969 public utility property.* The term "post-1969 public utility property" means any public utility property which is not pre-1970 public utility property.

(D) *Applicable 1968 method.* The term "applicable 1968 method" means, with respect to any public utility property—

(i) The method of depreciation used on a return with respect to such property for the latest taxable year for which a return was filed before August 1, 1969,

(ii) If clause (i) does not apply, the method used by the taxpayer on a return for the latest taxable year for which a return was filed before August 1, 1969, with respect to its public utility property of the same kind (or if there is no property of the same

kind, property of the most similar kind) most recently placed in service, or

(iii) If neither clause (i) nor (ii) applies, a subsection (l) method.

In the case of any section 1250 property to which subsection (j) applies, the term "applicable 1968 method" means the method permitted under subsection (j) which is most nearly comparable to the applicable 1968 method determined under the preceding sentence.

(E) *Applicable 1968 method in certain cases.* If the taxpayer evidenced the intent to use a method of depreciation (other than its applicable 1968 method or a subsection (l) method) with respect to any public utility property in a timely application for change of accounting method filed before August 1, 1969, or in the computation of its tax expense for purposes of reflecting operating results in its regulated books of account for its July 1969 accounting period, such other method shall be deemed to be its applicable 1968 method with respect to such property and public utility property of the same (or similar) kind subsequently placed in service.

(F) *Subsection (l) method.* The term "subsection (l) method" means any method determined by the Secretary or his delegate to result in a reasonable allowance under subsection (a), other than (i) a declining balance method, (ii) the sum of the years-digits method, or (iii) any other method allowable solely by reason of the application of subsection (b)(4) or (j)(1)(C).

(G) *Normalization method of accounting.* In order to use a normalization method of accounting with respect to any public utility property—

(i) The taxpayer must use the same method of depreciation to compute both its tax expense and its depreciation expense for purposes of establishing its cost of service for ratemaking purposes and for reflecting operating results in its regulated books of account, and

(ii) If, to compute its allowance for depreciation under this section, it uses a method of depreciation other than the method it used for the purposes described in clause (i), the taxpayer must make adjustments to a reserve to reflect the deferral of taxes resulting from the use of such different methods of depreciation.

(H) *Flow-through method of accounting.* The taxpayer used a "flow-through method of accounting" with respect to any public utility property if it used the same method of depreciation (other than a subsection (l) method) to compute its allowance for depreciation under this section and to compute its tax expense for purposes of reflecting operating results in its regulated books of account.

(I) *July 1969 accounting period.* The term "July 1969 accounting period" means the taxpayer's latest accounting period ending before August 1, 1969, for which it computed its tax expense for purposes of reflecting operating results in its regulated books of account.

For purposes of this paragraph, different declining balance rates shall be treated as different methods of depreciation.

(4) *Special rules as to flow-through method*—(A) *Election as to new property representing growth in capacity.* If the taxpayer makes an election under this subparagraph within 180 days after the date of the enactment of this subparagraph in the manner prescribed by the Secretary or his delegate, in the case of taxable years beginning after December 31, 1970, paragraph (2)(C) shall not apply with respect to any post-1969 public utility property, to the extent that such property constitutes property which increases the productive or operational capacity of the taxpayer with respect to the goods or services described in paragraph (3)(A) and does not represent the replacement of existing capacity.

(B) *Certain pending applications for changes in method.* In applying paragraph (1)(B), the taxpayer shall be deemed to have used a flow-through method of accounting for its July 1969 accounting period with respect to any pre-1970 public utility property for which it filed a timely application for change of accounting method before August 1, 1969, if with respect to public utility property of the same (or similar) kind most recently placed in service, it used a flow-through method of accounting for its July 1969 accounting period.

(5) *Reorganizations, assets acquisitions, etc.* If by reason of a corporate reorganization, by reason of any other acquisition of the assets of one taxpayer by another taxpayer, by reason of the fact that any trade or business of the taxpayer is subject to ratemaking by more than one body, or by reason of other circumstances, the application of any provisions of this subsection to any public utility property does not carry out the purposes of this subsection, the Secretary or his delegate shall provide by regulations for the application of such provisions in a manner consistent with the purposes of this subsection.

[Sec. 167(l) as added by sec. 441(a), Tax Reform Act 1969 (83 Stat. 625)]

§ 1.167(l)–4 Public utility property; election as to post-1969 property representing growth in capacity.

(a) *In general.* Section 167(l)(2) prescribes the methods of depreciation which may be used by a taxpayer with respect to its post-1969 public utility property. Under section 167(l)(2)(A) and (B) the taxpayer may use a subsection (l) method of depreciation (as defined in section 167(l)(3)(F)) or any other method of depreciation which is otherwise allowable under section 167 if, in conjunction with the use of such other method, such taxpayer uses the normalization method of accounting (as defined in section 167(l)(3)(G)). Paragraph (2)(C) of section 167(l) permits a taxpayer which used the flow-through method of accounting for its July 1969 accounting period (as these terms are defined in section 167(l)(3)(H) and (I), respectively) to use its applicable 1968 method of depreciation with respect to certain property. Section 167(l)(3)(D) describes the term "applicable 1968 method". Accordingly, a regulatory agency is not precluded by section 167(l) from requiring such a taxpayer subject to its jurisdiction to continue to use the flow-through method of accounting unless the taxpayer makes the election pursuant to section 167(l)(4)(A) and this section. Whether or not the election is made, if such regulatory agency permits the taxpayer to change from the flow-through method of accounting, subsection (l)(2)(A) or (B) would apply and such taxpayer could, subject to the provisions of section 167(e) and the regulations thereunder (relating to change in method), use a subsection (l) method of depreciation or, if the taxpayer uses the normalization method of accounting, any other method of depreciation otherwise allowable under section 167.

(1) *Election.* Under subparagraph (A) of section 167(l)(4), if the taxpayer so elects, the provisions of paragraph (2)(C) of section 167(l) shall not apply to its qualified public utility property (as such term is described in paragraph (b) of this section). In such case the taxpayer making the election shall use a method of depreciation prescribed by section 167(l)(2)(A) or (B) with respect to such property.

(2) *Property to which election shall apply.* (i) Except as provided in subdivision (ii) of this subparagraph the election provided by section 167(l)(4)(A) shall apply to all of the qualified public utility property of the taxpayer.

(ii) In the event that the taxpayer wishes the election provided by section 167(l)(4)(A) to apply to only a portion of its qualified public utility property, it must clearly identify the property to be subject to the election in the statement of election described in paragraph (e) of this section. Where all property which performs a certain function is included within the election, the election shall apply to all future acquisitions of qualified public utility property which performs the same function. Where only certain property within a functional group of property is included within the election, the election shall apply only to property which is of the same kind as the included property.

(iii) The provisions of subdivision (ii) of this subparagraph may be illustrated by the following examples:

Example (1). Corporation *A*, an electric utility company, wishes to have the election provided by section 167(l)(4)(A) apply only with respect to its production plant. A statement that the election shall apply only with respect to production plant will be sufficient to include within the election all of the taxpayer's qualified production plant of any kind. All public utility property of the taxpayer other than production plant will not be subject to the election.

Example (2). Corporation *B*, an electric utility company, wishes to have the election provided by section 167(l)(4)(A) apply only with respect to nuclear production plant. A statement which clearly indicates that only nuclear production plant will be included in the election will be sufficient to exclude from the election all public utility property other than nuclear production plant.

(b) *Qualified public utility property*—(1) *Definition.* For purposes of this section the term "qualified public utility property" means post-1969 public utility property to which section 167(l)(2)(C) applies, or would apply if the election described in section 167(l)(4)(A) had not been made, to the extent that such property constitutes property which increases the productive or operational capacity of the taxpayer with respect to the goods or services described in section 167(l)(3)(A) and does not represent the replacement of existing capacity. In the event that particular assets which are post-1969 public utility property both replace existing public utility property and increase the productive or operational capacity of the taxpayer, only that portion of each such asset which is properly allocable, pursuant to the provisions

of subparagraph (3)(v) of this paragraph or paragraph (c)(2) of this section (as the case may be), to increasing the productive or operational capacity of the taxpayer shall be qualified public utility property.

(2) *Limitation on use of formula method.* A taxpayer which makes the election with respect to all of its post-1969 public utility property may determine the amount of its qualified public utility property by using the formula method described in paragraph (c) of this section or, where the taxpayer so chooses, it may use any other method based on engineering data which is satisfactory to the Commissioner. A taxpayer which chooses to include only a portion of its post-1969 public utility property in the election described in paragraph (a)(1) of this section shall, in a manner satisfactory to the Commissioner and consistent with the provisions of subparagraph (3) of this paragraph, use a method based on engineering data. If a taxpayer uses the formula method described in paragraph (c) of this section, it must continue to use such method with respect to additions made in subsequent taxable years. The taxpayer may change from an engineering method to the formula method described in paragraph (c) of this section by filing a statement described in paragraph (h) of this section if it could have used such formula method for the prior taxable year.

(3) *Measuring capacity under an engineering method in the case of a general election.* (i) The provisions of this subparagraph apply in the case of an election made with respect to all of the post-1969 public utility property of the taxpayer.

(ii) A taxpayer which uses a method based on engineering data to determine the portion of its additions for a taxable year which constitutes qualified public utility property shall make such determination with reference to its "adjusted capacity" as of the first day of the taxable year during which such additions are placed in service. For purposes of this subparagraph, the term "adjusted capacity" means the taxpayer's capacity as of January 1, 1970, adjusted upward in the manner described in subdivision (iii) of this subparagraph for each taxable year ending after December 31, 1969, and before the first day of the taxable year during which the additions described in the preceding sentence are placed in service.

(iii) The adjustment described in this subdivision for each taxable year shall be equal to the number of units of capacity by which additions for the taxable year of public utility property with respect to which the election had been made exceed the number of units of capacity of retirements for such taxable year of public utility property with respect to which the flow-through method of accounting was being used at the time of their retirement. If for any taxable year the computation in the preceding sentence results in a negative amount, such negative amount shall be taken into account as a reduction in the amount of the adjustment (computed without regard to this sentence) in succeeding taxable years.

(iv) The provisions of this subparagraph may be illustrated by the following table which assumes that the taxpayer's adjusted capacity as of January 1, 1970, was 5,000 units:

1 Year	2 Additions	3 Flow-through Retirements	4 Net additions	5 Adjusted capacity [1]	6 Actual capacity	7 Units of qualified additions [2]
1970	1000	700	300	5000	5300	300
1971	300	500	(200)	5300	5100	
1972	500	200	300	5300	5400	100
1973	400	800	(400)	5400	5000	
1974	600	400	200	5400	5200	
1975	800	300	500	5400	5700	300

[1] Capacity as of Jan. 1, 1970, plus amounts in column 7 for years prior to the year for which determination is being made.
[2] Column 6 minus column 5.

(v) The qualified portion of the basis for depreciation (as defined in section 167(g)) of each asset or group of assets (if group or composite accounting is used by the taxpayer) subject to the election shall be determined using the following ratio:

$$\frac{\text{Qualified portion of basis of asset}}{\text{Total basis of asset}} = \frac{\text{Units of qualified additions computed in column 7 on chart}}{\text{Units of capacity of additions computed in column 2 on chart}}$$

(c) *Formula method of determining amount of property subject to election—(1) In general.* The following formula method may be used to determine the amount of qualified public utility property:

Step 1. Find the total cost (within the meaning of section 1012) to the taxpayer of additions during the taxable year of all post-1969 public utility property with respect to which section 167(l)(2)(C) would apply if the election had not been made.

Step 2. Aggregate the cost (within the meaning of section 1012) to the taxpayer of all retirements during the taxable year of public utility property with respect to which the flow-through method of accounting was being used at the time of their retirement.

Step 3. Subtract the figure reached in step 2 from the figure reached in step 1. In the event that the figure reached in step 2 exceeds the figure reached in step 1 such excess shall be carried forward to the next taxable year and shall be aggregated with the cost (within the meaning of section 1012) to the taxpayer of all retirements referred to in step 2 for such next taxable year.

(2) *Allocation of bases.* The amount of qualified public utility property as determined in accordance with the formula method described in subparagraph (1) of this paragraph shall be allocated to the basis for depreciation (as defined in section 167(g)) of each asset or group of assets (if group or composite accounting is used by the taxpayer) subject to the election using the following ratio:

$$\frac{\text{Amount of qualified additions computed in step 3}}{\text{Amount of total additions computed in step 1}} = \frac{\text{Qualified portion of basis of asset}}{\text{Total basis of asset}}$$

(d) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). Corporation *A*, a telephone company subject to the jurisdiction of the Federal Communications Commission, elected, pursuant to the provisions of section 167(l)(4)(A) and this section, with respect to all of its qualified post-1969 public utility property to have the provisions of paragraph (2)(C) of section 167(l) not apply. In 1971 the Corporation added new underground cable with a cost (within the meaning of section 1012) to it of $4 million to its underground cable account. In the same year it retired public utility property with a cost (within the meaning of section 1012) to Corporation *A* of $1.5 million. The flow-through method of accounting was being used with respect to all of the retired property at the time of retirement. Using the formula method described in paragraph (c) of this section, the amount of qualified underground cable would be determined as follows:

	Million
Step 1. Aggregate cost of flow-through additions	$4.0
Step 2. Cost of all flow-through retirements	1.5
Step 3. Figure reached in step 1 less figure reached in step 2	2.5

The amount of qualified public utility property to which section 167(l)(2)(C) will not apply is $2.5 million. Pursuant to the provisions of paragraph (c)(2) of this section, the amount of qualified public utility property would be allocated to the basis for depreciation (as defined in section 167(g)) of an asset with a total basis for depreciation of $2 million as follows:

$$\frac{\$2.5 \text{ million (figure in step 3)}}{\$4 \text{ million (figure in step 1)}} = \frac{\text{Qualified portion of basis of asset}}{\$2 \text{ million}}$$

Qualified portion of basis of asset = $1.25 million

Example (2). In 1972 Corporation *A* (the corporation described in example (1)) added underground cable with a cost (within the meaning of section 1012) to it of $1 million. In the same year the cost (within the meaning of section 1012) to the corporation of retirements of public utility property with respect to which the flow-through method of accounting was being used was $3 million. There were no other additions or retirements. The amount of qualified public utility property would be determined as follows:

	Million
Step 1. Aggregate cost of flow-through additions	$1.0
Step 2. Cost of all flow-through retirements	3.0
Step 3. Figure reached in step 1 less figure reached in step 2	(2.0)

Since retirements of flow-through public utility property for the year 1972 exceeded additions made during such year, the excess retirements, $2.0 million, must be carried forward to be aggregated with retirements for 1973.

Example (3). Corporation *B*, a gas pipeline company subject to the jurisdiction of the Federal Power Commission, made the election provided by section 167(l)(4)(A) and this section with respect to all of its post-1969 public utility property. Corporation *B* chose to use an engineering data method of determining which property was subject to the election provided by this section. In 1970, the corporation replaced a portion of its pipeline with respect to which the flow-through method of accounting was being used at the time of its retirement which had a peak capacity on January 1, 1970, of 100,000 thousand cubic feet (M c.f.) per day at a pressure of 14.73 pounds per square inch absolute (p.s.i.a.) with pipe with a capacity of 125,000 M c.f. per day at 14.73 p.s.i.a. Assuming that there were no other additions or retirements, using an engineering data method one-fifth of the new pipeline would be property subject to the election of this section effective for its taxable year beginning on January 1, 1971.

Example (4). In 1970 Corporation *C* (with the same characteristics as the corporation described in example (3)) extended its pipeline 5 miles further than it extended on January 1, 1970. Assuming that there were no other additions or retirements, the entire extension would be property subject to the election provided by this section effective for its taxable year beginning on January 1, 1971.

Example (5). As a result of a change of service areas between two corporations, in 1970 Corporation *D* (with the same characteristics as the corporation described in example (3)) retired a pipeline running north and south and replaced it with a pipeline of equal length and capacity running east and west. No part of the pipeline running east and west is property subject to the election.

(e) *Manner of making election.* The election described in paragraph (a) of this section shall be made by filing, in duplicate, with the Commissioner of Internal Revenue, Washington, D.C. 20224, Attention, T:I:E, a statement of such election.

(f) *Content of statement.* The statement described in paragraph (e) of this section shall indicate that an election is being made under section 167(l) of the Internal Revenue Code of 1954, and it shall contain the following information:

(1) The name, address, and taxpayer identification number of the taxpayer,

(2) Whether the taxpayer will use the formula method of determining the amount of its qualified public utility property described in paragraph (c) of this section, or an engineering method, and

(3) Where the taxpayer wishes to include only a portion of its public utility property in the election pursuant to the provisions of paragraph (a)(2) of this section, a description sufficient to clearly identify the property to be included.

(g) *Time for making election.* The election permitted by this section shall be made by filing the statement described in paragraph (e) of this section not later than Monday, June 29, 1970.

(h) *Change of method of determining amount of qualified property.* Where a taxpayer which has elected pursuant to the provisions of section 167(l)(4)(A) wishes to change, pursuant to the provisions of paragraph (b)(2) of this section, from and engineering data method of determining which of its property is qualified public utility property to the formula method described in paragraph (c) of this section, it may do so by filing a statement to that effect at the time that it files its income tax return, with the district director or director of the regional service center, with whom the taxpayer's income tax return is required to be filed.

(i) *Revocability of election.* An election made under section 167(l) shall be irrevocable.

(j) *Effective date.* The election prescribed by section 167(l)(4)(A) and this section shall be effective for taxable years beginning after December 31, 1970.

[F.R. Doc. 70-7170; Filed, June 5, 1970; 2:29 p.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 604—METAL, MACHINERY, TRANSPORTATION EQUIPMENT, AND ALLIED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp. p. 1004), and by means of Administrative Order No. 612 (35 F.R. 1020), the Secretary of Labor appointed and convened Industry Committee No. 93–B for the metal, machinery, transportation equipment and allied products industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 93–B are hereby published, to be effective June 26, 1970, in this order amending § 604.2 of Title 29, Code of Federal Regulations.

As amended, § 604.2 reads as follows:

§ 604.2 Wage rates.

* * * * * *

(a) *Pre-1961 coverage classifications.* * * *

(4) *Metal spring classification.* (i) The minimum wage for this classification is $1.60 an hour.

* * * * * *

(5) *Slide fastener classification.* (i) The minimum wage for this classification is $1.60 an hour.

* * * * * *

(b) *1961 coverage classification.* (1) The minimum wage for this classification is $1.60 an hour.

* * * * * *

(c) *1966 coverage classification.* (1) The minimum wage for this classification is $1.45 an hour for the period beginning February 1, 1970, and ending January 31, 1971, and $1.60 an hour thereafter.

* * * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 5th day of June 1970.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, Department of Labor.

[F.R. Doc. 70-7224; Filed, June 9, 1970; 8:52 a.m.]

PART 606—ELECTRICAL, INSTRUMENT, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp. p. 1004), and by means of Administrative Order No. 612 (35 F.R. 1020), the Secretary of Labor appointed and convened Industry Committee No. 93–A for the electrical, instrument, and related products industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section

6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 93–A are hereby published, to be effective June 26, 1970, in this order amending § 606.2 of Title 29, Code of Federal Regulations.

As amended, § 606.2 reads as follows:

§ 606.2 Wage rates.

* * * * *

(a) *Pre-1961 coverage classifications.*

* * *

(4) *Classification D.* (i) The minimum wage for this classification is $1.565 an hour.

* * * * *

(6) *Classification F.* (i) The minimum wage for this classification is $1.60 an hour.

* * * * *

(b) *1961 coverage classification.* (1) The minimum wage for this classification is $1.60 an hour.

* * * * *

(c) *1966 coverage classification.* (1) The minimum wage for this classification is $1.45 an hour for the period beginning February 1, 1970, and ending January 31, 1971; and $1.60 an hour thereafter.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 5th day of June 1970.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, Department of Labor.

[F.R. Doc. 70-7225; Filed, June 9, 1970; 8:52 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter IV—Saint Lawrence Seaway Development Corporation

PART 401—SEAWAY REGULATIONS AND RULES

Miscellaneous Amendments

On pages 6513–6515 of the FEDERAL REGISTER of April 23, 1970, there was published a notice of proposed rule making by the St. Lawrence Seaway Development Corporation to amend Subpart A—Regulations and Subpart B—Rules of 33 CFR Part 401. In amending the rules, the Corporation is acting jointly and in coordination with the St. Lawrence Seaway Authority of Canada pursuant to the provisions of its enabling act (33 U.S.C. 981, et seq.).

Interested parties were given 30 days in which to submit written comments and suggestions with respect to the proposed amendments. The written comments received do not require a revision of the proposal, therefore, the proposed regulations are hereby adopted without change.

Because these amendments were developed jointly with the St. Lawrence Seaway Authority of Canada and were adopted by that agency at the beginning of the 1970 navigation season, I find that good cause exists for making the amendments effective in less than 30 days. Accordingly they shall become effective on the date of their publication in the FEDERAL REGISTER.

D. W. OBERLIN,
Administrator.

I. Amend the rules of Subpart B—Condition of Vessels, §§ 401.102–1 through 401.102–24(1) by amending § 401.102–3—Draft markings, to delete the effective date when midship draft markings were required; (2) by amending § 401.102–10—Radiotelephone equipment, to delete reference to medium frequency equipment, to set out the requirements of operating on Channel 11 and to exempt commercial vessels up to 40 feet in overall length; (3) by amending § 401.102–18—Propeller direction alarms and r.p.m. indicators, to make wrong-way direction alarms mandatory unless the possibility of engine operations against orders from the bridge is otherwise precluded; (4) by amending § 401.102–19—Sewage disposal systems, to reflect and conform with laws applicable in the various sections of the Seaway and to extend the present provision relative to sewage disposal, so as to include garbage disposal; (5) by amending § 401.102–21—Rudder angle indicators, to include a recommendation that the indicators or repeaters shall be arranged so that they can be read from the wings of the bridge, from which the vessel is conned; and (6) by adding § 401.102–25—Steering light, to recommend that vessels be equipped with a bow light, as follows:

§ 401.102–3 Draft markings.

Vessels in excess of 65 feet in overall length must be correctly and distinctly marked on both sides at the bow and stern, and vessels in excess of 350 feet in overall length must also be so marked on both sides with midship draft markings. A Seaway officer may require the Master of any vessel to produce satisfactory evidence that draft markings are correct.

§ 401.102–10 Radiotelephone equipment.

All vessels in excess of 40 feet in overall length, other than pleasure craft of less than 65 feet, must be equipped with VHF (very high frequency) radiotelephone equipment. The radio transmitters must have sufficient power output to enable the vessel to communicate with Authority stations from a distance of 30 miles and must be fitted to operate from the wheelhouse and to communicate on 156.55, 156.6, 156.7, and 156.8 MHz.

§ 401.102–18 Propeller direction alarms and r.p.m. indicators.

Vessels in excess of 260 feet in overall length shall be equipped with propeller direction/shaft r.p.m. indicators and, unless the vessel is bridge-controlled or is equipped with an automatically synchronized electric telegraph system or a device which renders it impossible to operate engines against orders from the bridge, visible and audible wrong-way propeller direction alarms located in the wheelhouse and the engine room.

§ 401.102–19 Sewage and garbage disposal systems.

Vessels not otherwise equipped with containers for ordures shall be equipped with a sewage disposal system enabling compliance with applicable laws relative to sewage disposal. Garbage on a vessel shall be destroyed by means of an incinerator or other device, or it shall be retained on board until such time as it can be disposed of lawfully.

§ 401.102–21 Rudder angle indicators.

Vessels in excess of 260 feet in overall length shall be equipped with rudder angle indicators located in the wheelhouse, and it is strongly recommended that the indicators or repeaters be arranged so that they are easily read from any position on the bridge.

§ 401.102–25 Steering lights.

It is strongly recommended that vessels with a navigating bridge some distance from the stem be equipped with a steering light on the bow.

II. Amend the rules of Subpart B—Radio Communications, §§ 401.103–1 to 401.103–8, (1) by amending § 401.103–2 — Radiotelephone frequencies, to add a reference to Channel 11 on the Lakes and to delete the reference to medium frequency; (2) by amending § 401.103–3—Location of stations, to add the Seaway stations which will operate in the Lakes; (3) by amending § 401.103–4—Calling-in, to replace the present provisions with provisions for necessary communications in connection with the positive system of traffic control being implemented; (4) by adding § 401.103–5—Communication—ports, docks, and anchorages, a new provision covering necessary communication in connection with the traffic control system being implemented; and (5) by deleting § 401.103–7—Calling-in points, and § 401.103–8—Communications at Canadian Sault Ste. Marie Canal, to reflect the incorporation of those provisions in amended § 401.103–4, as follows:

§ 401.103–2 Radiotelephone frequencies.

The Seaway Stations operate on the following assigned VHF frequencies:

156.8 MHz (channel 16)—Safety and Calling.
156.7 MHz (channel 14)—Working (Canadian Stations other than Lakes Ontario and Erie).
156.6 MHz (channel 12)—Working (U.S. Stations).
156.55 MHz (channel 11)—Working (Canadian Stations, Lake Ontario and eastern end of Lake Erie).

§ 401.103–3 Location of stations.

The Seaway Stations are for vessel traffic control purposes only, and are located as follows:

Call letters	Call sign	Location
VDX20	Seaway Beauharnois	Upper Beauharnois Lock—Traffic Control Sector No. 1.
KEF	Seaway Eisenhower	Eisenhower Lock—Traffic Control Sector No. 2.
VDX21	Seaway Iroquois	Iroquois Lock—Traffic Control Sector No. 3.
WAG	WAG Clayton	Clayton, N.Y.—Traffic Control Sector No. 4.
VDX70	Seaway Picton	Picton, Ontario—Traffic Control Sector No. 5.
VDX72	Seaway Oshawa	Oshawa, Ontario—Traffic Control Sector No. 5.
VDX22	Seaway Welland	St. Catharines, Ontario—Traffic Control Sector No. 6.
VDX68	Seaway Long Point	Port Colborne, Ontario—Traffic Control Sector No. 7.
VDX23	Seaway Sault	Sault Ste. Marie, Ontario—Traffic Control Sector No. 8.

§ 401.103–4 Calling-in.

(a) Vessels intending to, or in transit, must report on the assigned frequency to the designated station when opposite Calling-in Points, as indicated on the General Seaway Plan, and Check Points, indicated hereunder, giving the following information:

C.I.P. and check point	Station to call	Message content
Upbound Vessels		
C.I.P. 2—Entering Sector 1. (Order of passing through established.)	Seaway Beauharnois channel 14.	1. Name of Vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. Pilot requirement—Lake Ontario.
C.I.P. 3—(order of passing through established).	do	1. Name of Vessel. 2. Location.
Exiting Upper Beauharnois Lock.	do	1. Name of Vessel. 2. Location. 3. ETA C.I.P. 7.
C.I.P. 7—Leaving Sector 1.	do	1. Name of Vessel. 2. Location.
C.I.P. 7—Entering Sector 2.	Seaway Eisenhower channel 12.	1. Name of Vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. ETA Snell Lock. 7. Pilot requirement—Snell Lock.
C.I.P. 8 and 8A	do	1. Name of Vessel. 2. Location.
Exiting Eisenhower Lock.	do	1. Name of Vessel. 2. Location. 3. ETA C.I.P. 11.
C.I.P. 11—Leaving Sector 2.	do	1. Name of Vessel. 2. Location.
C.I.P. 11—Entering Sector 3.	Seaway Iroquois channel 14.	1. Name of Vessel. 2. Location.
C.I.P. 12—(order of passing through established).	do	1. Name of Vessel. 2. Loeation.
Exiting Iroquois Lock.	do	1.Name of Vessel. 2. Location. 3. ETA Whaleback Shoal.
Whaleback Shoal—Leaving Sector 3.	do	1. Name of Vessel. 2. Location.
Whaleback Shoal—Entering Sector 4.	WAG Clayton Channel 16 (switching to Channel 12).	1. Name of Vessel. 2. Location. 3. ETA Cape Vincent. 4. Confirmation pilot requirement—Lake Ontario.
Tibbetts Point—Leaving Sector 4.	do	1. Name of Vessel. 2. Location.
Tibbetts Point—Entering Sector 5.	Seaway Picton Channel 11.	1. Name of Vessel. 2. Location. 3. ETA Point Petre. 4. ETA Port Weller or Lake Ontario Port. 5. Pilot requirement—Port Weller.
Point Petre	do	1. Name of Vessel. 2. Location. 3. ETA Newcastle.
Newcastle	Seaway Oshawa Channel 11.	1. Name of Vessel. 2. Location. 3. Updated ETA Port Weller (C.I.P. 15). 4. Confirmation pilot requirement—Port Weller.
C.I.P. 15—(order of passing through established).	Seaway Welland Channel 14.	1. Name of Vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. Pilot requirement—Lake Erie.
Port Colborne Piers.	do	1. Name of Vessel. 2. Location. 3. ETA Long Point.
C.I.P. 16	Seaway Long Point Channel 11.	1. Name of Vessel. 2. Location.
Long Point—Leaving Sector 6.	do	1. Name of Vessel. 2. Location.
C.I.P. 17	Seaway Sault Channel 14.	1. Name of Vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
C.I.P. 18	do	1. Name of Vessel. 2. Location.
Downbound Vessels		
C.I.P. 18	Seaway Sault Channel 14.	1. Name of Vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
C.I.P. 17	do	1. Name of Vessel. 2. Location.
Long Point—Entering Sector 6.	Seaway Long Point Channel 11.	1. Name of Vessel. 2. Location. 3. ETA C.I.P. 16.
C.I.P. 16—(order of passing through established).	Seaway Welland Channel 14.	1. Name of Vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. Pilot requirement—Lake Ontario.
Exiting Lock No. 1—Welland Canal.	do	1. Name of Vessel. 2. Location. 3. ETA Newcastle. 4. ETA Tibbetts Point or Lake Ontario Port. 5. Pilot requirement—Cape Vincent.
C.I.P. 15	Seaway Oshawa Channel 11.	1. Name of Vessel. 2. Location.
Newcastle	do	1. Name of Vessel. 2. Location. 3. ETA Point Petre.
Point Petre	Seaway Picton Channel 11.	1. Name of Vessel. 2. Location. 3. Updated ETA Tibbetts Point. 4. Confirmation pilot requirement—Cape Vincent.
Tibbetts Point—Leaving Sector 5.	do	1. Name of Vessel. 2. Location.
Tibbetts Point—Entering Sector 4.	WAG Clayton Channel 16 (switching to Channel 12).	1. Name of Vessel. 2. Location. 3. Destination. 4. ETA Whaleback Shoal.
Whaleback Shoal—Leaving Sector 4.	do	1. Name of Vessel. 2. Location.
Whaleback Shoal—Entering Sector 3.	Seaway Iroquois Channel 14.	1. Name of Vessel. 2. Location. 3. ETA C.I.P. 14.
C.I.P. 14	do	1. Name of Vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
C.I.P. 13—(order of passing through established)	do	1. Name of Vessel. 2. Location.
Exiting Iroquois Lock.	do	1. Name of Vessel. 2. Location. 3. ETA C.I.P. 10. 4. Harbor or river pilot requirement-St. Lambert.
C.I.P. 10—Leaving Sector 3.	do	1. Name of Vessel. 2. Location.
C.I.P. 10—Entering Sector 2.	Seaway Eisenhower Channel 12.	1. Name of Vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
C.I.P. 9	do	1. Name of Vessel. 2. Location. 3. Pilot requirement—Snell Lock. 4. ETA Snell Lock.
Exiting Snell Lock	do	1. Name of Vessel. 2. Location. 3. ETA C.I.P. 6.
C.I.P. 6—Leaving Sector 2.	do	1. Name of Vessel. 2. Location.
C.I.P. 6—Entering Sector 1.	Seaway Beauharnois Channel 14.	1. Name of Vessel. 2. Location.
C.I.P. 5—(order of passing through established).	do	1. Name of Vessel. 2. Location.
Exiting Lower Beauharnois Lock.	do	1. Name of Vessel. 2. Location. 3. Confirmation Harbor or river pilot requirement—St. Lambert. 4. Montreal Harbor Berth Number. 5. V.H.F. requirement—St. Lambert.
C.I.P. 2—Leaving Sector 1.	do	1. Name of Vessel. 2. Location.

(b) Vessels on Lake Ontario, Lake Erie east of Long Point, and in Traffic Control Sector No. 8 will continue to guard Channel 16. However, initial calls by vessels to Seaway Stations shall be made directly on the channel designated for each station. Initial calls to vessels originating from Seaway Stations will be on Channel 16, switching to Channel 11 or Channel 14 for working.

(c) Exiting a lock refers to the period of time during which the vessel is underway to leave the lock prior to the time when its stern clears the lock chamber.

§ 401.103–5 Communication—ports, docks, and anchorages.

Vessels arriving at ports, docks, and anchorages shall report to the appropriate Seaway Station, giving an estimated time of departure, if possible and, at least 4 hours prior to departure, vessels departing ports, docks, and anchorages shall report in the same way giving their destination and ETA at the next Check Point.

§ 401.103–7 [Deleted]

§ 401.103–8 [Deleted]

III. Amend the rules of Subpart B—Transit Instructions, §§ 401.104–1 through 401.104–49, (1) by amending § 401.104–15—Limit of approach to a lock, to clarify the previous instructions applicable to the present signal light system; (2) by amending § 401.104–23—Passing hand lines, by adding subparagraph (c) to modify the standard system of passing hand lines to reflect the "walk-through" procedure at Iroquois and Lock 8; and (3) by amending § 401.104–32—Anchorage areas, to insert "Beauharnois Canal * * * Melocheville" to reflect the Melocheville Anchorage in the Beauharnois Canal, as follows:

§ 401.104–15 Limit of approach to a lock.

A vessel approaching a lock or guard gate shall be governed by the associated signal light system, and in no case shall its stem pass the appropriate limit of approach sign while a red light or no light is displayed.

§ 401.104–23 Passing hand lines.

* * * * *

(c) At Iroquois Lock and Lock 8, Welland Canal, a vessel transiting in either direction shall use its own hand lines.

§ 401.104–32 Anchorage areas.

Designated anchorage areas are as follows:

Lake St. Louis	Point Fortier.
Beauharnois Canal	Melocheville.
Lake St. Francis	St. Zotique and Dickerson Island.
Lake St. Lawrence	Wilson Hill Island and Morrisburg.
St. Lawrence River	Prescott.
Lake Ontario	Off Port Weller.
Lake Erie	Off Port Colborne.

IV. Amend the rules of Subpart B—Dangerous Cargo, §§ 401.105–1 through 401.105–11, (1) by amending § 401.105–4—Application for permit, to replace the words "Chief Engineer" at the end of the second line of the paragraph with the words "Director of Operations" to reflect the new organization and a related internal change recently adopted by the Development Corporation; and (2) by amending § 401.105–10—Calling-in, to correct references at the end of the paragraph to conform with the proposed amendments to Subpart B—Radio Communications, as follows:

§ 401.105–4 Application for permit.

Written application for a Seaway Explosives Permit may be made to the Director of Operations, The St. Lawrence Seaway Authority, Cornwall, Ontario, or to the Director of Operations, St. Lawrence Seaway Development Corporation, Massena, N.Y., and it shall show that the goods are packed, marked, labeled, described, certified, stowed, and otherwise conform with all relevant regulations of the country in which they were loaded and of Canada and the United States of America.

§ 401.105–10 Calling-in.

An explosive vessel shall report the Seaway Explosives Permit number, and both explosive and hazardous cargo vessels shall report the nature of their cargo, in addition to the other required information, when calling-in as provided by §§ 401.103–3 and 401.103–4.

V. Amend the rules of Subpart B—Pleasure Craft, §§ 401.107–1 to 401.107–8, by amending § 401.107–1—Transit by pleasure craft, in contemplation of the exclusion from the Seaway of sailing craft without auxiliary motors, as follows:

§ 401.107–1 Transit by pleasure craft.

Subject to the applicable conditions and except as hereinafter prescribed, pleasure craft, other than those without adequate motor power, may transit the Seaway.

VI. Amend the rules of Subpart B—Forms, by amending § 401.120–1—Preclearance form, Part II—Information on vessel, by deleting item 5, relating to the machinery and equipment on the vessel as this information is more accurately secured through inspection and other sources.

(68 Stat. 93–97, 33 U.S.C. 981–990, as amended)

[F.R. Doc. 70–7160; Filed, June 9, 1970; 8:47 a.m.]

Title 42—PUBLIC HEALTH

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

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

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

Metropolitan Oklahoma City Intrastate Region

On March 19, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 4764) to amend Part 81 by designating the Metropolitan Oklahoma City Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c–2(a)) was held on March 26, 1970. Due consideration has been given to all relevant material presented, with the result that Grady, Kingfisher, and Lincoln Counties, not previously in the proposal, have been added to the region.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.47, as set forth below, designating the Metropolitan Oklahoma City Intrastate Air Quality Control Region, is adopted effective on publication.

§ 81.47 Metropolitan Oklahoma City Intrastate Air Quality Control Region.

The Metropolitan Oklahoma City Intrastate Air Quality Control Region (Oklahoma) 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 Oklahoma:

Canadian County.	Logan County.
Cleveland County.	McClain County.
Grady County.	Oklahoma County.
Kingfisher County.	Pottawatomie County.
Lincoln County.	

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

Dated: May 28, 1970.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 70–7063; Filed, June 9, 1970; 8:45 a.m.]

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

Champlain Valley Interstate Region

On March 19, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 4765) to amend Part 81 by designating the Champlain Valley Interstate Air Quality Control Region.

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

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.48, as set forth below, designating the Champlain Valley Interstate Air Quality Control Region, is adopted effective on publication.

§ 81.48 Champlain Valley Interstate Air Quality Control Region.

The Champlain Valley Interstate Air Quality Control Region (Vermont-New York) 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 Vermont:
Addison County.
Chittenden County.
Franklin County.
Grand Isle County.
Rutland County.

In the State of New York:
Clinton County.
Essex County.

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

Dated: May 28, 1970.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 70-7064; Filed, June 9, 1970; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18406; FCC 70-572]

PART 91—INDUSTRIAL RADIO SERVICES

Frequency Coordination in Business Radio Service

In the matter of amendment of Part 91 of the Commission's rules to require frequency coordination in the Business Radio Service. Petition of Central Station Electrical Protection Association, and controlled companies, American District Telegraph Co. and Baker Industries, Inc., to amend Part 91 of the Commission's rules to establish an Industrial Protection Radio Service and to require coordination of frequencies allocated to the Central Station Protection Industry, RM-1267. Petition of National Association of Business and Educational Radio, Inc. (NABER), to amend § 91.8 of the Commission's rules to require frequency coordination for applications requesting assignment of frequencies in the 450-470 MHz band allocated for use in the Business Radio Service, RM-1302.

Second report and order. 1. The Commission has under consideration that portion of the above-captioned matter relating to the petition (RM-1302) of the National Association of Business and Educational Radio, Inc. (NABER), which seeks establishment of frequency coordination requirements for the 450-470 MHz band in the Business Radio Service. The other matter in this proceeding, regarding RM-1267, was disposed of by a first report and order (FCC 69-933), adopted August 27, 1969, which established, effective December 1, 1969, coordination requirements for 15 frequency pairs in the 460-470 MHz band, five pairs allocated for central station protection and 10 allocated for air terminal operations.

2. The Commission first considered the NABER proposals in its memorandum opinion and order and notice of proposed rule making (FCC 68-1179) which was adopted December 12, 1968. At that time, the Commission solicited detailed comments on NABER's petition as follows:

> 13. In view of these considerations, we believe, the issue raised by NABER's petition is whether coordination, such as proposed by NABER, would offer sufficient advantages in terms of more efficient use of Business frequencies in the 450-470 Mc/s band and improved quality of communications to warrant the added effort, expense, and delay in preparing and processing applications for both the applicants and for the Commission. In addressing themselves to this question, interested persons are asked to discuss and to give information and views on the following matters: (1) The type of information that will and should be required of applicants; (2) the type of records that will and should be kept by the coordinator; (3) the approximate number and the qualifications of personnel required to process these requests; (4) how coordination should and will be performed (i.e., the criteria for a favorable—or unfavorable—recommendation, the procedures that will be followed in arriving at "optiuih" frequencies, and the disposition that is to be made of controversial requests); (5) whether each coordination request will be examined on an engineering basis, taking into account such things as the technical parameters of the proposed system and existing systems with a view to fitting each new system into the existing technical environment; (6) the processing time for each coordinating request; (7) the approximate cost to the applicants for each coordination request; and (8) other such considerations.

Interested parties were also asked to discuss (1) the expected benefit of coordination in light of the heavy channel loading factors in the Business Radio Service, and (2) NABER's request to be designated the frequency coordination committee for the segment of the 450-470 MHz band involved.[1]

3. Comments in response to our notice have been submitted by the petitioner, the Special Industrial Radio Service Association (SIRSA), the National Association of Manufacturers (NAM), and the Association of Maximum Service Telecasters (MST). SIRSA and NAM support the NABER proposal. MST opposes it. There was uniform agreement by all these parties including MST that frequency coordination is "important to sound frequency management." However, as noted above, the issue which concerns the Commission is whether frequency coordination as presently practiced in the land mobile services would be effective in the Business Radio Service. MST strongly objected to "extending present methods of frequency coordination to the Business Radio Service" and argued that "the answer is not to require coordination in the Business Radio Service, but for the Commission to exercise its responsibilities and institute fundamental reforms of the entire frequency selection and coordination process." On the other hand, NAM stated that "there exists a pressing need" for frequency coordination in the Business Radio Service and urged immediate action on NABER's proposal. Calling upon its experience as coordinator for the Manufacturers Radio Service, NAM stated that "frequency coordination provides maximum utilization of the spectrum through organized control and eliminates unnecessary multiple assignments which lead to situations where licensees are unable to engage in useful communications." SIRSA urged the Commission not to "delay frequency coordination in the Business Radio Service until such time as more effective frequency management techniques are developed and implemented" since "this is not an appropriate forum for conducting studies of new techniques." It concludes "the only prudent course to follow is implementation of the NABER program as the best coordination procedure now available."

4. The NABER course was a composite of these approaches. It stated:

> Although NABER is of the view that overall management of all frequencies is in principle the most effective solution to sound frequency management, there is an immediate need for frequency coordination of the Business Radio Service applications in the 450-470 MHz band. At the present time, the new channels created by the splitting of the 450-470 MHz band are relatively unencumbered by debilitating congestion, mutually destructive interference and inefficient mobile operations. The Commission's establishment of new pairs of frequencies presents a unique opportunity to institute a formal frequency coordination procedure.

NABER went on to stress that "even if the Commission later decided that other means of frequency coordination should be adopted * * * interim coordination would result in better engineering of mobile systems, reduced interference in many cases, and more efficient utilization of the new 450-470 MHz split channels." NABER emphasizes that its interim coordination would provide "detailed current records on frequency use as well as a body of experience from which to draw in implementing procedures for coordination on an overall basis."

5. Further, NABER disputed the oft-stated assumption that there is a lack of homogeneity among Business Radio Service licensees. It argued that "there is a great homogeneity" in the manner in which they use land mobile communications, and claimed that a "vast majority" of Business licensees are "service-oriented organizations," while another large group is "manufacturers and distributors," all with similar communications requirements. NABER and SIRSA also noted that coordination has worked well in the Special Industrial Radio Service which, like the Business Radio Service, has "many disparate users." MST countered that the coordination problems in the Special Industrial Radio Service are not comparable since "there is far less uniformity of business types or of the manner in which radio is used in the Business Radio Service."

6. We have considered these and other arguments presented in the comments for and against NABER's proposition and we have concluded that a frequency coordination program along the lines suggested by NABER would be desirable in the Business Radio Service. We, of course, recognize the need for overall improvements in the manner in which frequencies are selected and used in the land mobile radio services and plans have

[1] NABER submitted initial comments in response to the notice, but also requested a "Further Notice of Proposed Rule Making" to clarify the information solicited in items (4) and (5) of the above-quoted paragraph 13. By a memorandum opinion and order (FCC 69-290), released Mar. 25, 1969, the Commission (1) denied the NABER request for a "Further Notice" as being unnecessary, (2) amplified the language of items (4) and (5) of the afore-quoted paragraph 13, and (3) extended the time for filing comments.

been adopted and others are being formulated looking toward that objective, including implementation of the recommendations of the Stanford Research Institute (SRI).[2] For example, the Commission has recently established a Task Force to work in the field. However, establishing coordination in the Business Radio Service at this time is not inconsistent with those plans. The frequency management approach recommended by SRI, for example, contemplates close coordination between the Commission and organized user groups at the regional level. NABER plans to have and use local coordinating committees to advise it on local coordination problems and to that extent, at least, its proposal would be consistent with the approach recommended by SRI. To be sure, NABER's program does not involve "fundamental reforms of the entire frequency selection and coordination process" as MST urged. We believe, however, that it is a practical step now available towards improving the management and use of the frequencies in the 450–470 Mhz band in the Business Radio Service, and accordingly, is warranted as an intermediate means towards that end.

7. Basically, NABER proposes to employ the coordination procedures SIRSA now follows in the Special Industrial Radio Service which also accommodates diverse radio users, although not as diverse as those using Business radio. We have noted that coordination in the Special Industrial Radio Service has worked well.[3] Under NABER's proposed program, applicants would submit requests for frequency recommendations to the Washington, D.C. office. These requests would be processed by a planned three-man, full-time staff headed by a person experienced in land mobile radio communications. The coordination request form to be used would elicit, in addition to the information now supplied in the Commission application form, data about actual power to be used in the proposed facilities, antenna gain, and directivity of the antenna, if any. Records would be maintained in form for computer processing and frequency recommendations would be based upon a number of factors including the location of the station, occupancy and use of channels, channel characteristics, the type of business the applicant is engaged in, and other factors. NABER does not expect to employ "sophisticated engineering analysis" in reaching its recommendations, but points out that in this regard it would not be dissimilar to other existing coordinating committees. Finally, as we mentioned, it plans to seek the advice of local coordinating committees, knowledgeable about local conditions, in resolving difficult coordination problems.

8. This procedure, we believe would result in more orderly assignment of applicants on the available channels than is now possible, and, hopefully, in a more balanced occupancy of the Business channels. This process will not (and it was never assumed that it could) eliminate interference and congestion in the Business Radio Service. The number of channels available are simply not enough to provide interference-free communications. The Business Radio Service was established to accommodate large numbers of licensees and the Commission, as well as the industry, fully expected that the frequencies allocated to that service would have to be shared heavily without protection from interference. Nevertheless, to the extent that the frequency assignment can be selected more carefully and the more obvious conflicts can be avoided by the coordination process, we believe it would contribute to the more effective use of the Business frequencies in the 450–470 MHz band and it would benefit not only new but also existing users of these frequencies.

9. Finally, it does not appear that the coordination process would cause unwarranted delays in frequency selections and application processing nor in unreasonable expense to the applicants. NABER stated that it expects to handle coordination requests within 24 hours, which we have no reason to doubt, and it will charge $10 [4] per coordination request to cover its costs. Accordingly, we conclude that the public interest would be served by amending our rules to require coordination of applications in the Business Radio Service for frequencies in the 450–470 MHz band.

* * * * *

10. There remains the question of whether NABER should be recognized as the frequency advisory committee. MST argued that the petitioner is not qualified because its membership accounts for only a small percentage of the total number of licensees in the Business Radio Service and NABER could not have "intimate" knowledge of the service. Further, MST argues that NABER is "* * * unsuited to be the frequency coordinating committee * * * because its basic approach is that only additional frequencies will solve communications problems in that radio service * * *," an approach with which MST disagrees.

11. First, we have held that a proposed coordinating committee may be recognized even though it does not include in its membership all those who are eligible for authorization in the radio service in which they function. However, we do require coordinating committees to be representative in that they must issue frequency recommendations without discrimination to all who apply whether or not they are members of the organization.[5] NABER represents a cross-section of licensees in the Business Radio Service and it has stated that it will provide frequency coordination service to both members and nonmembers alike. In this respect, it is not unlike many of the existing coordinating committees. Secondly, NABER in this proceeding, and in numerous other proceedings in which it has participated, has exhibited considerable knowledge of the communications requirements of Business licensees and we conclude that it has sufficient knowledge of the matter to provide an adequate service. Finally, we reject MST's argument that NABER may not qualify as a coordinating committee because its aims include allocations of additional radio frequencies to the Business Radio Service. We cannot reason from this, as MST would have us do, that NABER would not perform its coordination functions properly merely because it believes that additional radio frequencies should be allocated to the Business Radio Service. In short, we find that NABER, the only organization which has proposed to perform coordination in the Business Radio Service, is qualified to be a frequency coordinating committee in this Service and has offered a reasonable program for frequency coordination. Therefore, it is recognized as the frequency advisory committee for the Business Radio Service, except for the frequencies allocated exclusively to the central station protection industry and those allocated for land mobile operations in airports. The Central Station Industry Frequency Advisory Committee and Aeronautical Radio, Inc., respectively, have already been recognized as the frequency advisory committees for those frequencies.[6]

* * * * *

12. The rules we have adopted will be made effective November 1, 1970, to provide a sufficient opportunity to establish the coordination machinery. All applications filed in the Business Radio Service for frequencies in the 450–470 Mc/s band after November 1, 1970, will have to be accompanied by evidence of frequency coordination as prescribed by § 91.8 of the Commission's rules.

13. Authority for this rule amendment is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. *Accordingly: it is ordered*, That, effective November 1, 1970, Part 91 of the Commission's rules is amended as set forth below. *It is further ordered*, That this proceeding is terminated.

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

Adopted: June 3, 1970.

Released: June 5, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[7]

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

[2] A study of Land Mobile Spectrum Utilization, Stanford Research Institute Project 7379, final report, July 1969.

[3] See the Commission's memorandum opinion and order (FCC 69-77), released Jan. 29, 1969, in the matter of Frequency Coordination in the Special Industrial Radio Service. 16 FCC 2d 299.

[4] NABER originally anticipated a charge of $15 but has informed the Commission that it now believes that with the use of computer methods, its costs can be recovered at the $10 rate.

[5] See first report and order (FCC 69-933), this proceeding, released Aug. 28, 1969, 19 FCC 2d 9.

[6] See first report and order, released Aug. 28, 1969, 19 FCC 2d 9, and Public Notice 38334, dated Oct. 3, 1969.

[7] Commissioner Robert E. Lee dissenting; Commissioner Johnson concurring in the result.

Part 91 of the Commission's rules is amended, as follows:

Section 91.8(a)(1)(vii) is revised to read as follows:

§ 91.8 Policy governing the assignment of frequencies.

(a) * * *

(1) * * *

(vii) Any application in the Business Radio Service requesting a frequency below 450 MHz where the frequency involved and both immediately adjacent frequencies are available for assignment in that service.

* * * * *

[F.R. Doc. 70-7187; Filed, June 9, 1970; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 17—CONSERVATION OF ENDANGERED SPECIES AND OTHER FISH OR WILDLIFE

Designated Ports

On June 2, 1970, there was published in the FEDERAL REGISTER (35 F.R. 8491) a new Part 17 of Title 50 CFR entitled Conservation of Endangered Species and Other Fish or Wildlife. Pursuant to 16 U.S.C. 668cc(4)(d), Appendix B(1) of Part 17 contained a designation of certain ports of entry through which all fish and wildlife, with certain exceptions, must enter the United States. In a footnote to this designation, it was noted that New Orleans, La., would be added as a port of entry if approval was obtained from the Secretary of the Treasury, as required by law. Such approval has been obtained, and the purpose of this amendment is to add New Orleans, La., to Appendix B(1) as a designated port of entry.

It was determined to add New Orleans, La., as a designated port of entry following previous notice and public procedure thereon. This consisted of publication of a proposed list of designated ports of entry in the FEDERAL REGISTER (35 F.R. 5961) on April 10, 1970, and 30-day period for public comment thereon, and opportunity for a public hearing, which hearing was held on May 11, 1970. Therefore, the Bureau of Sport Fisheries and Wildlife finds that notice and public procedure thereon regarding this amendment are impracticable and unnecessary since it relieves a restriction.

This amendment adding New Orleans, La., as a port of entry will be effective upon publication in the FEDERAL REGISTER. The requirement for the entry of all fish and wildlife through these designated ports of entry will not be effective until August 3, 1970.

As amended 50 CFR Part 17, Appendix B, paragraph 1 reads:

1. *Designated ports.* The following ports are designated as ports of entry for all fish and wildlife, except shellfish and fishery products imported for commercial purposes which may enter through any Customs district or port:

New York, N.Y.	San Francisco, Calif.
Miami, Fla.	Los Angeles, Calif.
Chicago, Ill.	New Orleans, La.

(83 Stat. 275; 16 U.S.C. 668cc(4)(d))

Effective date: Upon publication in the FEDERAL REGISTER.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JUNE 5, 1970.

[F.R. Doc. 70-7165; Filed, June 9, 1970; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Federal Water Quality Administration

[18 CFR Part 601]

GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of the Interior pursuant to the authority in section 6, 70 Stat. 502, as amended, 33 U.S.C. 466e, proposes to amend Subpart B of Part 601 by revising § 601.25(b).

The proposed amendment is intended to further strengthen the waste treatment facility construction grant program by restating the adequate treatment requirement consistently with water pollution control advances in related areas. The improvement and modernization of the proposed treatment requirement is essential to an effective, consistent cooperative effort to achieve and implement water quality standards and to enhance water quality. The proposed treatment requirement is expressed in terms of uniform minimally acceptable performance of a treatment work. The design, plans and specifications of a proposed treatment plant, however, must take into account seasonal temperature fluctuations and other factors which will affect performance, so as to satisfy the Commissioner that the minimum level of treatment will be obtained year around.

Interested persons may submit, in triplicate, written data, or arguments in regard to the proposed regulations to the Secretary of the Interior, Washington, D.C. 20240. All relevant material received not later than 45 days after publication of this notice will be considered.

Section 601.25 would be amended by revising paragraph (b) thereof as follows:

§ 601.25 Grant limitations.

* * * * *

(b) No grant shall be made for any project unless the applicant provides assurance satisfactory to the Commissioner that the proposed treatment works, or part thereof, will adequately treat sewage or industrial wastes of a liquid nature in order to abate, control, or prevent water pollution. No such assurance will be satisfactory unless it includes assurance that the treatment works or part thereof, if constructed, operated and maintained in accordance with plans, designs and specifications, will result in: (1) Substantially complete removal of all floatable and settleable materials; (2) removal of not less than 85 percent of biochemical oxygen demand, determined on a monthly average, taking into account design flow, temperature fluctuations and such other factors as the Commissioner deems appropriate; (3) disinfection or other methods to produce substantially complete reduction of micro-organisms; (4) such additional treatment as may be necessary to meet applicable water quality standards, recommendations of the Secretary or order of a court pursuant to section 10 of the Federal Act: *Provided*, That in the case of a project which will serve a municipality with a population equivalent of 10,000 persons, or less, the Commissioner may waive the assurance of subparagraphs (2) and (3) of this paragraph if he determines that different methods or techniques of treatment are necessary or appropriate: *Provided further*, That in the case of a project which will discharge wastes into open ocean waters through an ocean outfall, the Commissioner may waive the requirements of subparagraphs (2) and (3) of this paragraph if he determines that such discharges will not adversely affect the open ocean environment and adjoining shores.

* * * * *

Dated: June 4, 1970.

WALTER J. HICKEL,
Secretary of the Interior.

[F.R. Doc. 70-7159; Filed, June 9, 1970; 8:47 a.m.]

[18 CFR Part 602]

CERTIFICATION OF FACILITIES

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of the Interior pursuant to the authority in section 301, 80 Stat. 378, 5 U.S.C. 301, proposes to revise Part 602.

The proposed revision is intended to implement section 704 of the Tax Reform Act of 1969, Public Law 91-172, which provides for the amortization of air and water pollution control facilities. The proposed regulations provide requirements and procedures for obtaining certifications from the Secretary for purposes of the amortization.

Interested persons may submit, in triplicate, written data or arguments in regard to the proposed regulations to the Secretary of the Interior, Washington, D.C. 20240. All relevant material received no later than 45 days after publication of this notice will be considered.

Part 602 would be revised to read as follows:

PART 602—CERTIFICATION OF FACILITIES

AUTHORITY: The provisions of this Part 602 issued under sec. 301, 80 Stat. 378; 5 U.S.C. 301.

§ 602.1 Applicability.

The regulations of this part apply to certifications by the Secretary under section 169 of the Internal Revenue Code of 1954, as amended.

§ 602.2 Definitions.

As used in this part, the following terms shall have the meaning indicated below:

(a) "Federal Act" means the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.).

(b) "State water pollution control agency" means the State health authority, except that, in the case of any State in which there is a single State agency, other than the State health authority, charged with responsibility for enforcing State laws relating to the abatement of water pollution, it means such other State agency.

(c) "Applicant" means any person who files an application with the Secretary for certification that property is in compliance with the applicable regulations of Federal agencies and the general policies of the United States for cooperation with the States in the prevention and abatement of water pollution under the Federal Act:

(d) "Secretary" means the Secretary of the Interior.

(e) "Facility" means property for which certification is sought under this part.

§ 602.3 General provisions.

(a) Applicants shall file applications in accordance with this part for each facility for which certification is sought.

(b) Applications shall be submitted to the Secretary through the State water pollution control agency.

(c) No certification shall be rendered for any facility prior to the commencement of operation of such facility in accordance with the application.

(d) An amendment to an application shall be submitted in the same manner as the original application and shall be considered a part of the application it amends.

(e) No certification shall be rendered by the Secretary for any facility prior to the certification of such facility by the State water pollution control agency in accordance with this part.

(f) The Secretary shall notify applicants whether or not a certification is issued. If the Secretary determines not to issue a certification he shall advise the applicant of the reasons therefor.

§ 602.4 Applications.

Applications for certification under this part shall be submitted in such manner as the Secretary may prescribe and shall include the following information:

(a) Name and address of the applicant and Internal Revenue Service Identifying Number.

(b) Description of the facility for which certification is sought (including a copy of schematic or engineering drawings), and a description of the function and operation of such facility;

(c) Address of facility location;

(d) Description of the industrial operation in connection with which such facility is or will be used;

(e) Description of the effect of such facility in terms of quantity and quality of wastes removed, altered, or disposed of by such facility;

(f) Dates of construction and operation of such facility;

(g) The amount of profits to be derived through recovery of wastes or otherwise in the operation of the facility;

(h) Such other information as the Secretary deems necessary for certification.

§ 602.5 State certification.

No application shall be considered by the Secretary until it has been submitted to the State water pollution control agency, and unless the application is accompanied by a State certification that the facility described in such application is in conformity with the State program and requirements for control of water pollution, including applicable water quality standards and effluent standards. Such certification shall be executed by an agent or officer authorized to act on behalf of the State water pollution control agency and accompanied by evidence of such authority.

§ 602.6 General policies.

The general policies of the United States for cooperation with the States in the prevention and abatement of water pollution under the Federal Act are: To enhance the quality and value of our water resources; to eliminate or reduce the pollution of interstate waters and tributaries thereof; to improve the sanitary condition of surface and underground waters; to conserve such waters for public water supplies, propagation of fish, and aquatic life and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses; and to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution.

§ 602.7 Requirements for certification.

(a) Except as provided in § 602.8, if the Secretary determines that a facility, for which application for certification has been made in accordance with the provisions of this part, is in compliance with the applicable regulations of Federal agencies and the general policies of the United States for cooperation with the States in the prevention and abatement of water pollution under the Federal Act, he shall so certify.

(b) In determining whether a facility complies with applicable regulations of Federal agencies and the general policies of the United States for cooperation with the States in the prevention and abatement of water pollution under the Federal Act, the Secretary shall consider whether such facility is consistent with and meets the requirements of the following factors, insofar as they are applicable to the waters which will be affected by the facility:

(1) Water quality standards, including water quality criteria and plans of implementation and enforcement established pursuant to section 10(c) of the Federal Act.

(2) Recommendations issued pursuant to section 10 (e) and (f) of the Federal Act.

(3) State water pollution control programs established pursuant to section 7 of the Federal Act and regulations under Subpart A, Part 601 of this chapter;

(4) Comprehensive water pollution control programs established pursuant to section 3 of the Federal Act;

(5) State, interstate, and local standards and requirements for the prevention, control, and abatement of water pollution.

§ 602.8 Cost recovery.

Notwithstanding any other provisions of this part, the Commissioner will not certify any facility to the extent it appears that by reason of profits derived through the recovery of wastes or otherwise in the operation of such facility, its costs will be recovered over its actual useful life.

§ 602.9 Notice of intent to certify.

On the basis of applications submitted prior to the construction and operation of a facility, the Commissioner may notify applicants that such facility will be certified if:

(a) The Commissioner determines that such facility, if constructed and operated in accordance with such application, will be in compliance with the requirements identified in § 602.7, and in furtherance of the general policies identified in § 602.6; and if

(b) The application is accompanied by a statement from the State water pollution control agency that such facility, if constructed and operated in accordance with such application, will be in conformity with the State program or requirements for abatement or control of water pollution.

Dated: June 5, 1970.

WALTER J. HICKEL,
Secretary of the Interior.

[F.R. Doc. 70-7198; Filed, June 9, 1970; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[15 CFR Part 7]

BLANKETS

Notice of Finding That Flammability Standards or Other Regulations May Be Needed and Institution of Proceedings

Finding. Pursuant to section 4(a) of the Flammable Fabrics Act, as amended (sec. 3, 81 Stat. 569; 15 U.S.C. 1193) and § 7.5 of the Flammable Fabrics Act Procedures (33 F.R. 14642, Oct. 1, 1968), and upon the basis of investigations or research conducted pursuant to section 14 of the Flammable Fabrics Act, as amended (sec. 10, 81 Stat. 573; 15 U.S.C. 1201), it is hereby found that a flammability standard or standards, or other regulations, including labeling, may be needed for blankets (including electric blankets), and fabrics or related materials intended to be used, or which may reasonably be expected to be used, in these products, to protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury, or significant property damage.

There now exists no national flammability standard for blankets affording the general public protection from an unreasonable risk of fire. Blankets, therefore, might be produced and made available for consumer purchase, which, when used alone or in a bedding assembly, present through ordinary use such foreseeable hazards as flash burning, rapid burning, continuous slow burning or smoldering or smoke or toxic atmospheres resulting therefrom.

The Department of Commerce has been provided data on tests of the flammability of 121 blankets of various types conducted by Consumer's Union, Mount Vernon, N.Y., and the Department of Commerce has had two meetings with representatives of blanket manufacturers. As a result of the Department's review of the Consumer's Union data, and of the meetings with the representatives of blanket manufacturers, the National Bureau of Standards made two series of purchases of blankets being offered for sale in retail outlets in the suburban Washington, D.C. area, and tested these blankets by the procedures of the present flammability standard for wearing apparel. In the first series of purchases, made on January 24, 1969, 37.5 percent of the blankets failed to comply with the present standard for wearing apparel. In the second series of purchases, made on October 6, 1969, 42 percent of the blankets failed to comply with the present standard for wearing apparel.

Data obtained from the State of Oregon, the District of Columbia, the cities of Arlington, Va., and Los Angeles, Calif., and Montgomery County, Md., were analyzed to determine the incidence

of bed fires and the resulting risk to the public. Los Angeles, Calif., Arlington, Va., and the District of Columbia are primarily urban areas, while Oregon and Montgomery County, Md., are primarily mixtures of suburban and rural areas. For Los Angeles in calendar year 1968, fires started by ignition of bedding represented 16 percent of all fires in buildings. For Arlington, Va., in calendar year 1968, fires started by ignition of bedding represented 26 percent of all fires in buildings. For the District of Columbia for a portion of calendar year 1968, fires started by ignition of bedding represented 24 percent of all bedding fires. For calendar year 1968, fires started by ignition of bedding represented 3.9 percent of all building fires in Oregon and 2.9 percent of all building fires in Montgomery County, Md.

The National Fire Protection Association reported (January 1969 Fire Journal) a summary of data from 2,620 single-fatality, nonclothing fire deaths. In 1,173 of these cases, the item ignited was reported as "other" or "undetermined." Bed fires were the cause of 307, or 21 percent, of the remaining 1,447 deaths.

Detroit Fire Department officials reported that of 159 hotel fires in 1966, 99 were bedding fires, leading to 35 deaths.

All the above, and similar reported data, do not indicate which of the bedding components were important in the development of the fire and the resulting hazards.

Institution of proceedings. Pursuant to section 4(a) of the Flammable Fabrics Act, as amended (sec. 3, 81 Stat. 569; 15 U.S.C. 1193) and § 7.6(a) of the Flammable Fabrics Act Procedures (33 F.R. 14642, Oct. 1, 1968), notice is hereby given of the institution of proceedings for the development of an appropriate flammability standard or standards, or other regulations, including labeling, for blankets, and fabrics or related materials intended to be used, or which may reasonably be expected to be used, in these products.

Participation in proceedings. All interested persons are invited to submit written comments or suggestions within 30 days after the date of publication of this notice in the FEDERAL REGISTER relative to (1) the above finding that a new flammability standard or standards, or other regulations, including labeling, may be needed; and (2) the terms or substance of a flammability standard or standards, or other regulations, including labeling, that might be adopted in the event that a final finding is made by the Secretary of Commerce that such a standard or standards, or other regulations, are needed to adequately protect the public against the unreasonable risk of the occurrence of fire leading to death, injury, or significant property damage. Written comments or suggestions should be submitted in at least four (4) copies to the Assistant Secretary for Science and Technology, Room 5051, U.S. Department of Commerce, Washington, D.C. 20230, and should include any data or other information pertinent to the subject.

Inspection of relevant documents. The written comments received pursuant to this notice will be available for public inspection at the Central Reference and Records Inspection Facility of the Department of Commerce, Room 2122, Main Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, D.C. 20230.

A supporting document is available for inspection in the above facility. It contains (1) data from tests on blankets carried out by Consumer's Union, Mount Vernon, N.Y., (2) data from tests carried out by the National Bureau of Standards on blankets purchased on January 24, 1969, (3) data from tests carried out by the National Bureau of Standards on blankets purchased on October 6, 1969, and (4) the results of a limited market survey of blankets carried out in the Washington, D.C. suburbs by the National Bureau of Standards.

Issued: June 5, 1970.

MYRON TRIBUS,
Assistant Secretary
for Science and Technology.

[F.R. Doc. 70-7223; Filed, June 9, 1970; 8:52 a.m.]

[15 CFR Part 7]

MATTRESSES

Notice of Finding That Flammability Standards or Other Regulations May Be Needed and Institution of Proceedings

Finding. Pursuant to section 4(a) of the Flammable Fabrics Act, as amended (sec. 3, 81 Stat. 569; 15 U.S.C. 1193) and § 7.5 of the Flammable Fabrics Act Procedures (33 F.R. 14642, Oct. 1, 1968), and upon the basis of investigations or research conducted pursuant to section 14 of the Flammable Fabrics Act, as amended (sec. 10, 81 Stat. 573; 15 U.S.C. 1201), it is hereby found that a flammability standard or standards, or other regulations, including labeling, may be needed for mattresses, used either alone or as a component of a bedding assembly, and fabrics or related materials intended to be used, or which may reasonably be expected to be used, in these products, to protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury, or significant property damage.

There now exists no national flammability standard for mattresses affording the general public protection from an unreasonable risk of fire. Mattresses, therefore, might be produced and made available for consumer purchase, which, when used alone or in a bedding assembly, present through ordinary use such foreseeable hazards as rapid burning, continuous slow burning or smoldering or smoke or toxic atmospheres resulting therefrom.

Data obtained from the State of Oregon, the District of Columbia, the cities of Arlington, Va., and Los Angeles, Calif., and Montgomery County, Md., were analyzed to determine the incidence of bed fires and the resulting risk to the public. Los Angeles, Calif., Arlington, Va., and the District of Columbia are primarily urban areas, while Oregon and Montgomery County, Md., are primarily mixtures of suburban and rural areas. For Los Angeles in calendar year 1968, fires started by ignition of bedding represented 16 percent of all fires in buildings. For Arlington, Va., in calendar year 1968, fires started by ignition of bedding represented 26 percent of all fires in buildings. For the District of Columbia for a portion of calendar year 1968, fires started by ignition of bedding represented 24 percent of all building fires. For calendar year 1968, fires started by ignition of bedding represented 3.9 percent of all building fires in Oregon and 2.9 percent of all building fires in Montgomery County, Md.

The National Fire Protection Association reported (January 1969 Fire Journal) a summary of data from 2,620 single-fatality, nonclothing fire deaths. In 1,173 of these cases, the item ignited was reported as "other" or "undetermined." Bed fires were the cause of 307, or 21 percent, of the remaining 1,447 deaths.

Detroit Fire Department officials reported that of 159 hotel fires in 1966, 99 were bedding fires, leading to 35 deaths.

All the above, and similar reported data, do not indicate which of the bedding components were important in the development of the fire and the resulting hazards.

In a study carried out by the Southwest Research Institute of San Antonio, Tex., under contract to the National Bureau of Standards, the life hazards resulting from the ignition and burning of typical bed assemblies in a typical room were studied. The study involved 22 experiments, in each of which a representative bed assembly was ignited, by one of several small ignition sources such as cigarettes, matches, or methenamine tablets. Measurements made showed that the hazards to life were from toxic fumes, nonviable atmospheres (reduced oxygen or suffocating concentrations of carbon dioxide), smoke, and excessive temperatures. Lethal conditions were developed in each experiment, except one of two in which flame-retardant treated blankets, sheets, and mattresses were used. Observations during the study indicated that the burning mattresses were the primary causes of the lethal conditions.

The results of laboratory studies at the National Bureau of Standards showed that the presence of sheets, and blankets, on certain mattresses were influential in determining whether or not the mattress was ignited by a cigarette.

Institution of proceedings. Pursuant to section 4(a) of the Flammable Fabrics Act, as amended (sec. 3, 81 Stat. 569; 15 U.S.C. 1193) and § 7.6(a) of the Flammable Fabrics Act Procedures (33 F.R. 14642, Oct. 1, 1968), notice is hereby given of the institution of proceedings for the development of an appropriate flammability standard or standards, or other regulations, including labeling, for mattresses, used either alone or as a

component of a bedding assembly, and fabrics or related materials intended to be used, or which may reasonably be expected to be used, in these products.

Participation in proceedings. All interested persons are invited to submit written comments or suggestions within 30 days after the date of publication of this notice in the FEDERAL REGISTER relative to (1) the above finding that a new flammability standard or standards, or other regulations, including labeling, may be needed; and (2) the terms or substance of a flammability standard or standards, or other regulations, including labeling, that might be adopted in the event that a final finding is made by the Secretary of Commerce that such a standard or standards, or other regulations, are needed to adequately protect the public against the unreasonable risk of the occurrence of fire leading to death, injury, or significant property damage. Written comments or suggestions should be submitted in at least four (4) copies to the Assistant Secretary for Science and Technology, Room 5051, U.S. Department of Commerce, Washington, D.C. 20230, and should include any data or other information pertinent to the subject.

Inspection of relevant documents. The written comments received pursuant to this notice will be available for public inspection at the Central Reference and Records Inspection Facility of the Department of Commerce, Room 2122, Main Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, D.C. 20230.

A supporting document is available for inspection in the above facility. It contains (1) a table of data on bedding fires in 1968 compared to all building fires, in several reporting areas, (2) data from tests on mattresses carried out at the National Bureau of Standards, and (3) a final report by the Southwest Research Institute on "Characterization of Bedding and Upholstery Fires," performed under Contract with the National Bureau of Standards (No. CST-792-5-69, with a release statement).

Issued: June 5, 1970.

MYRON TRIBUS,
Assistant Secretary for Science and Technology.

[F.R. Doc. 70-7222; Filed, June 9, 1970; 8:52 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Parts 109, 113, 114, 121]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Correction and Extension of Time

For purposes of clarifying paragraph 3, and to insert § 114.11 in the table of contents for Part 114, amendatory paragraph 3 and the table of contents for Part 114 which appear on page 7653 in the notice of proposed rule making beginning at page 7652 of the FEDERAL REGISTER for Saturday, May 16, 1970 (F.R. Doc. 70-6101) are changed to read as follows:

3. Part 114 is amended by changing the title, by amending the table of contents, by adding a new § 114.6 and a new § 114.10 and by revising § 114.9 and § 114.12.

Sec.
114.1 Products not prepared under license.
114.2 Biological products; preparation and handling.
114.3 Separation of establishments.
114.4 Biological products; preparation by another licensee.
114.5 Inspections of licensed establishments.
114.6 Admission of biological products to licensed establishments.
114.7 Composition of products.
114.8 Methods.
114.9 Mixing biological products.
114.10 Antibiotics as preservatives.
114.11 Temperature and light.
114.12 Production of serums and antiserums.

The time afforded interested persons for filing written data, views, or arguments regarding the proposed amendments to Parts 109, 113, 114, and 121 is extended to 60 days after date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 5th day of June 1970.

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

[F.R. Doc. 70-7218; Filed, June 9, 1970; 8:52 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 137]

[CGFR 70-61]

OFFENSES INVOLVING NARCOTIC OR DANGEROUS DRUGS

Suspension and Revocation Proceedings; Correction

F.R. Doc. 70-6545 appearing at page 8291 in the issue of Wednesday, May 27, 1970 is corrected by inserting the date of August 3, 1970 as the last date for the submission of written data, views, arguments or comments on the proposals therein contained to the Commandant (CMC), U.S. Coast Guard, Washington, D.C. 20591.

Dated: June 5, 1970.

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

[F.R. Doc. 70-7255; Filed, June 9, 1970; 8:53 a.m.]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-WE-44]

CONTROL ZONE, TRANSITION AREA, AND FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Laramie, Wyo., control zone, transition area, and Federal Airway V-4.

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 Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. 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 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 proposal 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, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

A new approach and holding procedure has been developed utilizing the 287° M (301° T) radial of the Laramie VORTAC. The approach procedure will supersede the current VOR-1 approach to Brees Field. In addition, a new airway floor is required to provide controlled airspace for departures from Brees Field climbing westbound via V-4.

The airspace requirements have been reviewed in accordance with the U.S. Standard for Instrument Procedure (TERPS). The proposed airspace actions are required to provide controlled airspace protection for aircraft executing prescribed instrument procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes the following airspace actions.

In § 71.171 (35 F.R. 2054) the description of the Laramie, Wyo., control zone is amended to read as follows:

LARAMIE, WYO.

Within a 5-mile radius of General Brees Field, Laramie, Wyo. (latitude 41°18'50" N., longitude 105°40'25" W.); within 4 miles each side of the Laramie VORTAC 301° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC.

In § 71.181 (35 F.R. 2134) the description of the Laramie, Wyo., transition area is amended to read as follows:

LARAMIE, WYO.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of General Brees Field, Laramie, Wyo. (latitude 41°18'50" N., longitude 105°40'25" W.); within 5 miles each side of the Laramie VORTAC 301° radial, extending from the 9-mile radius area to 11.5 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 6 miles southwest and 9.5 miles northeast of the Laramie VORTAC 301° radial, extending from the VORTAC to 19 miles northwest of the VORTAC.

In § 71.123 (35 F.R. 2009) alter V-4 by deleting all between "* * * Cherokee, Wyo." and "* * * Denver, Colo., * * *" and substitute "Laramie, Wyo.;" therefor.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (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 Los Angeles, Calif., on May 28, 1970.

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 70-7186; Filed, June 9, 1970; 8:49 a.m.]

Hazardous Materials Regulations Board

[49 CFR Part 173]

[Docket No. HM-52; Notice 70-12]

TRANSPORTATION OF HAZARDOUS MATERIALS

Nitric Acid in Type 105A-ALW Tank Cars

The Hazardous Materials Regulations Board is considering amending the Department's Hazardous Materials Regulations to authorize the transportation of nitric acid of concentrations within a specified range in type 105A-ALW tank cars having test pressures not lower than 100 p.s.i.g.

The proposal is based upon a petitioner's request and the satisfactory experience gained under the terms of two special permits that have been in existence for over 5 years. The special permits authorize shipments of nitric acid of 95 percent or greater concentration in Specifications 105A100ALW and 105A 200ALW aluminum tank cars. Reports submitted by the permittees on shipments made reveal that no adverse experience has been encountered during the course of transportation.

By virtue of the provisions of § 173.31 (a)(3) Specifications 105A200ALW and 105A300ALW tank cars may also be used when Specification 105A100ALW tank cars are prescribed.

The Board believes that the type 105A-ALW tank cars proposed herein are equal to or greater in strength and efficiency than Specification 103A-ALW tank cars currently prescribed in § 173.268(c)(2).

In consideration of the foregoing, it is proposed to amend 49 CFR 173.268 by adding paragraph (d)(2) thereto to read as follows:

§ 173.268 Nitric acid.

* * * * *

(d) * * *

(2) Specification 105A100ALW (§§ 179.200, 179.201 of this chapter). Tank cars. Tanks must be fabricated of aluminum alloy which is compatible with the lading, and must be equipped with safety relief valves made of material which is not adversely affected by the lading.

* * * * *

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before July 30, 1970, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831-835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on June 4, 1970.

J. B. MCCARTY, JR.,
Captain, U.S. Coast Guard, by direction of Commandant, U.S. Coast Guard.

R. N. WHITMAN,
Administrator, Federal Railroad Administration.

[F.R. Doc. 70-7196; Filed, June 9, 1970; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18873; FCC 70-591]

FM BROADCAST STATIONS

Table of Assignments; New Castle, Pa.

In the matter of amendments of § 73.202, Table of Assignments, FM broadcast stations (New Castle, Pa.); docket No. 18873, RM-1453.

1. The Commission has before it for consideration the petition for rule making, RM-1453, filed on September 25, 1968 (supplemented on Oct. 14, 1968, and April 29, 1969), by Lawrence County Broadcasting Corp. (Lawrence), licensee of Station WBZY (AM daytime-only), New Castle, Pa., requesting amendment of the FM Table of Assignments so as to assign Channel 240A to New Castle as a first FM assignment without requiring any other changes in the table. Public notice was given of the filing of the petition in Report No. 670, released May 26, 1969.

2. New Castle, located about 43 miles northwest of Pittsburgh, has a population of 44,798, and is the largest city and the seat of Lawrence County, population 112,965.[1] The community has two AM stations, a daytime-only (operated by petitioner) and an unlimited-time station. It has no FM assignment. The only FM station in the county is at Ellwood City, a community of 12,413 persons astride the boundary between Beaver and Lawrence Counties.

3. Petitioner cites various statistics relating to New Castle's diversified industries, retail sales, transportation facilities, and educational, religious, and financial organizations, in support of its contention as to the city's importance in the area. It is submitted that an evident need exists for a first FM assignment to New Castle, a community of substantial size and located well outside of any urbanized area. Petitioner states that it would apply for the channel if the proposed assignment were adopted.

4. In a supporting engineering statement it is indicated that Channel 240A appears to offer the best possibility for a New Castle assignment. However, because of the requirement to maintain the prescribed minimum mileage separations with other stations, it would be necessary to locate the transmitting site some 9 miles north-northwest of the center of New Castle. At this location, the spacing with Station CFPL-FM, Channel 240C[1], London, Ontario, would be about 15 miles less than the 150-mile separation specified in the Working Arrangement Under the Canada-United States FM Agreement of 1947. Petitioner requests that the latter aspect of the matter be referred to Canada for its consideration.[2] It is also indicated by petitioner that with maximum Class A facilities at the site assumed in its proposal, a predicted 70 dbu (3.16 mv/m) signal could be provided to all of New Castle, except for a small area characterized as industrial and unpopulated. Waiver of § 73.315(a) of the rules is therefore requested.

5. Opposition to the above plan was submitted by Scott Broadcasting Co. of Pennsylvania, Inc. (Scott), licensee of Stations WKST (full-time AM), New Castle, and WFEM(FM), Ellwood City.[3] Scott's opposition is based on the contention that the proposal would result in a technically substandard assignment. In an accompanying engineering statement it is concluded from a special analysis of the terrain between New Castle and petitioner's assumed transmitter site

[1] Populations cited herein are extracted from the 1960 U.S. Census.

[2] Canada advises that, based on the present operation of CFPL-FM (directional), it would not object to the assignment of Channel 240A at New Castle.

[3] Stations WKST(AM) and WFEM(FM) are the only full-time radio outlets authorized in Lawrence County; New Castle and Ellwood City are about 11 miles apart.

north thereof that (a) the minimum required signal strength could not be provided over all of New Castle, contrary to § 73.315(a) of the rules, and that (b) 82 percent of the city would be shadowed from direct reception of the proposed operation, in violation of § 73.315(b).

6. In reply to Scott's opposition, Lawrence states that the site set forth in its petition is in a general area affording compliance with the rules and argues that either a higher tower at the site may be used to obviate the shadow problem raised or else that sites further west may be available offering minimal or no shadow problems over New Castle.

7. By a subsequent supplementary statement in opposition to the petition, Scott sets forth results of a study undertaken pursuant to Lawrence's assertion that the claimed technical deficiencies of the original petition could be overcome by either a higher antenna or by the selection of other sites. The study by Scott indicates that, even with the antenna height increased from 150 feet to 500 feet at petitioner's assumed site, new problems concerning coverage of a minimum signal over New Castle would be created because the effective radiated power would need to be reduced, pursuant to § 73.211(b)(2). A further study made of four other possible sites in the area referred to by Lawrence suggests that each would involve the same problem of optical shadowing and minimum signal coverage over New Castle. In response to Scott's supplementary statement, Lawrence urges that even if the showings were true, they are not sufficient to warrant denial of a new service and that, while optical line-of-sight is highly desirable, it is not an absolute prerequisite to the authorization of a station.

8. A question is raised in this case as to whether the channel proposed by petitioner can, in fact, satisfactorily achieve essential compliance with all of the technical requirements of the rules. We are unable to find that the petitioner has provided sufficient data to overcome the opposition's contentions in this regard. On the other hand, however, we are persuaded that on the basis of population alone, New Castle and its county have not been provided with a fair share of local full-time outlets. Lawrence County has but three outlets, two of which are full time and under a common licensee, to serve a county population of 112,950 persons. New Castle (population 44,790) represents the largest city in Pennsylvania outside of an urbanized area without a first FM assignment. We further observe that a least five smaller Pennsylvania places (Carlisle, Dubois, Easton, Sharon, and State College) have been assigned either 2A or 2B channels, or a combination of one each. Finally, it does not appear that Channel 240A could be assigned to any other community where separation requirements could be met, which is now without an assignment or has needs approaching that of New Castle.

9. In view of the desirability of making an FM channel assignment to New Castle, if possible, we consider that it would serve the public interest to institute rule making. We are therefore inviting comments with supporting data from all interested parties on the possible use of the channel proposed by petitioner. Our ultimate decision on petitioner's present proposal will include consideration of any showing made by either the petitioner or other parties as to the availability of a site from which the city may be reasonably expected to receive adequate coverage.

10. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

11. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before July 13, 1970, and reply comments on or before July 23, 1970. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

12. 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.

Adopted: June 3, 1970.

Released: June 5, 1970.

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

[F.R. Doc. 70-7188; Filed, June 9, 1970; 8:49 a.m.]

FEDERAL LABOR RELATIONS COUNCIL

[5 CFR Parts 2400, 2402]

ORGANIZATION; REVIEW FUNCTIONS OF THE COUNCIL

Notice of Proposed Rule Making

Notice is hereby given that the Federal Labor Relations Council, pursuant to section 4 of Executive Order 11491 of October 29, 1969, is considering the adoption of rules governing the organization and review functions of the Council. A draft of these rules is set out below as Parts 2400 and 2402 of Chapter XIV of Title 5 of the Code of Federal Regulations. Interested persons may submit their views and suggestions in writing to the Executive Director, Federal Labor Relations Council, 1900 E Street NW., Washington, D.C. 20415. All communications received within 20 days after publication of this notice in the FEDERAL REGISTER will be considered before the Council takes final action on the proposed rules.

Chapter XIV—Federal Labor Relations Council

PART 2400—ORGANIZATION OF THE COUNCIL

Sec.
2400.1 The Council.
2400.2 Executive Director.
2400.3 General Counsel.
2400.4 Appeals Division.
2400.5 Program Division.
2400.6 Federal Service Impasses Panel.

AUTHORITY: The provisions of this Part 2400 issued under 5 U.S.C. 3301, 7301; E.O. 11491, 34 F.R. 17605, 3 CFR, 1969 Comp.

§ 2400.1 The Council.

The Chairman of the Civil Service Commission is Chairman of the Council; the Secretary of Labor and the Director of the Bureau of the Budget are members. Additional officials of the executive branch may be designated as members by the President. It is the responsibility of the council to oversee the operation of the labor-management relations program established by Executive Order 11491; prescribed regulations; decide major policy issues; provide definitive interpretations; review certain types of decisions on appeal; and continually study the program and report to the President on needed improvements.

§ 2400.2 Executive Director.

The Executive Director is the chief operating officer and staff director for the Council. He conducts studies and plans improvements in the labor-management relations program; issues regulations, orders and other instructions of the Council; issues interpretations of regulations and decisions by the Council; provides public information; and coordinates matters of joint concern under Executive Order 11491 between the Council, the Federal Service Impasses Panel, the Federal Mediation and Conciliation Service, the Department of Labor, and the Civil Service Commission. The Council has delegated to the Executive Director, subject to its supervision and control, authority to receive, examine, investigate, and dispose of petitions to the Council.

§ 2400.3 General Counsel.

The General Counsel is the principal legal officer and adviser to the Council and the Executive Director. He provides the Council and its staff with interpretations of pertinent statutes, regulations and Executive orders as well as advisory opinions on issues arising out of matters that are properly before the Council.

§ 2400.4 Appeals Division.

The Appeals Division is responsible for reviewing petitions filed with the Council on negotiability disputes, appeals from decisions of the Assistant Secretary of Labor for Labor-Management Relations, exceptions to arbitration awards, and other matters which the Council has jurisdiction to review.

§ 2400.5 Program Division.

The Program Division is responsible for developing policies to implement

Executive Order 11491; developing explanatory and guidance materials for agencies and unions; reviewing the effectiveness of established policies; developing reports on the status of the labor-management relations program; and from time to time preparing reports to the President.

§ 2400.6 Federal Service Impasses Panel.

The Federal Service Impasses Panel is an agency within the Council. It consists of at least three members appointed by the President, one of whom he designates as Chairman. The function of the Panel is to consider negotiation impasses, in accordance with sections 5 and 17 of Executive Order 11491 and such regulations as it may prescribe, and to take action it considers necessary to settle the impasses.

PART 2401 [RESERVED]

PART 2402—REVIEW FUNCTIONS OF THE COUNCIL

Subpart A—General Provisions

Sec.
2402.1 Definitions.
2402.2 Coverage.
2402.3 Policy questions.

Subpart B—Procedures for Council Review

2402.11 Scope.
2402.12 Petitioners.
2402.13 Filing a petition for review; service.
2402.14 Time limits for filing papers.
2402.15 Copies.
2402.16 Content of petition.
2402.17 Stay of decision or award; extension of time period.
2402.18 Review of petition; record.
2402.19 Oral argument.
2402.20 Council decision; compliance actions

AUTHORITY: The provisions of this Part 2402 issued under 5 U.S.C. 3301, 7301; E.O. 11491, 34 F.R. 17605, 3 CFR, 1969 Comp.

Subpart A—General Provisions

§ 2402.1 Definitions.

In this part—

(a) "Order" or "the Order" means Executive Order 11491 of October 29, 1969, entitled "Labor-Management Relations in the Federal Service."

(b) "Executive Director" means the Executive Director of the Council.

(c) "Party" means—

(1) Any person, employee, labor organization, or agency that participated as a party—

(i) In a matter that was decided by the Assistant Secretary under section 6 of the Order, an agency head under section 11(c) of the Order, or an arbitrator under section 14 or 17 of the Order; or

(ii) In such other matter as the Council may determine is reviewable in order to assure the effectuation of the purposes of the Order; and

(2) Any person, employee, labor organization, or agency that the Council, for good cause shown, admits as a party to a proceeding before it.

(d) Terms defined in the Order are used in this part with the meaning attached to them in the Order.

§ 2402.2 Coverage.

This part applies to the employees and agencies covered by the Order.

§ 2402.3 Policy questions.

Notwithstanding the procedures set forth in Subpart B of this part, the Assistant Secretary or the Panel may refer for review and decision or general ruling by the Council any case involving a major policy issue that arises in a proceeding before either of them.

Subpart B—Procedures for Council Review

§ 2402.11 Scope.

This subpart sets forth the procedures under which the Council reviews decisions of the Assistant Secretary under section 6 of the Order, decisions of agency heads under section 11(c) of the Order, awards of arbitrators under section 14 or 17 of the Order, and such other matters as the Council may determine are reviewable in order to assure the effectuation of the purposes of the Order.

§ 2402.12 Petitioners.

Any party affected by a decision or award referred to in § 2402.11 may petition the Council to review The Council shall review a petition from an agency or labor organization only when the head of the agency (or his designee) or the national president of the labor organization (or his designee) has approved submission of the petition.

§ 2402.13 Filing a petition for review; service.

(a) A petition for review shall be in writing and shall be filed with the Executive Director, Federal Labor Relations Council, 1900 E Street NW., Washington, D.C. 20415.

(b) Any party filing a document as provided in this part (for example, a petition for review, opposition to a petition, brief, reply brief, etc.) is responsible for serving a copy on the other parties. Also, when a petition is filed for review of a decision by the Assistant Secretary, a copy of the petition shall be served on the Assistant Secretary. Statement of service shall be submitted at the time of filing.

§ 2402.14 Time limits for filing papers.

(a) The time limit for filing a petition for review and any supporting brief is 15 days from the date of the decision or award of which review is sought. However, review may be requested by a labor organization without a prior decision on a negotiability issue, under section 11(c) of the Order, if the agency head has not made a decision within 30 days after a party to the negotiations forwarded the issue to him for determination.

(b) The time limit for filing an opposition to a petition for review and any supporting brief, or for filing a supporting paper by a party other than the petitioner, is 10 days from the date of service of the petition for review.

(c) The Executive Director may extend any time limit provided in this part, for good cause shown.

(d) In computing any period of time prescribed or allowed by this part, the day of the act, event, or default from or after which the designated period of time begins to run shall not be included; but the last day of the period so computed shall be included, unless it is a Saturday, Sunday, or Federal legal holiday, in which event the period shall run until the end of the next day which is not a Saturday, Sunday, or Federal legal holiday. Also, when a period of time prescribed or allowed is 7 days or less, intermittent Saturdays, Sundays, and Federal legal holidays shall be excluded in the computation.

(e) Whenever a party has the right or is required to do some act pursuant to this part within a prescribed period after service of a notice or other paper upon him and the notice or paper is served on him by mail, 3 days shall be added to the prescribed period: *Provided, however,* That 3 days shall not be added if any extension of time may have been granted.

(f) When a time limit for filing is established under this part, the document must be received in the office of the Council before the close of business of the last day of the time limit.

§ 2402.15 Copies.

Unless otherwise provided by the Executive Director, any document filed with the Council under this part shall be submitted in an original and three copies.

§ 2402.16 Content of petition.

(a) A petition for review shall be filed on an approved form which is available at or may be obtained from the office of the Council.

(b) The Council will consider a petition for review of a decision only if it alleges (with specific references to the pertinent documents and, where applicable, with citations of authorities) that the decision is based upon a material finding of fact unsupported by any substantial evidence, or upon a material and erroneous conclusion of law, or involves a substantial legal or policy issue that requires decision by the Council.

(c) The Council will consider a petition for review of an arbitration award only if the petition alleges with specificity: Fraud, collusion, bias or other such improper conduct by the arbitrator (with supporting evidence); lack of jurisdiction or authority under the agreement; or the award violates applicable laws, regulations, or the Order.

§ 2402.17 Stay of decision or award; extension of time period.

Unless otherwise ordered by the Executive Director for good cause shown, the filing of a petition for review does not operate as a stay of the decision or award involved in the proceeding, nor extend any period of time that would otherwise be running against a party. Any request for a stay or extension of a time period shall include a statement of the specific grounds for the request.

§ 2402.18 Review of petition; record.

(a) The Executive Director shall review petitions filed with the Council. A

petition shall be returned when it is not timely filed, is not filed by a qualified petitioner, or is clearly not within the jurisdiction of the Council. The parties shall be promptly notified when a petition is accepted or rejected.

(b) Upon request by the Executive Director, the Assistant Secretary or the appropriate agency shall promptly transfer the record in the case to the Council.

(c) The Executive Director may provide for or require the submission of other documents by the parties, and fix the time limits for submission. However, the Council will not consider any evidence offered by a party, which relates to substantive issues in a proceeding held before the Assistant Secretary, an agency head, or an arbitrator, and which was not presented in that proceeding.

§ 2402.19 Oral argument.

(a) Oral argument may be requested by a party in its petition or response filed as provided in § 2402.14. The Executive Director or his designee shall hear oral argument for the Council, at the time and in the manner determined by the presiding officer. Unless otherwise ordered, a hearing of oral argument shall be open to the public.

(b) Each hearing of oral argument shall be recorded by an official reporter designated by the Council and shall be incorporated as part of the record in the case. A copy of the transcript may be reviewed at the office of the Council or may be purchased from the official reporter at the rate fixed by the contract with the reporter.

§ 2402.20 Council decision; compliance actions.

(a) After consideration of the entire record in the case, the Council shall issue its decision, requiring such actions by the parties as the Council determines necessary to accomplish the purposes of the Order. Copies of the decision shall be furnished to the parties and other interested persons and made available at the office of the Council.

(b) The party or parties designated in the decision shall notify the Council, within time limits provided in the decision, as to the actions taken in compliance with the directives of the Council. Appropriate measures may be invoked by the Council to assure timely compliance.

W. V. GILL,
Executive Director.

[F.R. Doc. 70-7162; Filed, June 9, 1970; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[SP 431.4 P]

ELECTRON PROBE X-RAY MICROANALYZER

Review of Tariff Classification Ruling

Pursuant to § 16.10a(d), Customs Regulations (19 CFR 16.10a(d)), the Bureau of Customs hereby gives notice to all interested parties that it will undertake to review its prior ruling published as Treasury Decision 56516(207) which has established a uniform practice of classifying electron probe X-ray microanalyzers, under the provision for apparatus based on the use of X-rays * * *; * * *; Other, in item 709.63, Tariff Schedules of the United States (TSUS). This review is made pursuant to a complaint under section 516, Tariff Act of 1930, as amended, by an American manufacturer of similar merchandise, which complaint expresses the belief that the subject merchandise is properly classifiable as a spectrometer for chemical analysis, in item 711.88, TSUS, with a higher rate of duty than that applicable under the established practice. The Bureau will consider all pertinent written submissions from interested parties made within 30 days from the date of this notice. No hearings will be held.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 70-7210; Filed, June 9, 1970; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Filing of Plat of Survey

1. Plat of dependent resurvey and subdivision of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10 a.m., July 1, 1970.

COPPER RIVER MERIDIAN

T. 29 S., R. 58 E.,
Sec. 31, SW¼.

Area surveyed: Lot 2 containing 113.11 acres.

2. Lot 2 is located on the mountainous southwest slope covered with dense growth of spruce, hemlock, birch, and cottonwood timber with alder, willow, and berry brush undergrowth. The soil is black sandy loam and vegetation mold over gravel and solid rock. The Haines Highway runs northwesterly through lot 2.

3. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, including Public Land Order 4582, dated January 17, 1969, and the requirements of applicable law, rules, and regulations.

4. Inquiries concerning the lands should be addressed to the Manager, Anchorage Land Office, 555 Cordova Street, Anchorage, Alaska 99501.

T. G. BINGHAM,
Manager, Anchorage Land Office.

JUNE 2, 1970.

[F.R. Doc. 70-7161; Filed, June 9, 1970; 8:47 a.m.]

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

Correction

In F.R. Doc. 70-6660 appearing on page 8452 in the issue for Friday, May 29, 1970, in the Scott Mountain Recreation Area, under "T. 39 N., R. 7 W.," the description "Sec. 5, W½, lot 4" should read "Sec. 5, W½ Lot 4."

[Montana 15568]

MONTANA

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

JUNE 3, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands described below. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands located within the following described areas are shown on maps on file in the Malta District Office, Bureau of Land Management, Malta, Mont. 59538, and the Land Office, Bureau of Land Management, 316 North 26th Street, Billings, Mont. 59101.

3. The following described public lands were either acquired by exchange for the benefit of multiple-use management programs or are public lands intermingled with the lands acquired by exchange.

PRINCIPAL MERIDIAN, MONTANA

BLAINE COUNTY

T. 37 N., R. 18 E.,
Sec. 25, NE¼.
T. 36 N., R. 20 E.,
Sec. 13, W½;
Sec. 23, SW¼;
Sec. 25, E½ and SW¼;
Sec. 26, SE¼.
T. 33 N., R. 21 E.,
Sec. 24, W½.
T. 37 N., R. 21 E.,
Sec. 29, N½N½, SW¼NE¼, and SE¼NW¼;
Sec. 30, N½NE¼.
T. 32 N., R. 24 E.,
Sec. 13, all;
Sec. 14, NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 23, NE¼;
Sec. 24, N½.
T. 32 N., R. 25 E.,
Sec. 3, SW¼NW¼;
Sec. 5, lots 3 and 4, SW¼NW¼, W½SW¼, and SE¼SW¼;
Sec. 6, lots 2 and 3, SW¼NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 7, lots 1, 2, 3, and 4, SW¼NE¼, E½NW¼, E½SW¼, and NW¼SE¼;
Sec. 8, S½NE¼, W½, and SE¼;
Sec. 9, W½SW¼ and SE¼SW¼;
Sec. 11, NE¼;
Sec. 12, W½;
Sec. 17, N½NE¼, NE¼NW¼, S½N½, and S½;
Sec. 18, lots 1, 2, 3, and 4, SE¼NE¼, W½NE¼, E½NW¼, E½SW¼, and SE¼;
Sec. 19, lots 1, 2, and 3, NE¼, E½NW¼, and N½N½SE¼;
Sec. 20, N½ and N½SW¼.

Total public lands within the areas described aggregate approximately 7,509.29 acres.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Post Office Box B, Malta, Mont. 59538.

5. If circumstances warrant, a public hearing will be held at a convenient time and place which will be announced. After having considered the comments received as a result of this publication and any hearing held, the undersigned officer will classify the above-described lands, which classification shall be published in the FEDERAL REGISTER.

EDWIN ZAIDLICZ,
State Director.

[F.R. Doc. 70-7194; Filed, June 9, 1970; 8:49 a.m.]

Fish and Wildlife Service

[Docket No. A-540]

JOHN R. AND BETTY J. WINTHER

Notice of Loan Application

JUNE 2, 1970.

John R. Winther and Betty J. Winther, Box 1355, Juneau, Alaska 99801, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 65.5-foot registered length wood vessel to engage in the fishery for halibut, sablefish, tuna, salmon, shrimp, and crabs.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Acting Chief,
Division of Financial Assistance.

[F.R. Doc. 70-7163; Filed, June 9, 1970; 8:47 a.m.]

Office of the Secretary

COLORADO RIVER RESERVOIRS

Coordinated Long-Range Operation

Criteria for coordinated long-range operation of Colorado River Reservoirs pursuant to the Colorado River Basin Project Act of September 30, 1968 (Public Law 90-537).

These Operating Criteria are promulgated in compliance with section 602 of Public Law 90-537. They are to control the coordinated long-range operation of the storage reservoirs in the Colorado River Basin constructed under the authority of the Colorado River Storage Project Act (hereinafter "Upper Basin Storage Reservoirs") and the Boulder Canyon Project Act (Lake Mead). The Operating Criteria will be administered consistent with applicable Federal laws, the Mexican Water Treaty, interstate compacts, and decrees relating to the use of the waters of the Colorado River.

The Secretary of the Interior (hereinafter the "Secretary") may modify the Operating Criteria from time to time in accordance with section 602(b) of Public Law 90-537. The Secretary will sponsor a formal review of the Operating Criteria at least every 5 years, with participation by State representatives as each Governor may designate and such other parties and agencies as the Secretary may deem appropriate.

I. *Annual report.* (1) On January 1, 1972, and on January 1 of each year thereafter, the Secretary shall transmit to the Congress and to the Governors of the Colorado River Basin States a report describing the actual operation under the adopted criteria for the preceding compact water year and the projected plan of operation for the current year.

(2) The plan of operation shall include such detailed rules and quantities as may be necessary and consistent with the criteria contained herein, and shall reflect appropriate consideration of the uses of the reservoirs for all purposes, including flood control, river regulation, beneficial consumptive uses, power production, water quality control, recreation, enhancement of fish and wildlife, and other environmental factors. The projected plan of operation may be revised to reflect the current hydrologic conditions, and the Congress and the Governors of the Colorado River Basin States shall be advised of any changes by June of each year.

II. *Operation of upper basin reservoirs.* (1) The annual plan of operation shall include a determination by the Secretary of the quantity of water considered necessary as of September 30 of that year to be in storage as required by section 602(a) of Public Law 90-537 (hereinafter "602(a) Storage"). The quantity of 602(a) Storage shall be determined by the Secretary after consideration of all applicable laws and relevant factors, including, but not limited to, the following:

(a) Historic streamflows;

(b) The most critical period of record;

(c) Probabilities of water supply;

(d) Estimated future depletions in the upper basin, including the effects of recurrence of critical periods of water supply;

(e) The "Report of the Committee on Probabilities and Test Studies to the Task Force on Operating Criteria for the Colorado River," dated October 30, 1969, and such additional studies as the Secretary deems necessary;

(f) The necessity to assure that upper basin consumptive uses not be impaired because of failure to store sufficient water to assure deliveries under section 602(a) (1) and (2) of Public Law 90-537.

(2) If, in the plan of operation, either:

(a) The Upper Basin Storage Reservoirs active storage forecast for September 30 of the current year is less than the quantity of 602(a) Storage determined by the Secretary under Article II(1) hereof, for that date; or

(b) The Lake Powell active storage forecast for that date is less than the Lake Mead active storage forecast for that date;

the objective shall be to maintain a minimum release of water from Lake Powell of 8.23 million acre-feet for that year. However, for the years ending September 30, 1971 and 1972, the release may be greater than 8.23 million acre-feet if necessary to deliver 75 million acre-feet at Lee Ferry for the 10-year period ending September 30, 1972.

(3) If, in the plan of operation, the Upper Basin Storage Reservoirs active storage forecast for September 30 of the current water year is greater than the quantity of 602(a) Storage determination for that date, water shall be released annually from Lake Powell at a rate greater than 8.23 million acre-feet per year to the extent necessary to accomplish any or all of the following objectives:

(a) To the extent it can be reasonably applied in the States of the Lower Division to the uses specified in Article III(e) of the Colorado River Compact, but no such releases shall be made when the active storage in Lake Powell is less than the active storage in Lake Mead.

(b) To maintain, as nearly as practicable, active storage in Lake Mead equal to the active storage in Lake Powell, and

(c) To avoid anticipated spills from Lake Powell.

(4) In the application of Article II (3)(b) herein, the annual release will be made to the extent that it can be passed through Glen Canyon Powerplant when operated at the available capability of the powerplant. Any water thus retained in Lake Powell to avoid bypass of water at the Glen Canyon Powerplant will be released through the Glen Canyon Powerplant as soon as practicable to equalize the active storage in Lake Powell and Lake Mead.

(5) Releases from Lake Powell pursuant to these criteria shall not prejudice the position of either the upper or lower basin interests with respect to required deliveries at Lee Ferry pursuant to the Colorado River Compact.

III. *Operation of Lake Mead.* (1) Water released from Lake Powell, plus the tributary inflows between Lake Powell and Lake Mead, shall be regulated in Lake Mead and either pumped from Lake Mead or released to the Colorado River to meet requirements as follows:

(a) Mexican Treaty obligations;

(b) Reasonable consumptive use requirements of mainstream users in the lower basin;

(c) Net river losses;

(d) Net reservoir losses;

(e) Regulatory wastes.

(2) Until such time as mainstream water is delivered by means of the Central Arizona Project, the consumptive use requirements of Article III(1)(b) of these Operating Criteria will be met.

(3) After commencement of delivery of mainstream water by means of the Central Arizona Project, the consumptive use requirements of Article III(1)(b) of these Operating Criteria will be met to the following extent:

(a) *Normal.* The annual pumping and release from Lake Mead will be sufficient to satisfy 7,500,000 acre-feet of annual consumptive use in accordance with the decree in Arizona v. California, 376 U.S. 340 (1964).

(b) *Surplus.* The Secretary shall determine from time to time when water in quantities greater than "Normal" is available for either pumping or release from Lake Mead pursuant to Article II

(B)(2) of the decree in Arizona v. California after consideration of all relevant factors, including, but not limited to, the following:

(i) The requirements stated in Article III(1) of these Operating Criteria;

(ii) Requests for water by holders of water delivery contracts with the United States, and of other rights recognized in the decree in Arizona v. California;

(iii) Actual and forecast quantities of active storage in Lake Mead and the Upper Basin Storage Reservoirs; and

(iv) Estimated net inflow to Lake Mead.

(c) *Shortage.* The Secretary shall determine from time to time when insufficient mainstream water is available to satisfy annual consumptive use requirements of 7,500,000 acre-feet after consideration of all relevant factors, including, but not limited to, the following:

(i) The requirements stated in Article III(1) of these Operating Criteria;

(ii) Actual and forecast quantities of active storage in Lake Mead;

(iii) Estimate of net inflow to Lake Mead for the current year;

(iv) Historic streamflows, including the most critical period of record;

(v) Priorities set forth in Article II (a) of the decree in Arizona v. California; and

(vi) The purposes stated in Article I(1) of these Operating Criteria.

The shortage provisions of Article II (B)(3) of the decree in Arizona v. California shall thereupon become effective and consumptive uses from the mainstream shall be restricted to the extent determined by the Secretary to be required by section 301(b) of Public Law 90-537.

IV. *Definitions.* (1) In addition to the definitions in section 606 of Public Law 90-537, the following shall also apply:

(a) "Spills," as used in Article II(3)(c) herein, means water released from Lake Powell which cannot be utilized for project purposes, including, but not limited to, the generation of power and energy.

(b) "Surplus," as used in Article III (3)(b) herein, is water which can be used to meet consumptive use demands in the three Lower Division States in excess of 7,500,000 acre-feet annually. The term "surplus" as used in these Operating Criteria is not to be construed as applied to, being interpretive of, or in any manner having reference to the term "surplus" in the Colorado River Compact.

(c) "Net inflow to Lake Mead," as used in Article III(3)(b)(iv) and (c)(iii) herein, represents the annual inflow to Lake Mead in excess of losses from Lake Mead.

(d) "Available capability," as used in Article II(4) herein, means that portion of the total capacity of the powerplant that is physically available for generation.

WALTER J. HICKEL,
Secretary of the Interior.

JUNE 4, 1970.

[F.R. Doc. 70-7138; Filed, June 9, 1970; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

DEPARTMENT OF AGRICULTURE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00333-33-46040. Applicant: U.S. Department of Agriculture, ARS, Management Services Division for Marketing and Nutrition Research, 701 Loyola Avenue, Room T-12017, New Orleans, La. 70150. Article: Electron microscope, Model HU-11E-2 and Accessories. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used for ultrastructural studies of pathogens of mosquitoes and other medically important insects; for investigations of the cyclic development of viral, bacterial, fungal, and protozoal organisms pathogenic to mosquitoes and arthropods; ultrastructure studies of digestive and reproductive tissues of insects in relation to the effects of treatments with insecticides; studies concerning physiologic changes at the subcellular level; and cytoglogic studies of chromosomes and microsomes in relation to investigations of the genetics of mosquitoes.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a continuous magnification from 1,000 to 300,000 magnifications, without changing the pole-piece. The most closely comparable domestic instrument is the Model EMU-4B which was formerly manufactured by the Radio Corp. of America (RCA), and which is presently being supplied by the Forgflo Corp. (Forgflo). The Model EMU-4B, with its standard pole-piece, has a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range can be reduced to 400 magnifications or less. But, the continued reduction of magnification induces an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU-4B that for highest quality, low-magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, an optional low-magnification pole-piece should be used. Changing the pole-piece on the Model EMU-4B requires a break in the vacuum of the column.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated April 13, 1970, that the applicant requires the capability of taking high-quality micrographs at low magnifications in order to achieve the purposes for which the foreign article is intended to be used.

HEW further advises that breaking the vacuum in the column induces the danger of contamination which would very likely lead to the failure of the experiment.

Therefore, the capability of moving from 1,000 to 300,000 magnifications without changing pole-pieces, while at the same time providing high-quality micrographs at low magnifications, is considered to be a pertinent characteristic.

For these reasons, we find that the Model EMU-4B is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-7141; Filed, June 9, 1970; 8:45 a.m.]

FAIRVIEW HOSPITAL, MINNEAPOLIS, MINN.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00266-33-61200. Applicant: Fairview Hospital, 2312 South Sixth Street, Minneapolis, Minn. 55402. Article: Frame for correction of curvature of the spine. Manufacturer: Ets Belembert, France.

Intended use of article: The article will be used for experimental trial in correction of the spine.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent

scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured at the time the applicant submitted the application for duty-free entry of the article.

Reasons: We note that the captioned application is a resubmission of an application originally submitted on May 27, 1968. The applicant institution as an established scliosis center, has a continuing program for evaluating newly developed modalities for correcting scliosis and training orthopedists in utilizing the new methods if such are determined to be an improvement in the present state of the art. The foreign article is unique in that it incorporates a derotation factor in combination with a traction factor.

The Department of Commerce knows of no scliosis correction apparatus being manufactured in the United States at the time the original application was submitted, which combines derotation with traction.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-7139; Filed, June 9, 1970; 8:45 a.m.]

HARVARD UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00496-00-11000. Applicant: Harvard University, Purchasing Department, 75 Mount Auburn Street, Cambridge, Mass. 02138. Article: Mass marker, Model IKB 9010, and scan magnet, Model IKB 9046B. Manufacturer: IKB Produkter A.B., Sweden.

Intended use of article: The articles are to be used as accessories for an existing gas chromatograph-mass spectrometer.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to accessories for a foreign-gas chromatograph-mass spectrometer unit previously entered for the use of the applicant institution, which are being furnished by the manufacturer of the unit with which the accessories are intended to be used.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be adapted to the instrument with which the article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-7140; Filed, June 9, 1970; 8:45 a.m.]

UNIVERSITY OF CONNECTICUT

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00340-33-46040. Applicant: University of Connecticut Health Center, School of Medicine, Farmington Avenue, Route 4, Farmington, Conn. 06032. Article: Electron microscope, Model HU-11E. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used for the training of students and visiting investigators in the techniques of electron microscopy and for carrying out and supporting research projects by members of the department of microbiology staff. In training, all techniques of electron microscopy applicable to biological specimens will be used. In research, the major area of application will be in studies involving the reassociation of molecular components of membranes (proteins, phospholipid, and lipopolysaccharide), which requires the determination of the shapes, sizes, and fine structure of the complexes formed.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a continuous magnification from 1,000 to 300,000 magnifications, without changing the pole-piece. The most closely comparable domestic instrument is the Model EMU-4B which was formerly manufactured by the Radio Corp. of America (RCA), and which is presently being supplied by the Forgflo Corp. (Forgflo). The Model EMU-4B, with its standard pole-piece, has a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range can be reduced to 400 magnifications or less. But, the continued reduction of magnification induces an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU-4B that for highest quality, low-magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, an optional low-magnification pole-piece should be used. Changing the pole-piece on the Model EMU-4B requires a break in the vacuum of the column.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated April 13, 1970, that the applicant requires the capability of taking high-quality micrographs at low magnifications in order to achieve the purposes for which the foreign article is intended to be used.

HEW further advises that breaking the vacuum in the column induces the danger of contamination which would very likely lead to the failure of the experiment.

Therefore, the capability of moving from 1,000 to 300,000 magnifications without changing pole-pieces, while at the same time providing high-quality micrographs at low magnifications, is considered to be a pertinent characteristic.

For these reasons, we find that the Model EMU-4B is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-7142; Filed, June 9, 1970; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-161; NADA 12-392V]

AMERICAN CYANAMID CO.

Aristovet Parenteral; Notice of Opportunity for Hearing

An announcement published in the FEDERAL REGISTER of April 12, 1969 (34 F.R. 6447), invited American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540, holder of new animal drug application No. 12-392V for Aristovet Parenteral (a drug containing 2.5 milligrams of triamcinolone and 10 milligrams of procaine hydrochloride per cubic centimeter) and any other

interested person to submit pertinent data on the drug's effectiveness. No efficacy data were submitted in response to the announcement and available information fails to provide substantial evidence of effectiveness of the drug for its recommended uses in cats and dogs for pneumonitis, traumatic inflammation, pulmonary emphysema and fibrosis, uremia, lymphosarcoma, cystitis, and proctitis.

Therefore, notice is given to American Cyanamid Co., and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360 b(e)) withdrawing approval of new animal drug application No. 12-392V and all amendments and supplements thereto held by American Cyanamid Co. for the drug Aristovet Parenteral on the grounds that:

Information before the Commissioner with respect to the drug, evaluated together with the evidence available to him when the application was approved, does not provide substantial evidence that the drug has the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of new animal drug application No. 12-392V should not be withdrawn. Promulgation of the order will cause any drug of similar composition, and recommended for the same conditions of use as Aristovet Parenteral to be a new animal drug for which an approved new animal drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food, Drug, and Environmental Health Division, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new animal drug application.

Failure of such persons to file a written appearance of election within 30 days following date of publication of this notice in the FEDERAL REGISTER will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to the notice of opportunity for a hearing. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data. If a hearing is requested and is justified by the response to the notice of hearing, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence, not more than 90 days after the expiration of such 30 days unless the hearing examiner and the applicant otherwise agree.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: May 28, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-7157; Filed, June 9, 1970; 8:47 a.m.]

CHEMAGRO CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0984) has been filed by Chemagro Corp., Post Office Box 4913, Kansas City, Mo. 64120, proposing establishment (21 CFR Part 120) of a tolerance of 7 parts per million for residues of the insecticide *O,O*-dimethyl *S*-[4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl] phosphorodithioate in or on the raw agricultural commodity sorghum grain.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure using a phosphorus-specific thermionic detector.

Dated: June 1, 1970.

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

[F.R. Doc. 70-7155; Filed, June 9, 1970; 8:46 a.m.]

DR. C. C. COMPTON

Notice of Withdrawal of Petition for Food Additives

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

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Dr. C. C. Compton, Interregional Research Project No. 4, State Agricultural and Experiment Station, Rutgers University, New Brunswick, N.J. 08903, has withdrawn his petition (FAP 0H2467), notice of which was published in the FEDERAL REGISTER of October 29, 1969 (34 F.R. 17461), proposing the establishment of a tolerance (21 CFR 121.-1172) of 1 part per million for residues of the insecticide malathion in or on dried hops.

Dated: June 1, 1970.

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

[F.R. Doc. 70-7154; Filed, June 9, 1970; 8:46 a.m.]

EMERY INDUSTRIES, INC.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 0B2546) has been filed by Emery Industries, Inc., 4300 Carew Tower, Cincinnati, Ohio, 45202, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for the safe use of azelaic acid as a component of food-packaging adhesives.

Dated: June 2, 1970.

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

[F.R. Doc. 70-7150; Filed, June 9, 1970; 8:46 a.m.]

[Docket No. FDC-D-150; NADA No. 8-978V]

JENSEN-SALSBERY LABORATORIES

Trivermol; Notice of Withdrawal of Approval of New Animal Drug Application

A notice of opportunity for a hearing on the matter of withdrawing approval

of the new animal drug application for Trivermol was published in the FEDERAL REGISTER of February 26, 1970 (35 F.R. 3766).

Jensen-Salsbery Laboratories, Division of Richardson-Merrell, Inc., 520 West 21st Street, Kansas City, Mo. 64141, holder of new animal drug application No. 8-978V covering said drug, did not file a written appearance of election regarding whether they wished to avail themselves of the opportunity for a hearing within the 30-day time period provided for in said notice. This is construed as an election by Jansen-Salsbery Laboratories not to avail themselves of the opportunity for a hearing.

Based on the grounds set forth in said notice and the response to said notice the Commissioner of Food and Drugs concludes that approval of new animal drug application No. 8-978V should be withdrawn. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-47; 21 U.S.C. 360b(e)) and under authority delegated to the Commissioner (21 CFR 2.120), approval of new animal drug application No. 8-978V including all amendments and supplements thereto is hereby withdrawn effective on the date of signature of this document.

Dated: May 28, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-7158; Filed, June 9, 1970; 8:47 a.m.]

LeGEAR LABORATORIES, INC.

Neomycin in Animal Feed

There was an announcement in the FEDERAL REGISTER of May 10, 1969 (34 F.R. 7583), concerning the following product: Neomycin Crumbles Fortified; each pound contains 2 grams of neomycin sulfate (equivalent to 1.4 grams of neomycin base), 350,000 U.S.P. units of vitamin A, 35,000 U.S.P. units of vitamin D_3, 35 international units of vitamin E; marketed by LeGear Laboratories, Inc., formerly known as Dr. LeGear & Co., 4161 Beck Avenue, St. Louis, Mo. 63116.

Among other things, the announcement stated:

1. The drug is probably not effective for prevention and treatment of enteric infections.

2. To be marketed the drug must be the subject of an approved new animal drug application.

3. Manufacturers of the drug were provided 6 months in which to submit adequate documentation in support of the labeling used.

Since publication of the announcement, the Food and Drug Administration has received no information in support of efficacy of animal feeds that bear or contain neomycin. Therefore, notice is given to LeGear Laboratories, Inc., and to all interested persons, that all stocks of neomycin intended for use in animal feeds, and all animal feeds bearing or containing neomycin, within the jurisdiction of the Federal Food, Drug, and Cosmetic Act are deemed to be adulterated within the meaning of section 501(a)(5) or (6) of the Act and are subject to appropriate regulatory action.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501(a)(5), (6), 512(a), 52 Stat. 1049, as amended, 82 Stat. 343; 21 U.S.C. 351(a)(5), (6), 360b(a)).

Dated: May 28, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-7153; Filed, June 9, 1970; 8:46 a.m.]

2-CHLORO-*N*-(ISOBUTOXYMETHYL)-2',6'-ACETOXYLIDIDE

Notice of Extension of Temporary Tolerances

The Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, was granted temporary tolerances for negligible residues of the herbicide 2-chloro-*N*-(isobutoxymethyl)-2',6'-acetoxylidide and its metabolites calculated as 2-chloro-*N*-(isobutoxymethyl)-2',6'-acetoxylidide in or on the raw agricultural commodities sugar beet tops at 0.2 part per million and sugar beets at 0.05 part per million on May 7, 1969 (notice was published in the FEDERAL REGISTER of May 14, 1969 (34 F.R. 7664)), which expired May 7, 1970.

The firm has requested a 1-year extension for obtaining additional experimental data. The Commissioner of Food and Drugs concludes that such an extension will protect the public health. A condition under which these temporary tolerances are extended is that the herbicide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Monsanto Co. name.

As extended, these temporary tolerances expire May 7, 1971.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 2, 1970.

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

[F.R. Doc. 70-7151; Filed, June 9, 1970; 8:46 a.m.]

CARBOFURAN

Notice of Extension of Temporary Tolerances

The FMC Corp., Middleport, N.Y. 14105, was granted temporary tolerances for residues of the insecticide carbofuran (2,3-dihydro-2, 2-dimethyl-7-benzofuranyl methylcarbamate) and its metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl methylcarbamate in or on the raw agricultural commodities alfalfa hay at 20 parts per million and fresh alfalfa at 5 parts per million, and for negligibe residues of the metabolite in milk at 0.02 part per million, on May 14, 1969 (notice was published in the FEDERAL REGISTER of May 21, 1969 (34 F.R. 7999)), which expire May 14, 1970.

The firm has requested a 1-year extension for obtaining additional experimental data. The Commissioner of Food and Drugs concludes that such an extension will protect the public health. A condition under which these temporary tolerances are extended is that the insecticide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the FMC Corp. name.

As extended, these temporary tolerances expire May 14, 1971.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 2, 1970.

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

[F.R. Doc. 70-7152; Filed, June 9, 1970; 8:46 a.m.]

[DESI 12114V]

ERYTHROMYCIN STEARATE WITH HEXOCYCLIUM METHYLSULFATE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

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

Byogic; each capsule contains 100 milligrams erythromycin stearate and 20 milligrams hexocyclium methylsulfate; by Abbott Laboratories, North Chicago, Ill. 60064.

The Academy evaluated this drug preparation as probably not effective for the respiratory-enteritis complex and sequelae in dogs, cats and small laboratory animals (rabbits and monkeys). The Academy stated that:

1. Documentation is needed to substantiate the benefits of the combination of an antibiotic and anticholinergic.

2. Each active ingredient in a preparation containing more than one drug must be effective or contribute to the effectiveness of the preparation, to warrant acceptance as an active ingredient and the subject drug preparation has not satisfied this condition.

3. Each disease claim should be properly qualified by naming the disease and its causative pathogen which is sensitive to erythromycin. If the disease claim cannot be so qualified, the claim must be dropped. Frequency of administration recommended is inadequate.

The Food and Drug Administration concurs in the Academy's evaluation.

This announcement is published (1) to inform holders of new animal drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a "deemed approved" new animal drug application (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962) for such drugs is requested to submit updating information as needed to make the application current with regard to manufacture of the drug including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the Federal Food, Drug, and Cosmetic Act.

Written comments regarding this announcement including requests for an informal conference may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to said drug or any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 5600 Fishers Lane, Rockville, Md. 20852.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 28, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-7156; Filed, June 9, 1970; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

U.S. NATIONAL AVIATION STANDARD FOR THE VORTAC SYSTEM

Selection Order

The selection order which establishes a U.S. National Aviation Standard for the VORTAC (VOR–TACAN–DME) System was approved by the Administrator of the FAA on June 1, 1970.

A public notice of proposed selection for the selection order was published as Notice 69–RD–1 in 34 F.R. 18050 on November 7, 1969. That notice stated that the FAA was considering adopting a selection order establishing the Standard and invited interested persons to submit such written data and comments as they may desire.

In response to the opportunity to participate in establishment of the standards, comments were received from two organizations. One urged early publication of the Standard and indicated that the inclusion of additional material was desirable. The other indicated the desirability of changes to certain technical characteristics. All comments submitted were evaluated in the light of current and future needs of the system and with due consideration to the public interests. Those comments which were consistent with the purpose and scope of the Standard were accommodated to the extent practicable at this time. The following summarizes the nature and disposition of specific comments.

1. With reference to paragraph 2.3, one commenter assumed that the ±3.0° azimuth error value was based on a ±2.8° pilotage error value. The comment therefore suggested that a ±3.25° azimuth error value could provide a system use accuracy of ±4.5° if the pilotage error allowance were reduced to ±2.5°.

Instead of basing the airborne component error on a pilotage error value, the component error was chosen to be compatible with routes and procedures based on a ±4.5° system use accuracy and to provide capability for more efficient use of the airspace. Recognizing the continually increasing density of air traffic and that the ±3.0° component error value would provide only the minimum capability needed at this time, it was considered that a relaxation of the accuracy standard would not be in the public interest.

2. In accord with a comment concerning the application of area navigation devices, paragraph 2.5 of the Standard stipulates that the devices must be implemented in such a manner that route width requirements are not increased.

3. One comment, recommending inclusion of a section dealing with improvements which can permit optimized use of the system, proposed incorporation by reference of the RTCA SC–116E report (DO–140) and the FAA Advisory Circular (No. 90–45) both of which consist of material on area navigation systems.

The reference material makes a substantial contribution toward optimizing use of the system. However, it is not considered to be within the scope of the Standard at this time.

4. In response to a comment on the need for a tighter VOR transmitter frequency tolerance for use when 50 kHz channel assignments are implemented, a note has been added to paragraph 3.2 identifying the applicable tolerance as ±0.002 percent.

5. A comment concerning ground system accuracy tests indicates the Standard ignores errors as determined by the flight inspection process and that the distinctions between errors as seen on the ground and in aircraft are of sufficient importance to warrant treatment in the Standard. With specific reference to VOR ground component radial signal errors in section 3 (paragraph 3.4.5), the comment indicates the Standard should include information relative to the overall error values as measured in flight which are permitted under current FAA commissioning practices.

With regard to signals produced by ground components, the material in sections 3 and 5 of the Standard is intended to identify the characteristics of signals radiated. Some variations in the characteristics of signals available to aircraft may occur due to site and propagation effects. The addition of material relative to distinctions between errors as seen on the ground and in the air is not practicable at this time. Since information concerning error limits permitted under current commissioning criteria is stated in the FAA Flight Inspection Manual, it is not considered desirable to repeat it in the Standard.

6. A recommendation that paragraph 3.5.2 state a minimum depth of modulation value for the VOR Code Identification Signal has merit but could not be accommodated at this time. However, a single value and tolerance will be considered at the time of the next revision to the Standard.

7. In response to a comment which applies to paragraphs 4.5, 4.5.3, 6.2.5, and 6.2.5.3, clarifying editorial changes were made to the title and text to avoid the possibility of misinterpretation. The changes consist of (a) use of the term "Course Deviation Information" in lieu of the term "Aircraft Position Information" in the title of each paragraph and (b) conforming changes in the text.

8. With reference to signal levels from TACAN/DME ground components, a comment on paragraph 5.3.2 indicated a need for clarification of the relationship between the basis of coverage used as a requirement in the Standard and that recommended as desirable in the International Civil Aviation Organization (ICAO) Annex 10 Standards and Recommended Practices (SARP). The comment also reflected some uncertainty relative to application of the signal power density standard of paragraph 5.3.2.

A signal power density standard has been established in paragraph 5.3.2 to assure the necessary uniformity of coverage capability. The value of −86 dBw/m² was selected after overall consideration of current and future operational needs for the system, compatibility requirements and means of satisfying those needs for all concerned in a practicable and most advantageous manner. To be most significant, the −86 dBw/m² is a value referenced to a point corresponding to the maximum radius at the minimum altitude of a service volume. Within the

elevation angle of concern, the signal power density increases with altitude. Environmental Science Services Administration (ESSA) data on transmission loss predictions for average site conditions, as applied to the high altitude structure, show that a signal power density of −86 dBw/m² at 130 nautical miles at 18,000 feet above ground would be expected to increase to approximately −80 dBw/m² at 130 nautical miles at 45,000 feet. The recommendation of ICAO Annex 10, indicates that a signal power density of −83 dBw/m² is considered desirable at the maximum specified service range and altitude level.

To facilitate proper interpretation of power level values in the case of TACAN components, a clarifying sentence has been added to paragraph 5.3.2 of the Standard.

Notwithstanding the minimum signal power density permitted by the Standard, the FAA expects to maintain the power radiated by existing Classes L and H components except in occasional special cases where other considerations may necessitate a change. Therefore, in general, users of the system can expect coverage capability to be maintained.

However, ground components commissioned henceforth, will not be required to provide a radiated power level in excess of that specified in paragraph 5.3.2. Therefore, unless airborne components provide adequate sensitivity, they may not provide navigation information in the vicinity of the maximum radius at the minimum altitude of a service volume. As a consequence, it may be necessary to undertake rulemaking in the future to restrict the operation of aircraft that are equipped with inadequately sensitive airborne components.

9. With reference to a comment concerning fixed DME error, precautions against occurrence were not incorporated in section 5 for the reason that they are a hardware matter which experience indicates is most effectively applied to airborne components. Such matter is not within the scope of the Standard.

10. With regard to DME to be associated with ILS and TVOR ground components, a comment indicated that paragraph 5.3.10 should identify the increased distance accuracy that may be available.

Although it is a purpose of National Aviation Standards to identify pertinent technical standards at the earliest practicable date, it was considered premature to establish accuracy standards other than those in section 5.

11. A comment pertaining to TACAN/DME airborne components expressed the view that specification of a frequency tolerance in paragraph 6.1.1 was unnecessary. The comment also cited a spectrum requirement considered more meaningful than that of paragraph 6.1.6.

Though having no significant relationship to the spectrum requirements of paragraph 6.1.6, the international frequency tolerance standard of paragraph 6.1.1 is regarded as an appropriate technical standard having a relationship to compatibility between ground and airborne components. Consequently, the frequency tolerance standard has been retained.

The spectrum requirement referenced in the comment as being more meaningful was not considered acceptable as stated by reason of incompatibility with the spurious radiation requirements of paragraph 6.1.7.

Apart from the comments summarized above, attention is drawn to the deletion of a note pertaining to the implementation of additional VOR and TACAN/DME channels which formerly appeared in paragraph 2.1.1.4.1 and 2.1.1.4.2, respectively. This action has been taken for the reason that, at this time, planning, and scheduling for implementation of additional channels is under consideration.

The text of the approved selection order, copies of which will be available to the public through the medium of an advisory circular, is as follows:

SELECTION ORDER: U.S. NATIONAL AVIATION STANDARD FOR THE VORTAC SYSTEM

1. *Purpose.* This order establishes the VORTAC (VOR–TACAN–DME) standard which defines the performance required of the system and its components.

2. *Requirement.* VORTAC is the primary short distance navigation aid used in the National Airspace System of air navigation and traffic control. Achievement of navigation system performance commensurate with overall operational use requirements necessitates definition of the functional and performance characteristics required of the system and its components.

3. *Selection decision.* The U.S. National Aviation Standard for the VORTAC System described in paragraph 4 of this order is responsive to the requirement stated in paragraph 2 hereof and is hereby selected pursuant to section 312(c) of the Federal Aviation Act.

4. *Description.* The Standard attached to this order defines those functional and operational characteristics of the VORTAC system and its components which are required to satisfy overall operational use requirements and to provide compatibility between components of the system. For ground components, the Standard identifies the functional, signal and performance characteristics provided and with which all airborne components must operate as specified. For airborne components, the Standard identified signal characteristics, where applicable, and functional and performance characteristics which are necessary to satisfy system use requirements and to prevent impairment of services to other users of the airspace.

5. *Implementation criteria.* This Standard applies to all VOR, TACAN, and DME ground and airborne components used in the National Airspace System.

6. *Directed action.* The Standard coverd by this Order will be used by elements of the FAA to define the VORTAC system and to identify the functional and performance characteristics required of the system and its components. Subject to applicable rule making, programing, and budgetary procedures, action shall be taken, by the FAA elements concerned, to implement this selection in accordance with the foregoing implementation criteria or such modifications thereof as may be hereafter approved by or on behalf of the Federal Aviation Administrator.

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

J. H. SHAFFER,
Administrator.

U.S. NATIONAL AVIATION STANDARD FOR THE VORTAC (VOR–TACAN–DME) SYSTEM

1. GENERAL

Under Public Law 85–726, the FAA (Federal Aviation Administration) is charged with providing for the regulation and promotion of civil aviation in such a manner as to best foster its development and safety, and to provide for the safe and efficient use of the airspace by both civil and military aircraft, and for other purposes. Explicitly, the Administrator shall develop, modify, test, and evaluate systems, procedures, facilities and devices, as well as define the performance characteristics thereof, to meet the needs for safe and efficient navigation and traffic control of all civil and military aviation operating in a common Civil/Military System of Air Navigation and Traffic Control.

1.1 *The VORTAC (VOR–TACAN–DME) system characteristics.* Pursuant to 1, this Standard defines the VOR (VHF Omnidirectional Radio Range)—TACAN (Tactical Air Navigation)—DME (Distance Measuring Equipment) system in the United State, its application and its performance characteristics. For ground components of the system, the material identifies the functional, signal, and performance characteristics provided and with which all airborne components of the system must operate as specified. For airborne components, the material identifies signal characteristics, where applicable, and functional and performance characteristics which are required to meet overall operational use requirements and to provide compatibility between components of the system.

The respective airborne component characteristics of VOR, TACAN, and DME apply in entirety to those components used in aircraft operations performed under IFR (Instrument Flight Rules). However, for other aircraft operations the applicability is limited to requirements as identified in sections 4 and 6 hereof which are essential to prevent impairment of services to other users of the airspace. It is recognized that certain existing components do not comply with all requirements of this Standard. Since such components may impair services to other users of the system, degrade navigational accuracy or otherwise adversely affect operational use of the system, it is expected that use of nonconforming components will be discontinued as soon as practicable.

1.2 *Revisions.* This Standard will be revised as needs of the National Airspace System warrant.

2. VOR–TACAN–DME SYSTEM DESCRIPTION

The VOR–TACAN–DME system is a short distance rho-theta air navigation system which provides properly equipped aircraft with bearing, identification and distance information referenced to selected ground components. When the airborne component complement includes a suitable area navigation (RNAV) device operating from data derived from the system, nonradial routes are afforded in addition to those corresponding

to radials from the selected ground component. The system provides all civil and military aviation with an aid to navigation for the safe and efficient conduct of aircraft operations, the safe and efficient exercise of air traffic control and the efficient utilization of airspace.

2.1 *Principal components of the system*—2.1.1 *Ground components.* The principal ground components, which produce and radiate signals as specified hereinafter, are: VOR providing ground to air communications and azimuth information to all civil aviation; TACAN providing azimuth information to military users and distance information to both civil and military users; and DME only providing distance information to all users of the airspace.

2.1.1.1 *Facility type designations.* Components comprising ground facilities of the system are identified in the Airman's Information Manual by type designations as follows to identify the type of service provided. VOR type designators are prefixed by the letter "B" when the component provides scheduled voice broadcasts, and are suffixed by the letter "W" when the component does not provide voice transmissions.

Designator	*Type of facility*
VOR	VHF navigational facility, omnidirectional, azimuth only.
DME	UHF navigational facility, distance only.
TACAN	UHF navigational facility, omnidirectional, azimuth, and distance.
VOR/DME	Associated VOR and DME navigational facilities.
VORTAC	Associated VOR and TACAN navigational facilities.

2.1.1.2 *Facility operational classifications.* Each ground facility is identified as to the normally anticipated interference-free service volume by one of the following classification letters applied in parentheses as a prefix to the applicable facility type designation. Such classification is without regard to the fact that the frequency-protected service volume, operational requirements and use limitations may vary between facilities at different locations, or that propagation anomalies, multipath propagation and site conditions may alter the characteristics of ground component signals available to aircraft within the normally anticipated interference-free service volume.

Class	*Normal usable altitudes and radius distance*
H	Above 45,000 feet MSL and out to a radius of 100 nautical miles; From 18,000 feet to and including 45,000 feet MSL and out to a radius of 130 nautical miles; From 14,500 feet to 18,000 feet and out to a radius of 100 nautical miles.
L	Up to 18,000 feet MSL and out to a radius of 40 nautical miles.
T	Up to and including 12,000 feet MSL and out to a radius of 25 nautical miles.

H facilities also provide L and T service volumes and L facilities also provide T service volumes. To the extent that frequency protection is in accordance with 2.1.1.6 and to the extent that the respective minimum signal power densities of 3.3 and 5.3.2 are available to aircraft, facilities may also provide expanded operational service volumes which extend: (a) Beyond the normal service radius to not more than 110 nautical miles at MSL altitudes below 18,000 feet or 185 nautical miles at MSL altitudes above 18,000 feet; or (b) above the normal altitude; or both.

2.1.1.2.1 *Vertical angle coverage limitations.* Within the normally anticipated interference-free service volume of each facility, azimuth signal information permitting satisfactory performance of airborne components is normally provided from the radio horizon up to an elevation angle of not less than 60° for VOR components and not less than 40° for TACAN components. At higher elevation angles the azimuth signal information may not be usable. Components providing distance information permit satisfactory performance of airborne components from the radio horizon to an elevation angle of not less than 60°.

2.1.1.3 *Colocation of components.* A VOR and either TACAN or DME shall be considered as associated components only when:

(a) Operated on a standard frequency pairing in accordance with 2.1.1.5;

(b) Colocated within the limits prescribed for associated facilities in 2.1.1.3.1; and

(c) Complying with the identification provisions of 2.1.1.7.2.2.

2.1.1.3.1 *Colocation limits for associated components.* When either TACAN or DME components are associated with a VOR, the components shall be colocated in accordance with the following:

(a) *Coaxial colocation.* The VOR and TACAN or DME antennas are located on the same vertical axis; or

(b) *Offset colocation.* (1) For those facilities used in terminal areas for approach purposes or other procedures where the highest position fixing accuracy of system capability is required, the separation of the VOR and DME or TACAN antennas will not exceed 100 feet. However, at Doppler VOR components the antennas will be separated by not more than 260 feet.

(2) For purposes other than those indicated in (1), the separation of the VOR and either DME or TACAN antennas will not exceed 2,000 feet.

With the exception of a Doppler VOR at which a TACAN antenna must be offset colocated, the standard is a coaxial colocation configuration.

2.1.1.4 *Radiofrequency allocations.* Radiofrequencies allocated for VOR, TACAN, and DME are those correspondingly designated in Table A.

2.1.1.4.1 *VOR radiofrequency assignments.* Radiofrequency assignments shall be selected from the VOR channel frequencies listed in Table A.

2.1.1.4.2 *DME and TACAN radiofrequency assignments.* Radiofrequency assignments shall be selected from the DME and TACAN ground transponder channel frequencies listed in Table A. Channels 1 through 16 and 60 through 69 shall not be assigned to components of the common system.

2.1.1.5 *Radiofrequency channel pairing.* When a DME or TACAN component is intended to operate in association with a VHF component in the 108.0 to 117.95 MHz frequency band, the DME or TACAN operating channel shall be paired with the VHF channel as given in Table A. Nonassociated VOR, TACAN, and DME components shall not be frequency paired in accordance with the standard pairing of Table A when the components provide overlapping frequency protected service volumes.

2.1.1.6 *Radiofrequency interference protection.* The usable distance and usable altitude of aeronautical navigation aids are determined by the protection from radiofrequency interference caused by cochannel or adjacent-channel components. Geographical separation of navigational aid components is used to provide this frequency protection from adjacent-channel and other cochannel assignments. The separation criterion takes into account the permissible deterioration in ground component radiated power levels. The frequency-protected volume of airspace shall at least be as great as the published operational service volume limitations.

NOTE: The protection ratios stated in the following subparagraphs are based on the data, conditions and factors set forth for VOR and TACAN in the March 1967 Environmental Science Services Administration (ESSA) technical report IER 26–ITSA 26 entitled "Interference Predictions for VHF/UHF Air Navigation Aids".

2.1.1.6.1 *Geographical separation of VOR frequency assignments.* The following interference protection is provided, within the frequency-protected service volume, by geographical separation of VOR frequency assignments.

(a) The signal from an undesired cochannel component will not exceed −20 dB of the signal from the desired component;

(b) The signal from an undesired first adjacent-channel component will not exceed the desired signal by more than +46 dB;

(c) The signals from other than cochannel or first adjacent-channels will not exceed +60 dB of the desired signal at any point which is above the radio horizon and within the operational service volume of the desired component.

2.1.1.6.2 *Geographical separation of DME and TACAN frequency assignments.* The following interference protection is provided, within the frequency-protected service volume, by geographical separation of DME and TACAN frequency assignments:

(a) The signal from an undesired cochannel component will not exceed −8 dB of the signal from the desired component;

(b) The signal from an undesired first adjacent-channel component will not exceed the desired signal by more than +42 dB;

(c) The signals from other than cochannel or first adjacent-channels will not exceed +50 dB of the desired signal at any point which is above the radio horizon and within the operational service volume of the desired component.

2.1.1.6.3 *Protection of components near Canadian and Mexican borders.* In areas of the United States where facility congestion creates a problem, components near the U.S. border may not be frequency-protected in any airspace volume that lies beyond the U.S. border. However, expanded service volume protection will be provided wherever specific airways, routes or procedures beyond the border are based on the component.

2.1.1.7 *Component identification signals.* Each ground component shall transmit an identification signal consisting of three letters in the form of International Morse Code transmitted at a rate of approximately seven words per minute. In addition, voice identification in accordance with 2.1.1.7.2.1 through 2.1.1.7.2.3 may be provided by a VOR.

2.1.1.7.1 *Identification code characteristics.* The identification code characteristics shall conform to the following:

(a) The dots shall be a time duration of 0.1 second to 0.125 second and the dashes 0.3 second to 0.375 second;

(b) The duration between dots and dashes of a code letter shall in each case be equal to that of one dot plus or minus 10 percent;

(c) The time duration between consecutive letters of the identification code group shall not be less than three dots; and

(d) The total period for transmission of an identification code group shall not exceed 5 seconds.

2.1.1.7.2 *Identification cycle and synchronization.* The repetition and synchronization of component identification signals shall conform to the following.

2.1.1.7.2.1 *Independent components.* Whenever a facility is operated as a VOR, a DME, or TACAN only, its identification signal shall be transmitted as follows:

(a) For VOR providing code and voice identification signals, each 30-second interval is divided into four equal periods. The code identification signal shall be transmitted during alternate periods and, subject to 2.1.1.7.2.3, voice identification signals will occur during the remaining periods.

(b) For VOR providing only code identification signals, each 30-second interval is divided into five equal periods. The code identification shall be transmitted during each period.

(c) When voice communication signals are being transmitted by a VOR, the VOR code identification signals shall not be suppressed.

(d) For DME and TACAN the International Morse Code identification signal shall be repeated at intervals of 30 seconds.

2.1.1.7.2.2 *Associated components.* When in accordance with 2.1.1.3 a VOR and either a DME or TACAN are operated as associated components, the identification signals shall conform to the respective requirements of 2.1.1.7.2.1 except that:

(a) The identification letters shall be the same for each component;

(b) For VOR of 2.1.1.7.2.1(a), the DME or TACAN identification signal shall be transmitted during one of the periods allocated for VOR voice identification and the latter shall not be transmitted during that period;

(c) For VOR of 2.1.1.7.2.1(b), the DME or TACAN identification signal shall be transmitted during one of the periods allocated for VOR code identification and the latter shall not be transmitted during that period;

(d) The International Morse Code identification signals of VOR, DME, and TACAN shall be synchronized and interlocked such that simultaneous transmission will not occur; and

(e) When voice communications are being transmitted on the VOR, the code identification signals of DME and TACAN shall not be suppressed.

NOTE: Whenever one component is temporarily out of service, the remaining component, when operated, will transmit facility identification signals in accordance with 2.1.1.7.2.2 without regard to the facility type designation.

2.1.1.7.2.3 *Precedence of VOR voice communications.* VOR voice identification signals shall be suppressed for the duration of voice communications or broadcasts.

2.1.1.8 *VOR voice communication signals.* In accordance with the need for communications, a VOR may provide ground to air voice communications.

2.1.2 *Airborne components.* Airborne components of the system consist of a VOR component conforming to section 4 hereof and TACAN and DME components conforming to the applicable requirements of section 6 of this Standard.

2.2 *System traffic handling capacity.* Each VOR and TACAN ground component of the system provides azimuth and facility identification information to an unlimited number of airborne components. Under conditions in which interrogating TACAN and DME components are in the track mode of operation not less than 95 percent of the time, TACAN and DME ground components provide slant range distance information adequate for the peak traffic or 100 interrogators, whichever is the lesser.

2.3 *System azimuth accuracy.* System azimuth accuracy, expressed in terms of error, is a function of the error factors associated with the ground and airborne components. For purposes of defining these errors, the following terms are used with the meanings indicated.

(a) *Radial signal error (Eg).* Radial signal error is the difference between the nominal magnetic bearing to a point of measurement from the ground component and the bearing indicated by the ground component signal at that same point. The radial signal error is made up of (1) certain stable elements such as course displacement and most site and terrain effect errors which may be considered as fixed for long periods of time, and (2) certain random variable errors which can be expected to vary about the essentially constant remainder. The radial signal error is associated with the ground component only and excludes other error factors.

(b) *Airborne component error (Ea).* Airborne component error is that error attributable to the inability of the equipment in the aircraft to translate correctly the bearing information contained in the radial signal. This element embraces all factors in the airborne component which introduce errors in the information presented to the pilot. (Errors resulting from the use of compass information in some VOR and TACAN displays are not included.)

(c) *Aggregate error (Es.)* Aggregate error is the difference between the magnetic bearing to a point of measurement from the ground component and the bearing indicated by airborne components of stated accuracy. This is the error in the information presented to the pilot (exclusive of any errors resulting from use of compass information) taking into account not only the ground component and propagation path errors but also the error contributed by the airborne component and its instrumentation. The entire radial signal error, both fixed and variable, is used.

Since the errors of (a) and (b), when considered on a total system basis (not any individual radials or components) are independent variables, they may be combined by the root-sum-square (RSS) method to calculate aggregate system error (Es) when the same probability is given to each element. For purposes of this Standard, each element is considered to have a 95 percent probability.

In practice, based on hundreds of thousands of accumulated data points, the radial signal error value (Eg) has been found to be $\pm 1.9°$ (95 percent probability). Airways, routes, and terminal area procedures in the United States are designed on the basis of a system use accuracy of $\pm 4.5°$ (95 percent probability). To satisfy that operational use requirement, accuracies specified for airborne components in sections 4 and 6 hereof provide a nominal aggregate system azimuth error value (Es) of 3.5° (95 percent probability). The aggregate system error value is derived as follows.

Radial Signal Error (Eg): $\pm 1.9°$ (95 percent probability).

Airborne Component Error (Ea): $\pm 3.0°$ (95 percent probability).

Aggregate System Error (Es)

$$= \sqrt{Eg^2 + Ea^2} \quad (1)$$

$$= \sqrt{1.9^2 + 3.0^2} \quad (2)$$

$$= \sqrt{3.61 + 9.00} \quad (3)$$

$$= \sqrt{12.61} \quad (4)$$

(Rounded) = 3.5° (95 percent probability) (5)

With respect to the $\pm 4.5°$ system use accuracy, the aggregate system error of $\pm 3.5°$ allows a factor for error in utilization of the information presented to the pilot. This utilization error, which is an independent variable and is attributable to the fact that a pilot can not or does not keep the aircraft precisely centered on the radial or bearing presented, is strictly a pilotage error contribution and does not include presentation errors.

2.4 *System distance accuracy.* System distance accuracy is a function of the ground and airborne component accuracies. The component values in this Standard provide a system distance accuracy of ± 0.5 nautical mile or 3 percent of the slant range distance, whichever is greater (95 percent probability) when the error values are combined by the root-sum-square method.

2.5 *Area navigation use accuracy.* When area navigation devices are used with inputs from components of the system, those devices, must be implemented in such a manner that route dimension requirements are not increased. Any errors introduced by area navigation devices may, therefore, necessitate a compensating reduction in other error elements.

2.6 *System functional and performance capabilities.* The functional and performance characteristics set forth in this Standard are those needed to satisfy current system use and performance requirements. Many ground and airborne components used in the system afford accuracy values appreciably better than those stated in this Standard. The VOR–TACAN–DME system is inherently capable of greater accuracies and additional functions to meet future needs for safe and efficient air navigation, traffic control and utilization of the airspace.

3. OPERATIONAL CHARACTERISTICS FOR VOR GROUND COMPONENTS

The subparagraphs hereto identify standard signal characteristics and tolerances for VOR components of the system. Except as noted, these characteristics represent the performance which shall normally be provided by each component subject to limitations as noted under 2.1.1.2 and 2.1.1.6.

3.1 *Polarization.* The ground component antenna shall radiate horizontally polarized signals. Azimuth error in airborne components due to the vertically polarized component of the radiated signal will not exceed $\pm 2.0°$ at aircraft attitudes encountered in normal operational use of the system.

3.2 *Radiofrequency accuracy.* The radiofrequency carrier shall be within ± 0.005 percent of the assigned channel frequency.

NOTE: When VHF channels ending in odd-twentieths of a MHz are utilized for either VOR or ILS localizer components, the radiofrequency carrier for all VOR and localizer components will be within ± 0.002 percent of the assigned channel frequency.

3.3 *Radiated power level.* The effective radiated power level shall not be less than that necessary to provide a signal power density of -111 dBw/m² at the minimum service altitude at the maximum specified operational service radius.

NOTE: At 118 MHz the value -111 dBw/m² corresponds to -114 dBw in an isotropic receiving antenna.

At the nearest aircraft position expected during flight, the maximum signal power density available to aircraft will be of the order of -34 dBw/m².

3.4 *Azimuth signal characteristics.* The VOR shall radiate a radiofrequency carrier with which are associated two separate 30 Hz modulations. One of these modulations shall be such that its phase is independent of the azimuth of the point of observation (reference phase). The other modulation (variable phase) shall be such that its phase at the point of observation differs from that of the reference phase by an angle equal to the magnetic bearing of the point of observation with respect to the VOR. The radiofrequency carrier as observed at any point in space shall be amplitude modulated by two signals in accordance with the following.

3.4.1 *Subcarrier frequency modulation.* One signal component shall be a subcarrier of 9,960 Hz of constant amplitude, frequency modulated at 30 Hz and having a deviation ratio of 16±1 (i.e., 15 to 17) as follows:

(a) For the conventional VOR the 30 Hz component of the FM subcarrier is fixed without respect to azimuth and is termed the "reference phase".

FM subcarrier is fixed without respect to azimuth and is termed the "reference phase".

(b) For the Doppler VOR the phase of the 30 Hz component varies with azimuth and is termed the "variable phase".

3.4.1.1 *Subcarrier frequency and accuracy.* The subcarrier modulation midfrequency shall be 9,960 Hz within ±1.0 percent.

3.4.1.2 *Subcarrier modulation frequency and accuracy.* The modulation frequency shall be 30 Hz within ±1.0 percent.

3.4.1.3 *Subcarrier amplitude modulation.* Amplitude modulation of the subcarrier shall conform to the following:

(a) For the conventional VOR, the percentage of amplitude modulation of the 9,960 Hz subcarrier shall not exceed 5 percent.

(b) For the Doppler VOR, the percentage of amplitude modulation of the 9,960 Hz subcarrier shall not exceed 40 percent when measured at a point at least 1,000 feet from the VOR.

3.4.1.4 *Sideband level of subcarrier harmonics.* When 50 kHz VOR channel spacing is implemented, the sideband level of the harmonics of the 9,960 Hz component in the radiated signal shall not exceed the following levels referred to the level of the 9,960 Hz sideband:

Subcarrier	*Level*
9,960 Hz	0 dB reference.
2d harmonic	−30 dB.
3d harmonic	−50 dB.
4th harmonic	−60 dB.

3.4.2 *30 Hz amplitude modulation.* The other signal component shall be 30 Hz amplitude modulation as follows:

(a) For the conventional VOR, this component results from a rotating field pattern, the phase of which varies with azimuth, and is termed the "variable phase".

(b) For the Doppler VOR, this component, of constant phase with relation to azimuth and constant amplitude, is radiated omnidirectionally and is termed the "reference phase".

3.4.2.1 *Amplitude modulation frequency and accuracy.* The modulation frequency shall be 30 Hz within ±1.0 percent.

3.4.3 *Depth of reference and variable phase modulations.* The depth of modulation of the radiofrequency carrier due to the 30 Hz or 9,960 Hz signals shall, for each signal, be within the limits of (a) 28 to 32 percent at all elevation angles from 0° to 5° above the horizon; and (b) 25 to 35 percent at all elevation angles between 5° and 60° above the horizon.

3.4.4 *Phase relationships of reference and variable phase signals.* The reference and variable phase modulations shall be in phase along the radial corresponding to magnetic north. The reference and variable phase modulations are in phase when the maximum value of the sum of the radiofrequency carrier and the sideband energy due to the amplitude modulation signal occurs at the same time as the highest instantaneous frequency of the frequency modulation signal.

3.4.5 *Radial signal characteristics.* Coverage, course alignment, and structure characteristics are periodically examined through flight inspection to ascertain that radial signals conform to standards prescribed for the intended operational usage. However, no component is commissioned for unrestricted use unless radial signal errors are within prescribed limits.

3.4.5.1 *Ground test measurement.* When a ground test is made in the near field of the antenna for purposes of verifying the radial signal alignment accuracy, the measurement shall be made at not less than eight points each of which are in the horizontal plane and at equal angular increments as referenced to the center of the antenna array. The requirements of the following subparagraph shall apply.

NOTE: Due to measurement limitations, the alignment error for Doppler VOR shall not be determined through ground test.

3.4.5.1.1 *Ground test tolerances.* The ground component shall meet the following tolerances when radial signal alignment accuracy is verified by ground tests.

(a) Monitor azimuth indication within a 15-minute period shall not vary more than 0.3°;

(b) Ground test error curves shall not deviate in excess of ±1.0° from the reference ground test error curve. The reference ground test error curve is the average of three successive error curves taken immediately following a basic altitude flight inspection. These curves shall not vary more than 0.3° from each other;

(c) The maximum error spread of any ground test error curve shall not exceed 2.0°; and

(d) The ground test error curves for each of dual equipments shall not deviate from each other by more than 1.0°

3.5 *Code identification signal characteristics.* The characteristics of the code identification signal shall conform to the following.

3.5.1 *Tone modulation frequency and accuracy.* The modulation frequency shall be 1,020 Hz±50 Hz.

3.5.2 *Depth of modulation.* The depth to which the radiofrequency carrier is modulated by the code identification signal shall:

(a) Normally be 5.0±1 percent at components where voice services are provided but shall not exceed 8.0 percent; and

(b) Be close to but not in excess of 10 percent at components where voice services are not provided.

3.6 *Voice identification and communications signal characteristics.* The characteristics of voice identification and voice communications signals, when provided, shall conform to the following.

3.6.1 *Voice channel frequency response.* Throughout the frequency range from 300 to 2,500 Hz, the frequency response characteristics for the voice channel shall be within 3 dB of the response at 1,000 Hz.

3.6.2 *Depth of modulation.* The depth to which the radiofrequency carrier is modulated by voice signals shall not be greater than 30 percent.

3.7 *Monitoring.* Continuous monitoring of the ground component shall be provided which causes the radiation of azimuth and identification signals to cease and a warning to be indicated at a control point when any one or a combination of the following fault conditions are sensed by the monitor:

(a) The bearing of the azimuth signal at the monitored radial changes by ±1.0° and all greater deviations from the normal value.

(b) The radiofrequency signal voltage level at the monitored radial of either the subcarrier or 30 Hz amplitude modulation signal components, or both, are reduced by 15 percent and all greater reductions from the normal value.

(c) The 1,020 Hz code identification tone signal is absent.

The faults of (a) and (b) may persist for a period not to exceed 15 seconds before radiation is interrupted. The fault of (c) may persist for an additional interval not to exceed 30 seconds before radiation is interrupted.

3.7.1 *Monitor failure.* When the continuity of signal radiation is under the control of monitor equipment, the absence of either monitor operating power or the monitored signals at the fault sensing circuits of the monitor shall automatically cause radiation of the signals to cease and result in a warning indication at a control point.

NOTE: A high degree of fail-safe monitoring is provided. However, completely fail-safe monitoring is not possible.

4. OPERATIONAL CHARACTERISTICS FOR VOR AIRBORNE COMPONENTS

Paragraphs hereunder specify in-use functional capability and performance characteristics required of VOR airborne components. The term "component," as used herein, includes the complete aircraft installation of all items, such as the antenna and its transmission line, the receiver, electrical power source(s), identification and voice communications signal reproduction devices, and selector and display instrumentation devices for bearing and course indication, which are necessary to provide the required functions and performance. All requirements apply to airborne components used in the performance of aircraft operations under IFR. For other aircraft operations the requirements are limited to those of this paragraph and 4.6. Components shall be capable of performing as specified throughout the advertised operational service volume of ground facilities in which use is intended and under all expected aircraft and airborne component operating conditions. The requirements shall be met under conditions in which the performance characteristics of ground components are in accordance with sections 2 and 3 of this Standard.

4.1 *Receiver radiofrequencies.* For each channel in use, the center radiofrequency of the receiver shall be the corresponding ground component frequency listed in Table A.

4.2 *Sensitivity to VOR Signals.* Based on the signal power densities of 3.3, the airborne component shall provide sensitivity as necessary for the display of navigation information to the accuracy specified and for clear and distinct reproduction of communication and identification signals.

4.3 *Rejection of undesired signals.* The airborne component shall provide undesired signal rejection characteristics adequate to assure the specified performance. For cochannel and adjacent-channel signals, this requirement shall be met when the respective signals provide undesired to desired signal ratios up to the maximum values stated in 2.1.1.6.1.

4.4 *Facility identification and voice signals.* The airborne component shall provide the pilot with an intelligible and unambiguous signal which permits positive identification of the ground component from which navigation information is displayed. The reproduction and aural level of voice signals shall be adequate to preserve and clearly convey to the pilot the intelligence transmitted by ground components.

4.5 *Bearing and course deviation information.* The airborne component shall provide devices for unambiguous determination of the aircraft magnetic bearing with respect to each selected ground component and for display of the aircraft deviation from the selected course.

4.5.1 *Course deviation indicator devices.* The response, readability, and resolution of course deviation indicator devices shall be such as to permit the pilot to determine the direction and extent of the aircraft deviation from the selected course.

4.5.2 *Warning function.* The airborne component shall provide a warning indication which is clearly evident to the pilot whenever azimuth signals necessary for the prescribed performance are not present.

4.5.3 *Accuracy of bearing and course deviation information.* The total airborne component error in bearing and course deviation information, as displayed to the pilot, shall not at any bearing exceed ±3.0° (95 percent probability).

4.6 *Radiation.* Radiation from airborne components shall not result in derogation of operational use of this system to other users or in the derogation of other aeronautical services.

5. OPERATIONAL CHARACTERISTICS FOR TACAN AND DME GROUND COMPONENTS

The subparagraphs hereto identify standard signal and performance characteristics for TACAN and DME ground components of the system. These characteristics represent the performance which shall normally be provided by each component subject to limitations as noted under 2.1.1.2 and 2.1.1.6. Except where a designation of either TACAN or DME is used thus denoting that a requirement applies only to the designated component, requirements apply to both TACAN and DME components.

5.1 *Polarization.* The ground component antenna shall radiate and receive vertically polarized signals. TACAN azimuth error in airborne components due to the horizontally polarized component of the radiated signal will not exceed ±2.0° at aircraft attitudes encountered in normal operational use of the system.

5.2 *Transponder response to interrogation signals.* The response of the transponder to interrogation signals shall conform to the requirements of the following paragraphs.

NOTE: The presence at the ground component antenna of CW signals within a frequency band of ±3.0 MHz with respect to the interrogation frequency in use and which have a signal power density of −113 dBw/m² and all higher values will normally derogate the performance of the component and the system.

5.2.1 *Interrogation radio frequency.* The receiver center frequency shall be the interrogation frequency from Table A appropriate to the assigned operating channel.

5.2.2 *Sensitivity to interrogation signals.* Transponder sensitivity shall be measured in terms of a triggering level which is defined as the peak pulse power level of the weakest interrogation signal measured at the input of the receiver which will cause the transponder to reply with a specified reply efficiency. For a reply efficiency of 70 percent, the sensitivity shall conform to the following.

NOTE: Ground components may not respond to interrogation as specified if the difference in level of the constituent pulses of interrogation pulse pairs is greater than 1 dB.

5.2.2.1 *On-channel sensitivity.* For interrogation signals within ±100 kHz of the assigned channel frequency, which have a repetition rate not higher than 200 pulse pairs per second and which have spacings of the constituent pulses of a pair equal to the design center value for the channel in use, the sensitivity of the ground component shall be not less than −122 dBw (−101 dBw/m²) as referenced to a lossless isotropic radiator.

5.2.2.1.1 *Sensitivity at other pulse spacings.* Under conditions in which the spacing of the constituent pulses of interrogation pulse pairs vary from the design center value for the channel in use by as much as ±0.5 microsecond, the sensitivity in the absence of other interrogations shall not be reduced by more than 1 dB.

5.2.2.1.2 *Sensitivity variation with interrogation loading.* The sensitivity shall not vary by more than 1 dB for interrogation loadings between 0 to 90 percent of the maximum for which the component was designed. When the interrogation loading exceeds 90 percent of the maximum design value, the sensitivity shall, for the duration of such loading, be reduced the minimum amount necessary to limit the reply pulse rate to the maximum design value.

5.2.2.2 *Sensitivity to adjacent channel interrogation.* Interrogation signals 900 kHz removed from the assigned channel interrogation frequency and having an amplitude up to 80 dB above the on-channel sensitivity of the component shall not trigger the transponder.

5.2.3 *Transponder dead time.* The transponder dead time immediately following the decoding of interrogation signal pulse pairs and during which the transponder will not respond to other interrogation signals shall normally be 60 microseconds. However, dead time may be increased when necessary to satisfy system performance requirements.

5.3 *Transponder output signal characteristics.* The radiofrequency output signals of the transponder shall conform to the following.

5.3.1 *Transmitter radiofrequency and accuracy.* The transponder shall transmit on the reply frequency of Table A appropriate to the assigned channel. The radiofrequency of operation shall not vary more than ±0.002 percent from the assigned frequency.

5.3.2 *Radiated power level.* The effective radiated power level at the peak of the RF pulse envelope shall not be less than that necessary to provide a signal power density of −86 dBw/m² at the minimum service altitude at the maximum service radius. For TACAN, the power level is the average value of the levels produced during an integral number of revolutions of the antenna pattern.

NOTE: At 1,200 MHz, the value of −86 dBw/m² corresponds to −108.5 dBw in an isotropic antenna.

At the nearest aircraft position expected during flight, the maximum signal power density available to aircraft will be of the order of −17 dBw/m².

5.3.3 *Radiofrequency signal spectrum.* The spectrum of the pulse modulated signal shall be such that during the pulse the effective radiated power contained in a 0.5 MHz band centered on frequencies 0.8 MHz above and 0.8 MHz below the nominal channel frequency in each case shall not exceed 200 milliwatts, and the effective radiated power contained in a 0.5 MHz band centered on frequencies 2.0 MHz above and 2.0 MHz below the nominal channel frequency shall not exceed 2.0 milliwatts. Any lobe of the spectrum shall be of less amplitude than the adjacent lobe nearer the nominal channel frequency.

5.3.4 *Spurious radiation.* During the interval between transmission of pulse pairs the power level of signals radiated by the ground component on any interrogation or reply frequency shall not exceed a level which is 50 dB below the maximum level during the pulses.

5.3.5 *Pulse shape.* The following shall apply to all radiated pulses.

5.3.5.1 *Pulse rise time.* The time required for the leading edge of the pulse to rise from 10 to 90 percent of its maximum voltage amplitude shall be nominally 2.5 microseconds, but shall not exceed 3.0 microseconds. The minimum rise time is governed by the spectrum requirements of 5.3.3.

5.3.5.2 *Pulse top.* The instantaneous amplitude of the pulse shall not, at any instant between the point on the leading edge which is 95 percent of the maximum voltage amplitude and the point on the trailing edge which is 95 percent of the maximum voltage amplitude, fall below a value which is 95 percent of the maximum voltage amplitude of the pulse.

5.3.5.3 *Pulse duration.* The pulse duration, as measured at the 50 percent maximum voltage amplitude points on the leading and trailing edge of the pulse, shall be 3.5±0.5 microseconds.

5.3.5.4 *Pulse decay time.* The time required for the trailing edge of the pulse to decay from 90 to 10 percent of the maximum voltage amplitude shall nominally be 2.5 microseconds, but shall not exceed 3.0 microseconds. The minimum decay time is governed by the spectrum requirements of 5.3.3.

5.3.6 *Pulse coding.* Transponder output signals shall consist of paired pulses. The spacing of the constituent pulses of each pulse pair, as measured between the 50 percent maximum voltage amplitude points on the leading edge of each RF pulse, shall be:

(a) 12.0±0.25 microseconds for channel numbers ending in the suffix "X"; or

(b) 30.0±0.25 microseconds for channel numbers ending in the suffix "Y".

5.3.7 *Pulse power variation.* The peak power of the constituent pulses of any pair shall not differ by more than 1 dB.

5.3.8 *Distance reply signals.* Distance reply signals shall consist of pulse pairs which, in accordance with the following, are transmitted in response to interrogations.

5.3.8.1 *Reply efficiency.* Reply efficiency is defined as the percentage of interrogations to which the transponder replies under specified load conditions. Except when limited by receiver dead time, the reply efficiency for interrogation signals at and above the minimum sensitivity levels of 5.2.2 shall be at least 70 percent for all values of interrogation loading up to the maximum for which the transponder is designed.

5.3.8.2 *Reply delay time.* Reply delay time is defined as the time in microseconds of all delay introduced by the transponder component in transmitting a pair of reply pulses in response to an interrogation signal. When airborne components are to indicate distance with respect to the transponder site, the zero-distance reply delay time shall be 50.0 microseconds as measured between the 50 percent voltage point on the leading edge of the second constituent RF pulse of the interrogation pulse pair and the corresponding point on the second constituent RF pulse of the reply pulse pair. When airborne components are to indicate distance to a point which is remote from the transponder site, the 50.0-microsecond time delay shall be reduced by a value corresponding to the off-set distance.

NOTE: As referenced to the first constituent RF pulse of interrogation and reply pulse pairs, reply delay times of (a) 50.0 microseconds for "X" channels and (b) 56.0 microseconds for "Y" channels are considered to be equivalent to the 50.0-microsecond value stated above for timing referenced to the second pulse of the respective pairs.

5.3.9 *Random pulse pair signals.* In addition to distance reply pulse pairs, the ground component shall radiate randomly occurring pulse pairs in a quantity as necessary to maintain a total pulse pair rate in accordance with the following.

5.3.9.1 *DME components.* For ground components providing DME service only, the total pulse pair rate, exclusive of code identification signal pulses, shall be of a value between the limits of 700 to 2,850 pulse pairs per second.

5.3.9.2 *TACAN components.* For TACAN ground components, the total pulse pair rate, exclusive of code identification signal and reference burst pulses, shall be 2,700±90 pulse pairs per second. For a transponder

dead time of 60 microseconds, the distribution of random pulse pairs shall conform to Figure 1.

5.3.10 *Distance accuracy.* Exclusive of reply delay time errors resulting from variation in the level of interrogation signals, the ground component shall not contribute more than ±0.25 microsecond to overall system error.

5.3.11 *Code identification signal characteristics.* Subject to the provisions of 5.3.11.1, code identification signals shall consist of groups of two pulse pairs transmitted for the duration of dots and dashes in accordance with 2.1.1.7.1. The spacing between the first and second pulse pairs constituting each pulse group, as measured between the 50 percent voltage amplitude points on the leading edge of the first pulse of each pair, shall be 100±10 microseconds. The repetition rate shall conform to the following.

5.3.11.1 *DME components.* For ground components providing DME service only, the identification signal may consist of groups of either one or two pulse pairs. The repetition rate shall be 1,350±10 groups per second.

5.3.11.2 *TACAN components.* For TACAN ground components, the repetition rate shall be 1,350±0.23 percent groups per second which are phase-locked within ±50.0 microseconds of the tenth harmonic of the 135 Hz reference bearing signal. The first pulse of each identification signal pulse group shall occur 740±50 microseconds after the first pulse of each 40° sector reference signal.

5.3.12 *TACAN azimuth signal characteristics.* TACAN azimuth signals consist of north (main) and 40° sector (auxiliary) bearing reference signals and 15 Hz (coarse) and 135 Hz (fine) variable bearing signals. The azimuth signals radiated by the antenna shall conform to the following.

5.3.12.1 *Bearing reference signals.* Transmission of the north and 40° sector reference signals shall occur synchronously with antenna pattern rotation. For each consecutive complete rotation of the antenna pattern, one north reference signal shall be transmitted and followed at each of eight consecutive angular increments of 40° by the transmission of a 40° sector reference signal. A ninth 40° sector reference signal, which otherwise would coincide in time with the north reference signal, shall not be transmitted. The characteristics of reference signals shall be as follows.

5.3.12.1.1 *North reference signal.* The north reference signal shall consist of:

(a) A group of 12 pulse pairs having a spacing of the constituent pulses of a pair in accordance with 5.3.6(a) and a pulse pair spacing, as measured between the 50 percent voltage amplitude points on the leading edge of the first pulse of each pair, of 30.0±0.3 microseconds for channel numbers ending in the suffix "X"; or

(b) A group of 13 single pulses having a spacing, as measured between the 50 percent voltage amplitude points on the leading edge of consecutive pulses, of 30.0±0.3 microseconds for channel numbers ending in the suffix "Y".

5.3.12.1.2 *40° sector reference signal.* The 40° sector reference signal shall consist of:

(a) A group of 6 pulse pairs having a spacing of the constituent pulses of a pair in accordance with 5.3.6(a) and a pulse pair spacing, as measured between the 50 percent amplitude points on the leading edge of the first pulse of each pair, of 24.0±0.25 microseconds for channel numbers ending in the suffix "X"; or

(b) A group of 13 single pulses having a spacing, as measured between the 50 percent voltage amplitude points on the leading edge of consecutive pulses, of 15.0±0.25 microseconds for channel numbers ending in the suffix "Y".

5.3.12.2 *Variable bearing signals.* The variable bearing signals shall be a rotating directional antenna pattern which produces a composite amplitude modulation of the transponder radiofrequency pulse signals at 15 and 135 Hz. The characteristics of the variable bearing signals shall be as follows.

5.3.12.2.1 *Amplitude modulation frequencies and accuracy.* The amplitude modulation frequencies shall nominally be 15.0 and 135.0 Hz. Each frequency shall vary from the nominal value in exact synchronism with the antenna pattern rotation rate.

5.3.12.2.1.1 *Antenna pattern rotation rate.* The antenna radiation pattern shall rotate in a clockwise direction as viewed from above at a rate of 15.0 revolutions per second ±0.23 percent.

5.3.12.2.2 *Depth of modulation.* Within the vertical angle from 0° to 40° above the horizon, the normal range of 15 and 135 Hz modulation depths produced by the antenna will be 21±9 percent for each frequency with a sum for both frequencies equal to or less than 55 percent. At elevation angles between 40° and 50° above the horizon, 15 Hz modulation depths will be within the range from 7 to 35 percent and 135 Hz modulation depths will be within the range from 7 to 45 percent. However, the sum of depths for both frequencies will not exceed 65 percent.

5.3.12.2.3 *Harmonic content.* At all angles from 0° to 45° above the horizon:

(a) The root-sum-square of the second through the seventh harmonics of the 15 Hz signal component will not exceed 30 percent of the 15 Hz modulation coefficient; and

(b) The root-sum-square of the second through the fourth harmonics of the 135 Hz signal component will not exceed 20 percent of the 135 Hz modulation coefficient.

5.3.12.3 *Relationships of reference and variable bearing signals.* On the magnetic north radial from the antenna, the relationships of the reference and variable bearing signals shall conform to the requirements of the subparagraphs hereto.

5.3.12.3.1 *Coarse bearing signal.* The negative slope point of inflection of the 15 Hz amplitude modulation component shall coincide within ±2.0 azimuth degrees of:

(a) The 10th pulse of the north reference signal for channels ending in the suffix "X"; or

(b) The sixth pulse of the north reference signal for channels ending in the suffix "Y".

5.3.12.3.2 *Fine bearing signal.* The negative slope point of inflection of the 135 Hz amplitude modulation component shall coincide within ±0.33 azimuth degrees of the average position of:

(a) The 12th pulse of the 40° reference signal for channels ending in the suffix "X"; or

(b) The 11th pulse of the 40° reference signal for channels ending in the suffix "Y".

5.3.12.4 *Radial signal characteristics.* Coverage, course alignment and structure characteristics are periodically examined through flight inspection to ascertain that radial signals conform to standards prescribed for the intended operational usage. However, no component is commissioned for unrestricted use unless radial signal errors are within prescribed limits.

5.3.13 *Precedence of pulse transmissions.* The order of precedence for transmission of transponder pulse signals shall be in accordance with the following.

5.3.13.1 *DME components.* For ground components providing DME service only, the precedence shall be:

1. Code Identification Signals;
2. Distance Reply Signals; and
3. Random Pulse Pair Signals.

Neither distance reply nor random pulse pair signals shall be transmitted during the "key-down" interval of Code identification signal transmissions.

5.3.13.2 *TACAN components.* For TACAN components, the precedence shall be:

1. Bearing Reference Signals;
2. Code Identification Signals;
3. Distance Reply Signals; and
4. Random Pulse Pair Signals.

Neither code identification, distance reply nor random pulse pair signals shall be transmitted during the interval required for transmission of all pulses in each bearing reference signal. Distance reply and random pulse pair signals shall not be transmitted during the "key-down" interval of code identification signal transmission.

5.4 *Monitoring.* Continuous monitoring of the ground component shall be provided which causes the radiation of transponder output signals to cease and a warning to be indicated at a control point when any one or a combination of the fault conditions identified in the subparagraphs hereto are sensed by the monitor.

5.4.1 *DME and TACAN components.* For DME and TACAN components, a fault condition shall exist when:

(a) The reply efficiency of the transponder to monitor interrogation signals at the minimum sensitivity level of 5.2.2.1 is less than 60 percent.

(b) The reply delay time of the transponder to monitor interrogation signals differs from the assigned value by ±1.0 microsecond and all greater values.

(c) The spacing of the constituent pulses of transponder output signal pulse pairs differs from the design center value of 5.3.6 by 1.0 microsecond and all greater values.

(d) The radiated power level of transponder output signals decreases from the normal level by 3 dB and all greater reductions.

(e) The code identification signal of 2.1.1.7.

(1) Is transmitted as a continuous tone (i.e., signals not in the form of dots or dashes) for a period of 5 seconds or more; or

(2) Is not repeated within a nominal period of 75 seconds from the last transmission.

The faults of (a) through (e-1) may persist for a period not to exceed 8 seconds before radiation is interrupted. For fault (e-2), radiation shall be interrupted upon expiration of the 75-second period.

NOTE: When radiation of signals commences, monitor action to interrupt radiation in the event of a fault may be delayed for approximately 40 seconds from the time radiation begins.

5.4.2 *TACAN components.* In addition to the conditions of 5.4.1, a fault condition shall exist when:

(a) The sum of distance reply and randomly occurring pulse pairs deviates from the design center value of 5.3.9.2 by more than ±150 pulse pairs per second.

(b) The number of pulse pairs in either the north or 40° reference signals, or both, are one or more pairs less than the numbers respectively specified in paragraphs 5.3.12.1.1 and 5.3.12.1.2.

(c) The fine bearing signal at the monitored radial changes by ±1.0° and all greater deviations from the correct value.

(d) The antenna pattern rotation rate differs from the design center value of 5.3.12.2.1.1, by a value greater than ±0.23 percent.

The faults of (a), (b), and (c) may persist for a period not to exceed 8 seconds before radiation is interrupted. Fault (d) may persist for not more than 20 seconds before radiation is interrupted.

NOTE 1: When radiation of signals commences, monitor action to interrupt radiation in the event of a fault may be delayed for approximately 40 seconds from the time radiation begins.

NOTE 2: After the monitor has sensed one or more of the above faults, radiation may be restored to provide only distance and identification signals.

5.4.3 *Monitor failure.* When the continuity of signal radiation is under the control of monitor equipment the absence of either monitor operating power or the monitored signals at the fault sensing circuits of the monitor shall automatically cause radiation of the signals to cease and result in a warning indication at a control point.

NOTE: A high degree of fail-safe monitoring is provided. However, completely fail-safe monitoring is not possible.

6. OPERATIONAL CHARACTERISTICS FOR TACAN AND DME AIRBORNE COMPONENTS

Paragraphs hereunder specify in-use functional capability and performance characteristics required of DME and TACAN airborne components. The term "component" as used herein includes the complete aircraft installation of all items, such as the antenna and its transmission line, the interrogator-receiver, electrical power source(s), identification signal reproduction or display devices, distance indicator and, when applicable, selector and display instrumentation devices for bearing and course indication, which are necessary to provide the required functions and performance.

All requirements apply to airborne components used in the performance of aircraft operations under IFR. For other aircraft operations the requirements are limited to those of this paragraph and paragraphs 6.1.4, 6.1.4.1., and 6.1.7. Except where a designation of either DME or TACAN is used, thus denoting that the requirement applies only to the designated component, requirements apply to both DME and TACAN components. Components shall be capable of performing as specified throughout the advertised operational service volume of ground facilities in which use is intended and under all expected aircraft and airborne component operating conditions. The requirements shall be met under conditions in which the performance characteristics of ground components are in accordance with sections 2 and 5 of this Standard.

6.1 *Interrogator signal characteristics.* The subparagraphs hereto identify interrogation signal characteristics and tolerances therefor which are applicable to the radiated radiofrequency signal.

6.1.1 *Interrogation radiofrequencies and accuracy.* The interrogator shall transmit interrogation signals on the frequency appropriate to the channel in use. For each channel in use, the center radiofrequency of the interrogation signal shall be within ± 100 kHz of the channel interrogation frequency listed in Table A.

6.1.2 *Pulse shape.* The radio frequency pulse envelope shall have a shape as follows:

6.1.2.1 *Pulse rise time.* The time required for the leading edge of the pulse to rise from 10 to 90 percent of its maximum voltage amplitude shall be nominally 2.5 microseconds, but shall not exceed 3.0 microseconds. The minimum rise time is governed by the spectrum requirements of 6.1.6.

6.1.2.2 *Pulse top.* The instantaneous amplitude of the pulse shall not, at any instant between the point on the leading edge which is 95 percent of the maximum voltage amplitude and the point on the trailing edge which is 95 percent of the maximum voltage amplitude, fall below a value which is 95 percent of the maximum voltage amplitude of the pulse.

6.1.2.3 *Pulse duration.* The pulse duration, as measured at the 50 percent maximum voltage amplitude, points on the leading and trailing edges of the pulse, shall be 3.5 ± 0.5 microseconds.

6.1.2.4 *Pulse decay time.* The time required for the trailing edge of the pulse to fall from 90 to 10 percent of the maximum voltage amplitude shall nominally be 2.5 microseconds, but shall not exceed 3.5 microseconds. The minimum decay time is governed by the spectrum requirements of 6.1.6.

6.1.3 *Pulse coding.* Interrogation signals shall consist of paired pulses. The spacing of the constituent pulses of each pulse pair, as measured between the 50 percent maximum voltage amplitude points on the leading edge of each RF pulse, shall be:

(a) 12.0 ± 0.5 microseconds for channel numbers ending in the suffix "X"; or

(b) 36.0 ± 0.5 microseconds for channel numbers ending in the suffix "Y".

6.1.4 *Interrogation signal repetition rate.* The interrogator average pulse pair repetition rate shall not exceed 30 pairs of pulses per second based on the assumption that at least 95 percent of the time is occupied for tracking reply signals. The repetition rate may be increased during search for replies, but the maximum repetition rate shall not exceed 150 pairs of pulses per second.

6.1.4.1 *Variation of repetition rate.* The variation in time between successive pairs of interrogation pulses shall be sufficient to preclude the airborne component from locking on to distance reply pulses intended for another airborne component tuned to the same ground facility, and to preclude capture of the interrogations of one interrogator within the ground component dead time caused by the interrogations of other interrogators.

6.1.5 *Radiated power level.* The effective radiated power level at the peak of the RF pulse envelope shall not be less than that necessary, under line of sight conditions, to provide a signal power density of -101 dbw/m^2 (95 percent probability) at the ground component antenna. The design center effective radiated power level, as referenced to an isotropic radiator, shall not exceed a value of $+33$ dBw.

NOTE: EIRP levels higher than $+33$ dBw may impair system performance.

6.1.6 *Radiofrequency signal spectrum.* The spectrum of the RF interrogation signal shall be such that at least 90 percent of the energy in each pulse shall be within a 0.5 MHz band centered on the nominal channel frequency.

6.1.7 *Spurious radiation.* At all frequencies between 960 and 1,215 MHz, the level of radiated CW signals, as referenced to an isotropic radiator, shall not exceed -60 dBw. Spurious radiation from airborne components shall not result in derogation of operational use of this system to other users or in the derogation of other aeronautical services.

6.2 *Component functional capabilities and performance.* The subparagraphs hereto identify functional and operational performance requirements applicable to the airborne component.

6.2.1 *Receiver radiofrequencies.* For each channel in use, the center radiofrequency of the receiver shall be the corresponding ground component reply frequency listed in Table A.

6.2.2 *Sensitivity to ground component signals.* Based on the signal power densities of 5.3.2, the airborne component shall provide sensitivity as necessary for the acquisition and display of navigation information to the accuracy specified and for clear and distinct reproduction of identification signals.

6.2.3 *Rejection of undesired signals.* The airborne component shall provide undesired signal rejection characteristics adequate to assure the specified performance. For cochannel and adjacent-channel signals, this requirement shall be met when the respective signals provide undesired to desired signal ratios up to the maximum values stated in 2.1.1.6.2. When the maximum range capability of the airborne component is such as to permit receipt of two cochannel signals within the frequency protected service volume of a selected ground component and when one cochannel signal is 8 dB or greater in amplitude than the other, the navigation information provided shall be that of the stronger signal and a positive identification signal shall be provided to identify the ground component from which navigational information is provided.

6.2.4 *Distance information.* The airborne component shall function to measure and display the distance in nautical miles between the aircraft and the selected ground component.

6.2.4.1 *Warning function.* The airborne component shall provide an indication which is clearly evident to the pilot whenever the airborne component is either not tracking a distance reply signal or is not in memory.

6.2.4.2 *Accuracy of distance information.* When the airborne component error is combined by root-sum-square with a ground component error of 0.1 nautical mile, the total error in slant range distance information, as displayed to the pilot, shall not (except during memory) exceed ± 0.5 nautical mile or 3 percent of the actual distance, whichever is greater (95 percent probability).

6.2.4.3 *Memory function.* The airborne component shall provide a memory function which upon loss of a suitable reply signal while tracking, will cause continuation of the display of distance information for a period not to exceed 15 seconds. The minimum distance memory shall be sufficient to cover the loss of distance reply signals during transmission of the ground component identification signal. The distance displayed during memory shall be within the range between ± 1.0 nautical mile of the last indicated distance and ± 1.0 nautical mile of the distance indicated upon resumption of the tracking function on the same signal.

6.2.5 *TACAN bearing and course deviation information.* The airborne component shall provide devices for unambiguous determination of the aircraft magnetic bearing with respect to each selected ground component and for display of the aircraft deviation from the selected course.

6.2.5.1 *Course deviation indicator devices.* The response, readability, and resolution of course deviation indicator devices shall be such as to permit the pilot to determine the direction and extent of the aircraft deviation from the selected course.

6.2.5.2 *Warning function.* The airborne component shall provide a warning indication which is clearly evident to the pilot whenever the azimuth signals necessary for the prescribed operation of the component are not present and when the component is not operating in memory.

6.2.5.3 *Accuracy of bearing and course deviation information.* The total airborne component error in bearing and course deviation information, as displayed to the pilot, shall not at any bearing exceed $\pm 3.0°$ (95 percent probability).

TABLE A

VOR-TACAN-DME CHANNEL FREQUENCIES AND PAIRING

DME-TACAN channel No.	VHF channel frequency MHz	DME-TACAN interrogation frequency MHz	DME-TACAN transponder reply frequency MHz
1X	----------	1025	962
1Y	----------	1025	1088
2X	----------	1026	963
2Y	----------	1026	1089
3X	----------	1027	964
3Y	----------	1027	1090
4X	----------	1028	965
4Y	----------	1028	1091
5X	----------	1029	966
5Y	----------	1029	1092
6X	----------	1030	967
6Y	----------	1030	1093
7X	----------	1031	968
7Y	----------	1031	1094
8X	----------	1032	969
8Y	----------	1032	1095
9X	----------	1033	970
9Y	----------	1033	1096
10X	----------	1034	971
10Y	----------	1034	1097
11X	----------	1035	972
11Y	----------	1035	1098
12X	----------	1036	973
12Y	----------	1036	1099
13X	----------	1037	974
13Y	----------	1037	1100
14X	----------	1038	975
14Y	----------	1038	1101
15X	----------	1039	976
15Y	----------	1039	1102
16X	----------	1040	977
16Y	----------	1040	1103
17X	108.00 [1]	1041	978
17Y	108.05 VOR	1041	1104
18X	108.10 ILS	1042	979
18Y	108.15 ILS	1042	1105
19X	108.20 VOR	1043	980
19Y	108.25 VOR	1043	1106
20X	108.30 ILS	1044	981
20Y	108.35 ILS	1044	1107
21X	108.40 VOR	1045	982
21Y	108.45 VOR	1045	1108
22X	108.50 ILS	1046	983
22Y	108.55 ILS	1046	1109
23X	108.60 VOR	1047	984
23Y	108.65 VOR	1047	1110
24X	108.70 ILS	1048	985
24Y	108.75 ILS	1048	1111
25X	108.80 VOR	1049	986
25Y	108.85 VOR	1049	1112
26X	108.90 ILS	1050	987
26Y	108.95 ILS	1050	1113
27X	109.00 VOR	1051	988
27Y	109.05 VOR	1051	1114
28X	109.10 ILS	1052	989
28Y	109.15 ILS	1052	1115
29X	109.20 VOR	1053	990
29Y	109.25 VOR	1053	1116
30X	109.30 ILS	1054	991
30Y	109.35 ILS	1054	1117
31X	109.40 VOR	1055	992
31Y	109.45 VOR	1055	1118
32X	109.50 ILS	1056	993
32Y	109.55 ILS	1056	1119
33X	109.60 VOR	1057	994
33Y	109.65 VOR	1057	1120
34X	109.70 ILS	1058	995
34Y	109.75 ILS	1058	1121
35X	109.80 VOR	1059	996
35Y	109.85 VOR	1059	1122
36X	109.90 ILS	1060	997
36Y	109.95 ILS	1060	1123
37X	110.00 VOR	1061	998
37Y	110.05 VOR	1061	1124
38X	110.10 ILS	1062	999
38Y	110.15 ILS	1062	1125
39X	110.20 VOR	1063	1000
39Y	110.25 VOR	1063	1126
40X	110.30 ILS	1064	1001
40Y	110.35 ILS	1064	1127
41X	110.40 VOR	1065	1002
41Y	110.45 VOR	1065	1128

[1] 108.0 MHz is not scheduled for facilities. The frequencies of channel 17X are assigned to facilities for testing airborne system components.

TABLE A—Continued

VOR-TACAN-DME CHANNEL FREQUENCIES AND PAIRING

DME-TACAN channel No.	VHF channel frequency MHz	DME-TACAN interrogation frequency MHz	DME-TACAN transponder reply frequency MHz
42X	110.50 ILS	1066	1003
42Y	110.55 ILS	1066	1129
43X	110.60 VOR	1067	1004
43Y	110.65 VOR	1067	1130
44X	110.70 ILS	1068	1005
44Y	110.75 ILS	1068	1131
45X	110.80 VOR	1069	1006
45Y	110.85 VOR	1069	1132
46X	110.90 ILS	1070	1007
46Y	110.95 ILS	1070	1133
47X	111.00 VOR	1071	1008
47Y	111.05 VOR	1071	1134
48X	111.10 ILS	1072	1009
48Y	111.15 ILS	1072	1135
49X	111.20 VOR	1073	1010
49Y	111.25 VOR	1073	1136
50X	111.30 ILS	1074	1011
50Y	111.35 ILS	1074	1137
51X	111.40 VOR	1075	1012
51Y	111.45 VOR	1075	1138
52X	111.50 ILS	1076	1013
52Y	111.55 ILS	1076	1139
53X	111.60 VOR	1077	1014
53Y	111.65 VOR	1077	1140
54X	111.70 ILS	1078	1015
54Y	111.75 ILS	1078	1141
55X	111.80 VOR	1079	1016
55Y	111.85 VOR	1079	1142
56X	111.90 ILS	1080	1017
56Y	111.95 ILS	1080	1143
57X	112.00 VOR	1081	1018
57Y	112.05 VOR	1081	1144
58X	112.10 VOR	1082	1019
58Y	112.15 VOR	1082	1145
59X	112.20 VOR	1083	1020
59Y	112.25 VOR	1083	1146
60X	----------	1084	1021
60Y	----------	1084	1147
61X	----------	1085	1022
61Y	----------	1085	1148
62X	----------	1086	1023
62Y	----------	1086	1149
63X	----------	1087	1024
63Y	----------	1087	1150
64X	----------	1088	1151
64Y	----------	1088	1025
65X	----------	1089	1152
65Y	----------	1089	1026
66X	----------	1090	1153
66Y	----------	1090	1027
67X	----------	1091	1154
67Y	----------	1091	1028
68X	----------	1092	1155
68Y	----------	1092	1029
69X	----------	1093	1156
69Y	----------	1093	1030
70X	112.30 VOR	1094	1157
70Y	112.35 VOR	1094	1031
71X	112.40 VOR	1095	1158
71Y	112.45 VOR	1095	1032
72X	112.50 VOR	1096	1159
72Y	112.55 VOR	1096	1033
73X	112.60 VOR	1097	1160
73Y	112.65 VOR	1097	1034
74X	112.70 VOR	1098	1161
74Y	112.75 VOR	1098	1035
75X	112.80 VOR	1099	1162
75Y	112.85 VOR	1099	1036
76X	112.90 VOR	1100	1163
76Y	112.95 VOR	1100	1037
77X	113.00 VOR	1101	1164
77Y	113.05 VOR	1101	1038
78X	113.10 VOR	1102	1165
78Y	113.15 VOR	1102	1039
79X	113.20 VOR	1103	1166
79Y	113.25 VOR	1103	1040
80X	113.30 VOR	1104	1167
80Y	113.35 VOR	1104	1041
81X	113.40 VOR	1105	1168
81Y	113.45 VOR	1105	1042
82X	113.50 VOR	1106	1169
82Y	113.55 VOR	1106	1043
83X	113.60 VOR	1107	1170
83Y	113.65 VOR	1107	1044
84X	113.70 VOR	1108	1171

TABLE A—Continued

VOR-TACAN-DME CHANNEL FREQUENCIES AND PAIRING

DME-TACAN channel No.	VHF channel frequency MHz	DME-TACAN interrogation frequency MHz	DME-TACAN transponder reply frequency MHz
84Y	113.75 VOR	1108	1045
85X	113.80 VOR	1109	1172
85Y	113.85 VOR	1109	1046
86X	113.90 VOR	1110	1173
86Y	113.95 VOR	1110	1047
87X	114.00 VOR	1111	1174
87Y	114.05 VOR	1111	1048
88X	114.10 VOR	1112	1175
88Y	114.15 VOR	1112	1049
89X	114.20 VOR	1113	1176
89Y	114.25 VOR	1113	1050
90X	114.30 VOR	1114	1177
90Y	114.35 VOR	1114	1051
91X	114.40 VOR	1115	1178
91Y	114.45 VOR	1115	1052
92X	114.50 VOR	1116	1179
92Y	114.55 VOR	1116	1053
93X	114.60 VOR	1117	1180
93Y	114.65 VOR	1117	1054
94X	114.70 VOR	1118	1181
94Y	114.75 VOR	1118	1055
95X	114.80 VOR	1119	1182
95Y	114.85 VOR	1119	1056
96X	114.90 VOR	1120	1183
96Y	114.95 VOR	1120	1057
97X	115.00 VOR	1121	1184
97Y	115.05 VOR	1121	1058
98X	115.10 VOR	1122	1185
98Y	115.15 VOR	1122	1059
99X	115.20 VOR	1123	1186
99Y	115.25 VOR	1123	1060
100X	115.30 VOR	1124	1187
100Y	115.35 VOR	1124	1061
101X	115.40 VOR	1125	1188
101Y	115.45 VOR	1125	1062
102X	115.50 VOR	1126	1189
102Y	115.55 VOR	1126	1063
103X	115.60 VOR	1127	1190
103Y	115.65 VOR	1127	1064
104X	115.70 VOR	1128	1191
104Y	115.75 VOR	1128	1065
105X	115.80 VOR	1129	1192
105Y	115.85 VOR	1129	1066
106X	115.90 VOR	1130	1193
106Y	115.95 VOR	1130	1067
107X	116.00 VOR	1131	1194
107Y	116.05 VOR	1131	1068
108X	116.10 VOR	1132	1195
108Y	116.15 VOR	1132	1069
109X	116.20 VOR	1133	1196
109Y	116.25 VOR	1133	1070
110X	116.30 VOR	1134	1197
110Y	116.35 VOR	1134	1071
111X	116.40 VOR	1135	1198
111Y	116.45 VOR	1135	1072
112X	116.50 VOR	1136	1199
112Y	116.55 VOR	1136	1073
113X	116.60 VOR	1137	1200
113Y	116.65 VOR	1137	1074
114X	116.70 VOR	1138	1201
114Y	116.75 VOR	1138	1075
115X	116.80 VOR	1139	1202
115Y	116.85 VOR	1139	1076
116X	116.90 VOR	1140	1203
116Y	116.95 VOR	1140	1077
117X	117.00 VOR	1141	1204
117Y	117.05 VOR	1141	1078
118X	117.10 VOR	1142	1205
118Y	117.15 VOR	1142	1079
119X	117.20 VOR	1143	1206
119Y	117.25 VOR	1143	1080
120X	117.30 VOR	1144	1207
120Y	117.35 VOR	1144	1081
121X	117.40 VOR	1145	1208
121Y	117.45 VOR	1145	1082
122X	117.50 VOR	1146	1209
122Y	117.55 VOR	1146	1083
123X	117.60 VOR	1147	1210
123Y	117.65 VOR	1147	1084
124X	117.70 VOR	1148	1211
124Y	117.75 VOR	1148	1085
125X	117.80 VOR	1149	1212
125Y	117.85 VOR	1149	1086
126X	117.90 VOR	1150	1213
126Y	117.95 VOR	1150	1087

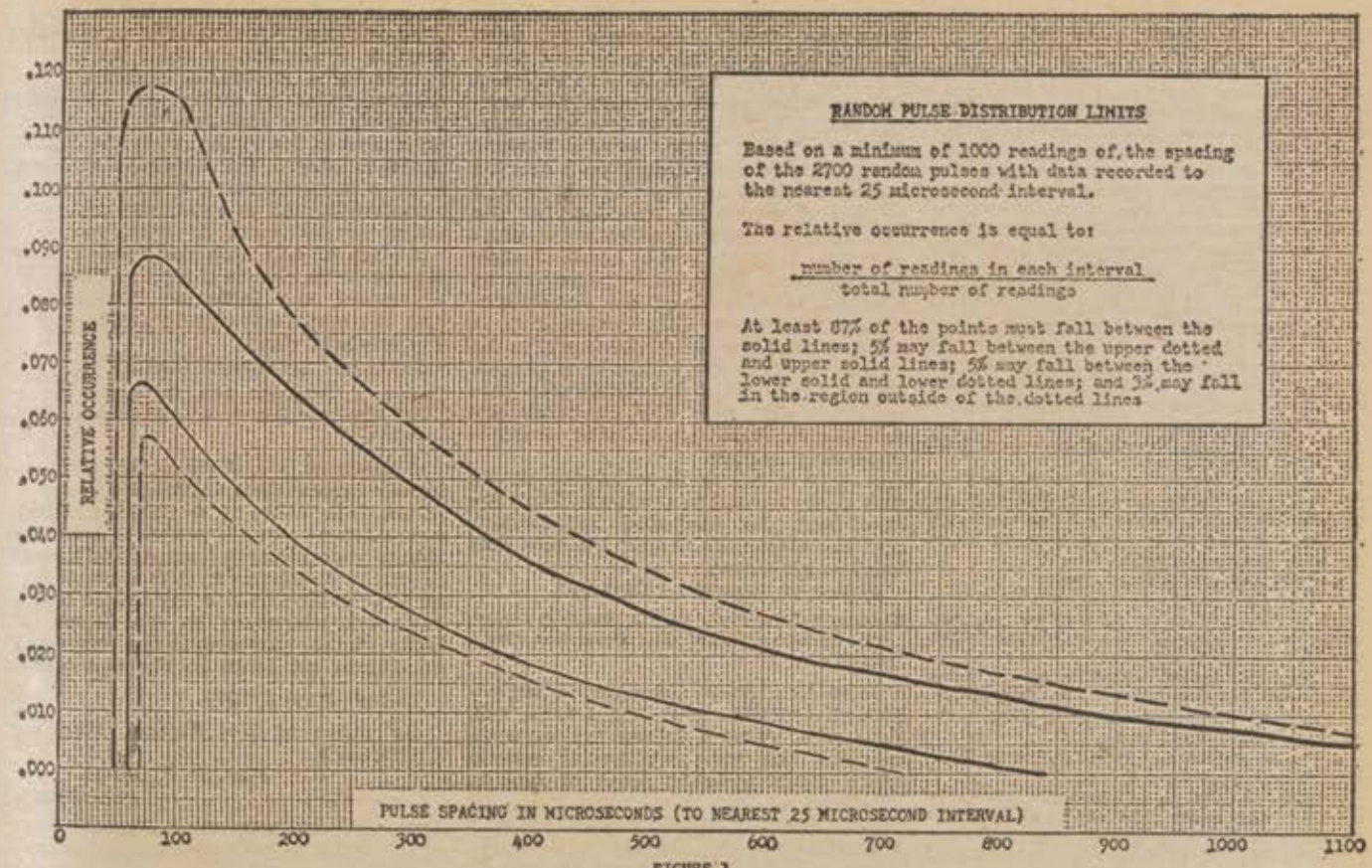

FIGURE 1

[F.R. Doc. 70-7027; Filed, June 9, 1970; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22235]

CALEDONIAN AIRWAYS (PRESTWICK) LTD.

Notice of Proposed Approval

Application of Caledonian Airways (Prestwick) Ltd., under section 408 of the Federal Aviation Act pertaining to an aircraft purchase, Docket 22235.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., June 4, 1970.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER OF APPROVAL

Issued under delegated authority.

On May 22, 1970, Caledonian Airways (Prestwick) Ltd. (Caledonian) [1] submitted an application requesting that the Board disclaim jurisdiction, or in the alternative approve under the third proviso of section 408(b) of the Federal Aviation Act of 1958, as amended (the Act), the acquisition of one Boeing 707-365C aircraft from Airlift International, Inc. (Airlift). The applicant states that the transaction is a result of a letter agreement which it entered into on May 20, 1970, with Airlift.

The purchase price of the aircraft under the agreement is $6,650,000, subject to certain airframe and engine adjustments. The agreement provides that the aircraft will be delivered to Caledonian upon the later of June 15, 1970, or one day following the issuance of Board approval of the transaction.[2]

Caledonian intends to assign its rights under the agreement to an aircraft leasing company which will take title to the aircraft and thereafter lease it to Caledonian for an extended period. The application states that Caledonian recently entered into a $10 million 1-year contract providing for an extensive program of charter services for the transportation of immigrants from various points in Europe to various points in Australia. Caledonian's ability to perform this contract requires it to add additional aircraft to its fleet. The applicant states that the subject aircraft will not be used in the North Atlantic charter market this coming season since performance under the Australian contract during certain peak summer periods will entail the operation of nine round-trip flights weekly between Europe and Australia. Caledonian contends, moreover, that this contract will require utilization of some of its existing B-707 capacity in addition to the subject aircraft. Finally, Caledonian states that it decided to purchase the Airlift aircraft because it believes that the normal growth of its worldwide charter operations will require a permanent addition to its aircraft fleet once the Australian contract has come to an end.

The applicant submits that the sale of one Boeing 707 aircraft does not represent a disposition of a substantial part of Airlift's fleet and that consequently the Board should disclaim jurisdiction over the transaction. Moreover, the aircraft which Airlift seeks to sell is on lease to Transavia and is not required in Airlift's certificated operations and is wholly surplus to its needs. Thus, the sale will allegedly result in Airlift disposing of its surplus equipment and improving its liquidity position.

The applicant asserts that the aircraft purchase will not affect the control of any direct air carrier, will not result in creating a monopoly, would not tend to restrain competition or jeopardize any air carrier, and would be consistent with the public interest.

No objections to the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day

[1] Caledonian is a United Kingdom air carrier engaged in worldwide passenger and property charter activities and is the holder of a foreign air carrier permit issued by the Board. (Order 68-9-62)

[2] The agreement also provides that if Caledonian is unable to place the aircraft into service by July 1, 1970, by virtue of a delay in securing requisite CAB approval or because Sabena delays in effecting the necessary modifications, then Airlift, upon approval of the Board, will dry lease Caledonian another Boeing 707 aircraft commencing July 1, 1970, for a period of up to 30 days at a monthly lease rate of $85,000 (paragraph 11). Caledonian also asks the Board alternatively to disclaim jurisdiction or to approve the contingent agreement for a maximum 30-day dry lease.

following such publication, both in accordance with section 408(b) of the Act.

Upon consideration of the application, it is concluded that the sale is subject to section 408 of the Act. However, it is further concluded that the transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is found that the public interest does not require a hearing. The Board has previously approved such transactions in the past and the application under review presents no new substantive issue.[3] There is no showing that Airlift's ability to perform its certificate obligations will be impaired, or that the aircraft is needed in its operations. We therefore find that the transaction will not be inconsistent with the public interest or that the conditions of section 408 will be unfulfilled.[4]

Pursuant to authority duly delegated by the Board in its Organization Regulations, 14 CFR 385.13, it is found that the foregoing purchase should be approved without hearing under section 408(b).

Accordingly, it is ordered, That:

1. The sale of one Boeing 707-320C aircraft by Airlift to Caledonian or its assignee, under the agreement filed in Docket 22235, be and it hereby is approved;

2. The contingent short-term dry lease agreement between Airlift and Caledonian is approved for a period of 30 days commencing July 1, 1970; and

3. To the extent not granted, the application be and it hereby is denied.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-7200; Filed, June 9, 1970; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

A. P. MOLLER-MAERSK LINE AND JAPAN LINE, LTD.

Notice of Agreement Filed

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

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

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

Notice of agreement filed by:

Francis L. Tetreault, Esq., Graham & James, 310 Sansome Street, San Francisco, Calif. 94104.

Agreement 9869 between A. P. Moller-Maersk (APMM) and Japan Line, Ltd. (JL) is a through billing arrangement covering the transportation of general cargo from APMM's ports of call in Thailand to JL's ports of call on the Pacific Coast of the United States with transshipment in Yokohama or Kobe, Japan, pursuant to the terms and conditions set forth in the agreement.

Dated: June 5, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-7169; Filed, June 9, 1970; 8:47 a.m.]

A. P. MOLLER-MAERSK LINE AND JAPAN LINES, LTD.

Notice of Agreement Filed

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

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

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

Notice of agreement filed by:

Francis L. Tetreault, Esq., Graham & James, 310 Sansome Street, San Francisco, Calif. 94104.

Agreement No. 9868 between A. P. Moller-Maersk Line (APMM) and Japan Lines, Ltd. (JL), is a through billing arrangement covering the transportation of general cargo from APMM's ports of call in Indonesia to JL's ports of call on the Pacific Coast of the United States with transshipment in Yokohama or Kobe, Japan, pursuant to the terms and conditions set forth in the agreement.

Dated: June 5, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-7172; Filed, June 9, 1970; 8:48 a.m.]

[Independent Ocean Freight Forwarder Licenses Nos. 289, 525]

AMERICAN EXPRESS CO. AND JUDSON SHELDON INTERNATIONAL CORP.

Notice of Revocation and Transfer

By order dated April 23, 1970, the Federal Maritime Commission approved FMC Agreement No. FF 70-1 concerning among other matters, the purchase of American Express Co.'s independent ocean freight forwarder business by Pacific Intermountain Express Co., the parent company of Judson Sheldon International Corp.

Judson Sheldon International Corp. then applied for and was granted a transfer of its FMC License No. 525 to P.I.E. Transport, Inc., a wholly owned subsidiary of Pacific Intermountain Express Co. P.I.E. Transport, Inc., thereafter assumed the independent ocean freight forwarder operations of American Express Co.

Pursuant to the terms of the aforesaid agreement, American Express Co. on May 6, 1970, voluntarily relinquished its FMC License No. 289 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, section 6.03,

Notice is hereby given that Independent Ocean Freight Forwarder License No. 525 of Judson Sheldon International

[3] Caledonian Airways (Prestwick) Ltd., Order 69-11-18, Nov. 5, 1969, Docket 21496.

[4] These same factors and conclusions apply to the contingent 30-day dry lease, which we shall also approve.

Corp. has been transferred to P.I.E. Transport, Inc. effective May 1, 1970; and that Independent Ocean Freight Forwarder License No. 289 of American Express Co. has been revoked effective May 6, 1970.

Dated: June 5, 1970.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 70-7175; Filed, June 9, 1970; 8:48 a.m.]

AMERICAN MAIL LINE, LTD., AND AMERICAN PRESIDENT LINES, LTD.

Notice of Agreement Filed

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

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

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

Notice of agreement filed by:

Mr. Edmund T. Sommer, Vice President, American Mail Line, Ltd., 1625 I Street NW., Washington, D.C. 20006.

Agreement No. 9762 between American Mail Line (AML) and American President Lines (APL) concerns the joint operation of an office in Washington, D.C., Agreement No. 9762-1, here, reapportions "office expenses" on the basis of 65 percent to APL's account, and 35 percent to AML; provides for biennial Maritime Administration review of the arrangement; and specifies that Agreement No. 9762, as modified, may be terminated by either party on 60 days' notice to the other or by the Maritime Administration or the Federal Maritime Commission on "its own motion by notice to the parties."

Dated: June 5, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-7167; Filed, June 9, 1970; 8:47 a.m.]

AMERICAN MAIL LINE, LTD., AND AMERICAN PRESIDENT LINES, LTD.

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire 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 consitute 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:

J. Donald Kenny, Esq., Secretary-Legal Counsel, American President Lines, Ltd., 601 California Street, San Francisco, Calif. 94018.

Agreement No. 9870 between American Mail Line (AML) and American President Lines (APL) would permit the two lines to purchase, lease or rent terminal facilities (including off dock container stations) for their joint use "at points outside the United States." Where terminals are operated on a joint basis, costs will be divided between AML and APL on the basis of tonnage handled or any other basis mutually agreeable. Further, the "parties agree to coordinate and assist each other on the positioning of containers."

Dated: June 5, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-7168; Filed, June 9, 1970; 8:47 a.m.]

NEW YORK SHIPPING ASSOCIATION, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed 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.

By order served November 28, 1969, in Docket No. 69-57 the Commission instituted an investigation to determine whether Agreement No. T-2336, a temporary assessment formula between the members of the New York Shipping Association, should be approved, modified, or disapproved pursuant to section 15, Shipping Act, 1916. Subsequently, Agreements No. T-2336-1, T-2364, T-2390, and T-2390-1 were filed and included in Docket No. 69-57 since the Commission order stated that in the event any modification of Agreement No. T-2336 or further agreement establishing a temporary or permanent assessment formula was filed with the Commission such agreement would be made subject to the investigation. Agreement No. T-2390-2, the subject agreement, will also be included in Docket No. 69-57. Persons who desire to become parties to this proceeding and to participate herein, shall promptly file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573.

Notice of agreement filed for approval by:

Mr. Alfred Giardino, Lorenz, Finn & Giardino, 21 West Street, New York, N.Y. 10006.

Agreement No. T-2390-2 between the members of the New York Shipping Association, Inc. (NYSA) modifies the basic agreement which provides for a man-hour/tonnage assessment formula for the 2-year period beginning October 1,, 1969 and ending September 30, 1971. The purpose of the modification is to extend the termination date of T-2390-1 from May 29, 1970 to September 30, 1970, but such agreement shall terminate and be of no further force or effect in the event that any Court or Administrative Agency issues an order staying or modifying the Commission's conditional approval of Agreement No. T-2390, or otherwise affect the implementation of the agreement. Agreement No. T-2390-1 had, in turn, modified

T-2390 by extending the termination date of that agreement from April 30, 1970, to May 29, 1970.

Dated: June 4, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-7173; Filed, June 9, 1970; 8:48 a.m.]

SCANDINAVIAN AMERICAN LINE AND FURNESS, WITHY & CO., LTD.

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

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

Notice of Agreement Filed by:

Mr. C. J. Smith, Furness, Withy & Co., Ltd., Sanlin Building, 442 Canal Street, New Orleans, La. 70130.

Agreement No. 9867 establishes a joint cargo service between Det Forenede Dampskibs-Selskab A/S (Scandinavian American Line) and Furness, Withy & Co., Ltd., to be known as the Gulf Container Line in the trade between United States Gulf of Mexico ports and ports in the United Kingdom, Scandinavia and Baltic Sea under the terms and conditions set forth therein.

Dated: June 4, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-7174; Filed, June 9, 1970; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List No. 269]

CANADIAN STANDARD BROADCAST STATIONS

Notification List

MAY 15, 1970.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		980 kHz							
CKWL (now in operation with increased power).	Williams Lake, British Columbia, N. 52°05'29", W. 122°10'27".	1	DA-N ND-D-182	U	III				
		1060 kHz							
CJRP (increase in day-time power).	Quebec, Quebec, N. 46°41'08", W. 71°19'54".	50D/10N	DA-2	U	II				5.10.71.
		1160 kHz							
NEW	Kelowna, British Columbia, N. 49°50'52", W. 119°27'54".	1	DA-1	U	III				5.10.71.
		1240 kHz							
CKWL (delete assignment—vide 920 kHz).	Williams Lake, British Columbia.	0.25	ND-180	U	IV				
		1580 kHz							
CKPC (correction of nighttime radiation patterns).	Brantford, Ontario, N. 43°03'05", W. 80°18'50".	10	DA-2	U	III				Immediately.
		1400 kHz							
CJFP (increase in nighttime power and change of transmitter site).	Riviere-du-Loup, Quebec, N. 47°47'43", W. 69°35'27".	10D/5N	DA-N ND-D-185	U	IV				5.10.71.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau.

[F.R. Doc. 70-7189; Filed, June 9, 1970; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-2602 etc.]

MARATHON OIL CO. ET AL.

Findings and Order

MAY 27, 1970.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, making successors co-respondents, redesignating proceedings, requiring filing of agreements and undertakings, and accepting related rate schedules and supplements for filing.

Each of the applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Western Oil and Minerals Corp. (Operator) et al., applicant in Docket No. CI62-1434, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to John A. Egan (Operator) et al., FPC Gas Rate Schedule No. 4. Said rate schedule will be redesignated as that of applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI64-397. Therefore, applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it, together with interest at the rate of seven percent per annum, in excess of the amount determined to be just and reasonable in said proceeding.

Dyna Ray Oil & Gas Co., Inc., applicant in Docket No. CI63-165, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Irving Pasternak FPC Gas Rate Schedule No. 4. Said rate schedule will be redesignated as that of applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI64-751. Therefore, applicant will be made a co-respondent in the proceeding pending in Docket No. RI64-751; said proceeding will be redesignated accordingly; and applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

Petroleum Corporation of Texas (Operator) et al., applicant in Docket No. CI70-711, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-9616 to be made pursuant to Humble Oil & Refining Co. FPC Gas Rate Schedule No. 113. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of applicant. The presently effective rate under Humble's rate schedule is in effect subject to refund in Docket No. RI65-401. Applicant indicates in its certificate application that it intends to assume the total refund obligation from the time that the increased rate was made effective subject to refund. Therefore, applicant will be made a co-respondent in the proceeding pending in Docket No. RI65-401; the proceeding will be redesignated accordingly; and applicant will be required to file an agreement and undertaking to assure the refund of all amounts collected in excess of the amount determined to be just and reasonable in said proceeding with respect to sales from the acreage acquired from Humble.

Miss-Tex Oil Producers, applicant in Dockets Nos. CI70-722 and CI70-723, proposes to continue in part sales of natural gas heretofore authorized in Dockets Nos. G-6170 and G-3146, respectively, to be made pursuant to The Superior Oil Co. (Operator) et al., FPC Gas Rate Schedule No. 11 and Atlantic Richfield Co. FPC Gas Rate Schedule No. 529, respectively. The contracts comprising said rate schedules will also be accepted for filing as rate schedules of applicant. The presently effective rate under Superior's rate schedule is in effect subject to refund in Docket No. G-14106, and the presently effective rate under Atlantic Richfield's rate schedule is in effect subject to refund in Docket No. RI66-345. Atlantic Richfield has filed a notice of change in rate under its rate schedule which change is suspended in Docket No. RI69-787. Therefore, applicant will be made a co-respondent in the proceedings pending in Dockets Nos. G-14106, RI66-345, and RI69-787; said proceedings will be redesignated accordingly; and applicant will be required to file agreements and undertakings in Dockets Nos. G-14106 and RI66-345 to assure the refund of any amounts collected by it in excess of the amounts determined to be just and reasonable in said proceedings. If applicant desires to charge and collect the increased rate suspended in Docket No. RI69-787, it should file a motion to make the change in rate effective.

Perryton Feeders, Inc., applicant in docket No. CI70-734, proposes to continue in part the sale of natural gas heretofore authorized in docket No. CI63-548 to be made pursuant to Phillips Petroleum Co. (Operator) et al., FPC Gas Rate Schedule No. 389. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of applicant. The presently effective rate under Phillips' rate schedule is in effect subject to refund in docket No. RI69-418. Therefore, applicant will be made a co-respondent in the proceeding pending in docket No. RI69-418; the proceeding will be redesignated accordingly; and applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER petitions to intervene and notices of intervention were filed in the following dockets:

Docket No.	*Interveners*
G-2602	The Public Service Commission of the State of New York.
	Long Island Lighting Co.
CI68-89	The Public Service Commission of the State of New York.
CI70-783	The Public Service Commission of the State of New York.
CI70-839	The Public Service Commission of the State of New York.
	Philadelphia Gas Works Division of UGI Corp.

Said petitions and notices have either been withdrawn or are not in opposition to the granting of the applications and petitions to amend. No other petitions to intervene, notices of intervention, or protests to the granting of any of the applications have been filed.

At a hearing held on May 21, 1970, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce

subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered and conditioned.

(6) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the name of the respondent, Richardson Oils, Inc. (Operator), et al., in the proceeding pending in Docket No. RI61–280 should be changed to Bass Enterprises Production Co. (Operator) et al., and the proceeding should be redesignated accordingly.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Western Oil and Minerals Corp. (Operator) et al., should be made a co-respondent in the proceeding pending in Docket No. RI64–397; that said proceeding should be redesignated accordingly; and that Western Oil and Minerals Corp. should be required to file an agreement and undertaking.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Dyna Ray Oil & Gas Co., Inc., should be made a co-respondent in the proceeding pending in Docket No. RI64–751; that said proceeding should be redesignated accordingly; and that Dyna Ray should be required to file an agreement and undertaking.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Petroleum Corporation of Texas (Operator) et al., should be made a co-respondent in the proceeding pending in Docket No. RI65–401; that said proceeding should be redesignated accordingly; and that Petroleum Corporation of Texas should be required to file an agreement and undertaking.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Miss-Tex Oil Producers should be made a co-respondent in the proceedings pending in Dockets Nos. G–14106, RI66–345, and RI69–787; that said proceedings should be redesignated accordingly; and that Miss-Tex Oil Producers should be required to file agreements and undertakings in Dockets Nos. G–14106 and RI66–345.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Perryton Feeders, Inc., should be made a co-respondent in the proceeding pending in Docket No. RI69–418; that said proceeding should be redesignated accordingly; and that Perryton Feeders, Inc., should be required to file an agreement and undertaking.

(15) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The rate for the sale authorized in Docket No. G–11957 shall be the applicable area base rate prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality of gas, or the contract rate, whichever is lower. Within 90 days from the date of initial delivery Applicant shall file a rate schedule quality statement in the form prescribed in Opinion No. 468–A.

(b) The initial rate for the sale authorized in Docket No. CI70–839 shall be the applicable area base rate prescribed in Opinion No. 546, as modified by Opinion No. 546–A, as adjusted for quality of gas, or the contract rate, whichever is lower. Within 90 days from the date of initial delivery applicant shall file a rate schedule quality statement in the form prescribed in Opinion No. 546.

(c) If the quality of the gas delivered by applicants in Dockets Nos. G–11957 and CI70–839 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, and Opinion No. 546, as modified by Opinion No. 546–A, whichever are applicable, so as to require a downward adjustment of the existing rates, notices of changes in rates shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rates.

(d) No increase in rate shall be filed by applicant in Docket No. CI70–839 prior to January 1, 1974, at any price which would exceed the ceiling prescribed for the Southern Louisiana area as provided by Opinion No. 546–A.

(e) The authorization granted in Docket No. CI62–395 shall be subject to Opinions Nos. 546 and 546–A, and accompanying orders and specifically including those relating to rate reductions, refunds and filings required by those orders for sales made on and after November 1, 1969, and Austral Oil Co., Inc. (Operator) et al., shall be subject thereto for sales made prior to November 1, 1969.

(f) The authorization granted in Docket No. CI70–895 shall be subject to Opinions Nos. 546 and 546–A, and accompanying orders and specifically including those relating to rate reductions, refunds and filings required by those orders.

(g) The initial rate for the sale authorized in Docket No. CI69–1197 shall be 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement.

(h) The initial rate for the sale authorized in Docket No. CI70–698 shall be 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement and subject to B.t.u.

adjustment. In the event that the Commission amends its statement of general policy No. 61–1, by adjusting the boundary between the Oklahoma Panhandle area and the Oklahoma "Other" area, so as to increase the initial wellhead price for new gas, applicant thereupon may substitute the new rate reflecting the amount of such increase and thereafter collect the new rate prospectively in lieu of the initial rate herein authorized in said docket.

(i) The authorization granted in Docket No. CI70–698 is conditioned upon any determination which may be made in the proceeding pending in Docket No. R–338 with respect to the transportation of liquefiable hydrocarbons.

(j) Applicant in Docket No. CI70–698 shall not require buyer to take-or-pay for an annual quantity of gas well gas during the first 2 contract years which is in excess of an average of 1 Mcf per day for each 3,650 Mcf of determined gas well gas reserves and a 1 Mcf per day for each 7,300 Mcf of determined gas reserves thereafter or the specified contract quantity, whichever is the lesser amount. This condition shall remain in effect pending further Commission order in the subject docket or in other matters relating to the buyer's take-or-pay obligation under the subject contract.

(k) The rate for the sales authorized in Dockets Nos. CI70–308 and CI70–783 shall be 17 cents per Mcf at 14.65 p.s.i.a. Within 30 days from the date of this order applicant in Docket No. CI70–783 shall file a revised billing statement as required by the regulations under the Natural Gas Act.

(l) Applicant in Docket No. CI70–778 shall not charge and collect an upward B.t.u. adjustment in excess of 2.2 cents per Mcf.

(m) The certificate authorization in Docket No. CI70–860 shall terminate 90 days from the date of initial delivery.

(n) The certificate in Docket No. CI 70–860 involving the sales of gas by Coastal States Gas Producing Co. (Operator) et al., to its affiliate, South Texas Natural Gas Gathering Co., determines the rate which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any rate proceeding involving either company.

(o) The initial rates for sales authorized in Docket No. CI70–893 shall be 27.1038 cents per Mcf at 60° F. for gas from formations down to and including the Benson Sand and 28 cents per Mcf at 60° F. for gas from below the Benson Sand (equivalent to rates of 27 cents per Mcf and 27.8927 cents per Mcf, respectively), at the contract measurements basis of 62° F.

(p) Applicants in Dockets Nos. CI70–778, CI70–783, and CI70–839 shall not require buyers to take-or-pay for an annual quantity of gas well gas which is in excess of an average of 1 Mcf per day for each 7,300 Mcf of determined gas well gas reserves or the specified contract quantities, whichever are the lesser amounts. This condition shall remain in effect pending further Commission order in the subject dockets or in other matters relating to the buyers' take-or-pay obligations under the subject contracts.

(q) Within 30 days from the date of this order applicant in Dockets Nos. CI70–722, CI70–723, and CI70–724 shall file three copies each of an estimated billing statement reflecting the prices and volumes at a pressure base of 15.025 p.s.i.a. as required by the regulations under the Natural Gas Act.

(E) The orders issuing certificates in Dockets Nos. G–2602, G–5316, G–11957, G–12094, CI61–691, CI69–974, CI70–178, and CI70–308 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(F) The orders issuing certificates in Dockets Nos. G–4116, G–5390, G–9818, G–13349, G–16232, G–19387, CI62–395, CI62–1434, CI62–1435, CI63–165, CI63–1090, CI65–1327, CI66–664, and CI68–1180 are amended by substituting the successors in interest as certificate holders.

(G) The order issuing a certificate in Docket No. G–6252 is amended to reflect the change in name from Richardson Oils, Inc. (Operator), et al., to Bass Enterprises Production Co. (Operator) et al.

(H) The orders issuing certificates in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate*
G–3146	CI70–723
G–4579	G–17961
G–6170	CI70–722
G–9616	CI70–711
G–12094	CI70–724
G–13279	CI70–895
CI61–650	CI70–871
CI61–1175	CI70–703
CI63–59	CI70–894
CI63–548	CI70–734
CI64–1186	CI70–870
CI64–1276	CI70–869
CI66–884	CI70–839
CI66–1259	CI70–839
CI66–1292	CI70–839

(I) Permission for and approval of the abandonment of service by applicants, as hereinbefore described, all as more fully described in the applications and in the tabulations herein are granted.

(J) Permission for and approval of the abandonments in Dockets Nos. CI70–887 and CI70–890 shall not be construed to relieve applicant of any refund obligations in the rate proceedings pending in Docket No. RI68–424 and Dockets Nos. RI68–454 and RI70–423, respectively.

(K) The certificates heretofore issued in Dockets Nos. G–3885, G–17743, G–18331, CI61–1385, CI63–1118, CI66–541, and CI68–45 are terminated.

(L) The name of the respondent, Richardson Oils, Inc. (Operator), et al., in the proceeding pending in Docket No. RI61–280 is changed to Bass Enterprises Production Co. (Operator) et al., and the proceeding is redesignated accordingly.

(M) Western Oil and Minerals Corp. (Operator) et al., is made a co-respondent in the proceeding pending in Docket No. RI64–397 and said proceeding is redesignated accordingly. Western Oil and Minerals Corp. (Operator) et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(N) Within 30 days from the issuance of this order, Western Oil and Minerals Corp. (Operator) et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI64–397 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(O) Dyna Ray Oil & Gas Co., Inc., is made a co-respondent in the proceeding pending in Docket No. RI64–751 and said proceeding is redesignated accordingly. Dyna Ray shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(P) Within 30 days from the issuance of this order, Dyna Ray Oil & Gas Co., Inc., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI64–751 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(Q) Petroleum Corporation of Texas (Operator) et al., is made a co-respondent in the proceeding pending in Docket No. RI65–401 and said proceeding is redesignated accordingly. Petroleum Corporation of Texas shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(R) Within 30 days from the issuance of this order, Petroleum Corporation of Texas (Operator) et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI65–401 to assure the refund of all amounts collected under Humble Oil & Refining Co. FPC Gas Rate Schedule No. 113 and Petroleum Corporation of Texas (Operator) et al., FPC Gas Rate Schedule No. 32, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding with respect to sales from the

acreage acquired by Petroleum Corporation of Texas from Humble. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(S) Miss-Tex Oil Producers is made a co-respondent in the proceedings pending in Dockets Nos. G–14106, RI66–345, and RI69–787 and said proceedings are redesignated accordingly. Miss-Tex shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder with respect to sales made at rates in effect subject to refund in Dockets Nos. G–14106 and RI66–345.

(T) Within 30 days from the date of this order, Miss-Tex Oil Producers shall execute, in the form set out below, and shall file with the Secretary of the Commission acceptable agreements and undertakings in Dockets Nos. G–14106 and RI66–345 to assure the refund of any amounts collected by it, together with interest at the rate of 6 percent per annum in Docket No. G–14106 and 7 percent per annum in Docket No. RI66–345, in excess of the amounts determined to be just and reasonable in said proceedings. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreements and undertakings shall be deemed to have been accepted for filing. The agreements and undertakings shall remain in full force and effect until discharged by the Commission.

(U) Perryton Feeders, Inc., is made a co-respondent in the proceeding pending in Docket No. RI69–418 and said proceeding is redesignated accordingly. Perryton Feeders, Inc., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(V) Within 30 days from the date of this order, Perryton Feeders, Inc., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in docket No. RI69–418 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(W) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–2602 C 5–13–65	Marathon Oil Co. [1]	Natural Gas Pipeline Co. of America, North Pasture Field, San Patricio County, Tex.	Amendment 1–1–65 Agreement 1–1–65	67 67	7 1 to 7
G–2602 C 8–8–66	do [1]	Natural Gas Pipeline Co. of America, Rooke Field, Refugio County, Tex.	Amendment 6–20–66	68	9
G–4116 G–9818 F 3–11–70	B. M. Britain et al. (successor to B. M. Britain & C. E. Weymouth). [2]	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., West Panhandle Field, Moore and Potter Counties, Tex.	Assignment 6–1–63 [2a] Effective date: 6–1–63	2	2
G–5316 C 11–23–62	Skelly Oil Co. [3] (Operator) et al.	El Paso Natural Gas Co., Blanco Field, San Juan County, N. Mex.	Supplemental Agreement 11–13–62.	46	11
G–5316 C 2–20–63	do [3]	do	Supplemental Agreement 1–30–63.	46	12
G–5390 E 4–1–70	Petroleum Promotions, Inc. (successor to Chief Drilling, Inc., et al.).	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	Chief Drilling, Inc., et al., FPC GRS No. 2. Supplement Nos. 1–20 Notice of succession 3–31–70. Assignment 12–16–68 Effective date: 12–16–68	23 23 23	1–20 21
G–6362 3–9–70 [4]	Bass Enterprise Production Co. (Operator) et al. (formerly Richardson Oils, Inc. (Operator), et al.).	Southern Natural Gas Co., Gwinville Field, Jefferson Davis and Simpson Counties, Miss.	Richardson Oils, Inc. (Operator) et al., FPC GRS No. 1. Supplement Nos. 1–2 Notice of name change 3–5–70.[4a] Effective date: 10–24–69	1 1	1–2
G–11957 C 3–23–70	Mobil Oil Corp. (Operator) et al.	El Paso Natural Gas Co., Spraberry Trend Area, Upton County, Tex.	Letter agreement 2–10–70.[5]	20	28
G–12094 D 3–17–70	Mobil Oil Corp.	Southern Natural Gas Co., Gwinville Field, Jefferson Davis County, Miss.	Notice of partial cancellation 3–17–70.[6 7]	138	5
G–13349 E 3–12–70	A. T. Skaer (successor to Sun Oil Co.).	Kansas-Nebraska Natural Gas Co., Inc., Little Hoot Field, Logan County, Colo.	Sun Oil Co., FPC GRS No. 345. Supplement Nos. 1–3 Notice of succession 3–10–70. Assignment 11–10–69 [8] Assignment 3–10–70 [8a] Effective date: 12–1–69	7 7 7	1–3 4 5
G–16232 E 3–13–70	Salmon Corp. (successor to Pennzoil Producing Co., formerly Union Producing Co.).	Florida Gas Transmission Co., Kain Field, Matagorda County, Tex.	Pennzoil Producing Co., FPC GRS No. 231. Supplement Nos. 1–6 Notice of succession 3–2–70. Assignment 2–12–70	[9b] 9 9 9	1–6 7
G–17961 (G–4579) F 3–2–59	Graham-Michaelis Drilling Co. (Operator) et al. (successor to Cities Service Oil Co.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Keyes Field, Tex. County, Okla.	Contract 10–21–53 [9] Amendment 2–24–56 Assignment 2–29–56 Amendment 2–17–58 Amendment 2–20–58 Assignment 9–5–58 Supplement agreement 2–20–59.	33 33 33 33 33 33 33	1 2 3 4 5 6
G–19387 E 3–9–70 [10]	Mesa Petroleum Co. (Operator) et al. (successor to D. S. Marsalis, agent (Operator) et al.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Mocane Field, Beaver County, Okla.	D. S. Marsalis, agent (Operator) et al., FPC GRS No. 4. Supplement Nos. 1–4 Notice of succession 2–27–70. Assignment 4–23–62 [10a] Effective date: 4–30–67 Amendment 7–7–69 Effective date: 4–9–70	10 10 10 10	1–4 5 6
CI61–691 D 4–24–68	Atlantic Richfield Co. (Operator) et al. (successor to Sinclair Oil & Gas Co. (Operator) et al.).	Michigan Wisconsin Pipe Line Co., Woodward Area, Dewey County, Okla.	Assignment 10–31–66 [7 11]	443	48
CI62–305 E 3–23–70	Phillips Petroleum Co. (Operator) et al. (successor to Austral Oil Co. Inc. (Operator) et al.).	Southern Natural Gas Co., Bayou Long Field, St. Martin Parish, La.	Austral Oil Co. Inc. (Operator) et al. FPC GRS No. 15. Supplement Nos. 1–6 Notice of succession 3–19–70. Assignment 12–15–69 [12] Assignment 1–2–70 [12a] Effective date: 11–1–69	477 477 477 477	1–6 7 8
CI62–1434 E 1–26–70	Western Oil & Minerals Corp. (Operator) et al. (successor to John A. Egan (Operator) et al.).	El Paso Natural Gas Co., Tapacito Pictured Cliffs, Rio Arriba County, N. Mex.	John A. Egan (Operator) et al., FPC GRS No. 4. Supplement Nos. 1–2 Notice of succession 1–15–70. Assignment 9–30–60 Effective date: 10–1–69	5 5 5	1–2 3

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI62-1435 ..... E 1-26-70.	....do.....	El Paso Natural Gas Co., Gavilan Pictured Cliffs, Rio Arriba County, N. Mex.	John A. Egan (Operator) et al., FPC GRS No. 3.	6	.....
			Supplement Nos. 1-2.....	6	1-2
			Notice of succession 1-15-70.	.....	.....
			Assignment 9-30-69.....	6	3
			Effective date: 10-1-69.....	.....	.....
CI63-185 ..... E 4-10-69	Dyna Ray Oil & Gas Co., Inc. (successor to Irving Pasternak).	El Paso Natural Gas Co., Basin Dakota Field, Rio Arriba County, N. Mex.	Irving Pasternak, FPC GRS No. 4.	3	.....
			Supplement No. 1.....	3	1
			Notice of succession 4-7-69.	.....	.....
			Assignment 9-26-69.....	3	2
			Effective date: 9-1-68.....	.....	.....
CI63-1060 ..... E 3-25-70	A. A. Pursley (successor to Hays and Co., agent for Ferrell L. Prior, d.b.a. Prior Co.).	Consolidated Gas Supply Corp., New Milton District, Doddridge County, W. Va.	Hays and Co., agent for Ferrell L. Prior, d.b.a. Prior Oil Co., FPC GRS No. 163.	8	.....
			Notice of succession 3-25-70.	.....	.....
			Assignment 5-19-69.....	8	1
			Effective date: 5-19-69.....	.....	.....
CI65-1327 ..... E 3-30-70	Sun Oil Co. (successor to Van-Grisso Oil Co.).	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Van-Grisso Oil Co., FPC GRS No. 5.	481	.....
			Supplemental Nos. 1-3.....	481	1-3
			Notice of succession 3-23-70.	.....	.....
			Assignment 9-1-68.....	481	4
			Effective date: 9-1-68.....	.....	.....
CI66-541 ..... 2-4-70 [12]	Pacific States Gas & Oil, Inc.	Equitable Gas Co., Glenville District, Gilmer County, W. Va.	Letter Agreement 1-2-70 [12a]	1	2
			Letter 1-21-70 [7 12]	1	3
CI66-664 ..... E 3-18-70	K. W. Fox et al., d.b.a. Fox Farm Oil & Gas Co. (successor to Speck & Norris Gas Co. et al.).	Consolidated Gas Supply Corp., Center District, Calhoun County, W. Va.	Speck & Norris Gas Co. et al., FPC GRS No. 1.	2	.....
			Notice of succession 3-16-70.	.....	.....
			Assignment 9-24-69.....	2	1
			Effective date: 9-24-69.....	.....	.....
CI67-1180 ..... E 4-1-70	Petroleum Promotions, Inc. (successor to Chief Drilling, Inc., et al.).	Consolidated Gas Supply Corp., Union and Grant Districts, Ritchie County, W.Va.	Chief Drilling, Inc., et al., FPC GRS No. 5.	24	.....
			Supplement Nos. 1-5.....	24	1-5
			Notice of succession 3-31-70.	.....	.....
			Assignment 12-16-68.....	24	6
			Effective date: 12-16-68.....	.....	.....
CI68-89 ..... A 7-21-67 as amended 8-24-67	Haynes & V. T. Drilling Co.	Trunkline Gas Co., Bullhead Creek Field, Bee County, Tex.	Contract 6-12-67.....	11	.....
CI69-974 ..... C 3-19-70	Roy Proffitt (Operator) et al.	The Ohio Fuel Gas Co., Lebanon Township, Meigs County, Ohio.	Letter agreement 3-10-70...	1	2
CI69-1197 ..... A 6-16-69	Petroleum, Inc. [10]	Arkansas Louisiana Gas Co., Kinta Field, Pittsburg County, Okla.	Contract 5-14-69.....	56	.....
			Contract 3-15-62.....	56	1
			Agreement 3-6-63.....	56	2
C 3-12-70	.....	Wilburton Area, Pittsburg County, Okla.	Amendment 2-6-70 [3]	56	3
CI70-178 ..... C 3-19-70	Westrans Petroleum, Inc.	Consolidated Gas Supply Corp., Elk District, Kanawha County, W.Va.	Letter agreement 11-18-69. [4]	3	1
CI70-308 ..... C 2-6-70 as amended 3-16-70	Imperial-American [13] Management Co. (Operator) et al.	Michigan Wisconsin Pipe Line Co., Woodward Area, Woodward County, Okla.	Ratified 12-8-69 [3 15a]	3	2
CI70-455 ..... A 11-25-69 as amended 12-15-69	John H. Hill.....	Western Gas Interstate Co., Northwest Six Mile Field, Beaver County, Okla.	Contract 10-31-96 [3]	12	.....
CI70-588 ..... A 12-16-69	Imperial-American Management Co.	.....do.....	Contract 10-31-69 [3]	7	.....

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI70-608 ..... A 1-29-70	Glover Hefner Kennedy Oil Co.	NI-Gas Supply, Inc., Elk City Area, Beckham County, Okla.	Contract 1-16-70.....	2	.....
			Compliance 4-7-70 [3 16].....	2	1
CI70-703 ..... (CI61-1175 F 1-26-70	Western Oil & Minerals Corp. (Operator) et al (successor to John A. Egan (Operator) et al.)	El Paso Natural Gas Co. Gavilan Pictured Cliffs, Rio Arriba County, N. Mex.	Contract 1-26-61 [17]	7	.....
			Assignment 9-30-69 [17a]	7	1
			Effective date: 10-1-69.....	.....	.....
CI70-711 ..... (G-9616) F 2-2-70	Petroleum Corp. of Texas (Operator) et al. (successor to Humble Oil & Refining Co.).	Coastal States Gas Producing Co., Brownlee Field, Jim Wells County, Tex.	Contract 10-17-55 [18]	32	.....
			Letter agreement 12-12-55..	32	1
			Letter agreement 5-25-56...	32	2
			Letter agreement 9-1-59....	32	3
			Letter agreement 5-15-64...	32	4
			Assignment 5-16-69 [18a]	32	5
			Assignment 5-29-69 [18b]	32	6
			Effective date: 4-1-69.....	.....	.....
(G-9616) [18]	Humble Oil & Refining Co.	.....do.....	Assignment 5-16-69 [18a]	113	8
			Effective date: 4-1-69.....	.....	.....
CI70-722 ..... (G-6170) F 1-30-70	Miss-Tex Oil Producers (successor to The Superior Oil Co. (Operator) et al.).	Southern Natural Gas Co., Gwinville Field, Jefferson Davis County, Miss.	Contract 4-12-46 [19]	2	.....
			Amendment 5-17-48.....	2	1
			Letter agreement 11-5-57...	2	2
			Assignment 12-5-69 [19a]	2	3
			Effective date: 12-5-69.....	.....	.....
CI70-723 ..... (G-3146) F 1-30-70	Miss-Tex Oil Producers (successor to Atlantic Richfield Co.).	.....do.....	Contract 11-7-57 [20]	3	.....
			Amendment 3-25-60.....	3	1
			Letter agreement 8-23-61...	3	2
			Assignment 12-1-69 [20a]	3	3
			Effective date: 12-1-69.....	.....	.....
CI70-724 ..... (G-12094) F 1-30-70	Miss-Tex Oil Producers (successor to Mobil Oil Corp.).	.....do.....	Contract 8-1-57 [21]	4	.....
			Amendment 8-22-61.....	4	1
			Amendment 6-1-64.....	4	2
			Assignment 12-18-69 [21a]	4	3
			Effective date: 12-18-69.....	.....	.....
G-12094 ..... D 2-10-70	Mobil Oil Corp.....	.....do.....	Assignment 12-18-69 [21a]	138	4
			Effective date: 12-18-69.....	.....	.....
CI70-734 ..... (CI63-548) F 2-13-70	Perryton Feeders, Inc. (successor to Phillips Petroleum Co.).	Northern Natural Gas Co., Ellis Ranch (Cleveland) Field, Ochiltree County, Tex.	Contract 9-14-62 [22]	1	.....
			Letter agreement 9-14-62..	1	1
			Letter agreement 4-20-64...	1	2
			Assignment 12-23-69 [22a]	1	3
			Effective date : 1-1-70.....	.....	.....
CI70-778 ..... A 2-27-70.....	Chorney Oil Co. [23]	Kansas-Nebraska Natural Gas Co., Inc., Shoshoni Unit Area, Fremont County, Wyo.	Contract 8-28-69 [3]	1	.....
CI70-783 ..... A 3-2-70	International Nuclear Corp. [24]	Natural Gas Pipeline Co. of America, Seven Oaks Area, Polk County, Tex.	Contract 1-12-70 [3].....	5	.....
CI70-822 ..... A 3-9-70	Spartan Gas Co.....	Consolidated Gas Supply Corp., Elk District, Kanawha County, W. Va.	Contract 10-15-69 [3].....	15	.....
CI70-839 ..... A 3-16-70 [25]	Gulf Minerals, Inc. [27]	United Gas Pipe Line Co., South Bancroft Field, Beauregard Parish, La.	Contract 2-23-70 [3].....	2	.....
(CI66-884)	Austral Oil Co., Inc. (Operator), et al.	Trunkline Gas Co., South Bancroft Field, Beauregard Parish, La.	Assignment 1-16-70 [7 27a]...	29	3
(CI66-1286)	Atlantic Richfield Co.....	.....do.....	Assignment 1-16-70 [7 27a]...	302	4
(CI66-1292)	.....do.....	.....do.....	Assignment 1-16-70 [7 27a]...	572	3
CI70-860 ..... A 3-18-70	Coastal States Gas Producing Co. (Operator) et al.	South Texas Natural Gas Gathering Co., Encinitas Area, Brooks County, Tex.	Contract 3-10-70.....	82	.....
CI70-861 ..... A 3-20-70	Cotton Petroleum Co....	Arkansas Louisiana Gas Co., Ashland Field, Pittsburg County, Okla.	Contract 2-18-70.....	3	.....
			Contract 3-15-62.....	3	1
			Agreement 3-6-63.....	3	2
CI70-863 ..... A 3-20-70	Commonwealth Gas Corp.	United Fuel Gas Co., Ripley and Ravenswood Districts, Jackson County, W. Va.	Contract 3-19-70.....	18	.....

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI70-864 A 3-23-70	Ira T. Havens	Transcontinental Gas Pipe Line Corp., North El Campo Field, Wharton County, Tex.	Contract 3-2-70 [1]	1	
CI70-868 (G-18331) B 3-23-70	David Crow et al.	United Gas Pipe Line Co., Cotton Valley Field, Webster Parish, La.	Notice of cancellation 3-17-70,[2]	8	3
CI70-869 (C164-1276) F 3-20-70	T. P. McAdams, Jr. (Operator) et al. (successor to Roger C. Hanks).	Northern Natural Gas Co., acreage in Meade County, Kans.	Contract 3-25-64 [3]	2	
			Assignment 8-22-69 [3a]	2	1
			Amendment 9-18-69	2	2
			Effective date: 7-1-69		
CI70-870 (C164-1186) F 3-20-70	T. P. McAdams, Jr. (Operator) et al. (successor to Secure Trusts).	do	Contract 3-24-64 [3]	1	
			Assignment 8-22-69 [3a]	1	1
			Amendment 9-18-69	1	2
			Effective date: 7-1-69		
CI70-871 (C161-650) F 3-23-70	White Shield Oil & Gas Corp. (successor to Crickett Oil Co. (Operator) et al.).	Transwestern Pipeline Co., John Creek Field, Hutchinson County, Tex.	Letter agreement 2-24-70, [4]	11	
			Contract 7-25-60 [5]	11	1
			Letter agreement 10-14-60	11	2
			Letter agreement 9-24-63	11	3
			Letter agreement 11-7-63	11	4
			Letter agreement 3-26-64	11	5
			Assignment 4-15-69 [5]	11	6
			Effective date: 1-1-69		
CI70-872 (G-17743) B 3-26-70	Getty Oil Co.	El Paso Natural Gas Co., Langlie-Mattix Field, Lea County, N. Mex.	Notice of cancellation 3-23-70,[6] [7]	83	19
CI70-875 A 3-26-70	Union Drilling, Inc.	Cumberland & Allegheny Gas Co., Meade District, Upshur County, W. Va.	Contract 8-27-68 [1] [8]	58	
CI70-876 A 3-26-70	do	do	Contract 9-20-68 [1] [9]	59	
CI70-877 A 3-26-70	do	Cumberland & Allegheny Gas Co., Washington District, Upshur County, W. Va.	Contract 1-7-70 [1] [10]	60	
CI70-878 A 3-30-70	Aspen Resources, Ltd. (Operator) et al.	Northern Natural Gas Co., Mocane-Laverne Field, Harper and Beaver Counties, Okla.	Contract 3-9-70	1	
			Letter agreement 3-9-70	1	1
CI70-886 A 3-30-70	Jonas L. Miller, Trustee.	Kentucky-West Virginia Gas Co., acreage in Floyd County, Ky.	Contract 3-5-70 [1]	1	
CI70-887 (CI61-1385) B 3-30-70	Sun Oil Company	Cities Service Gas Co., Dower Field, Barber County, Kans.	Notice of cancellation 3-18-70,[6] [7]	208	8
CI-70-888 (G-3885) B 3-30-70	do	Texas Eastern Transmission Corp., South Cottonwood Creek Field, De Witt County, Tex.	Notice of cancellation 3-12-70,[6] [7]	259	20
CI-70-889 (C168-43) B 3-30-70	do	do	Notice of cancellation 3-12-70,[6] [7]	452	1
CI70-890 (CI63-1118) B 3-30-70	do	Cities Service Gas Co., Northeast Waynoka Field, Woods County, Okla.	Notice of cancellation 3-12-70,[6] [7]	407	4
CI70-893 A 3-30-70	White Shield Oil & Gas Corp.	Equitable Gas Co., Otter District, Braxton County, W. Va.	Contract 12-29-69	13	
			Letter agreement 4-8-70,[1] [10]	13	1
CI70-894 (CI63-59) F 3-23-70	Van Oil Co. (successor to Van-Grisso Oil Co.).	Michigan Wisconsin Pipe Line Co., acreage in Harper County, Okla.	Contract 1-26-59 [11]	2	
			Amendment 5-9-62	2	1
			Amendment 7-1-65	2	2
			Assignment 7-15-69 [12]	2	3
			Effective date: 7-15-69		
CI70-896 (G-13279) F 3-30-70	Muttontown Oil Co., Inc. (successor to Coastal States Gas Producing Co.).	United Gas Pipe Line Co., Hayes Field, Jefferson Davis and Calcasieu Parishes, La.	Contract 9-3-57 [13]	1	
			Agreement 9-3-57	1	1
			Letter agreement 12-1-58	1	2
			Letter agreement 7-1-60	1	3
			Letter agreement 7-1-64	1	4
			Letter agreement 9-7-67	1	5
			Farmout agreement 1-30-69,[13]	1	6
			Farmout agreement 3-25-69,[14]	1	7
			Farmout agreement 3-25-69,[15]	1	8

See footnotes at end of table.

[1] Applicant has agreed to accept permanent authorization for the additional acreage at 16 cents per Mcf.
[2] Certificate is presently in the names of B. M. Britain & C. E. Weymouth. Filing reflects transfer of Weymouth's interest to Weymouth Corp.
[2a] From C. E. Weymouth (et al. party) to Weymouth Corp.
[3] Temporary certificates issued Feb. 1, 1965 and Apr. 5, 1965, conditioned to an initial rate of 13 cents per Mcf. By letter filed Mar. 16, 1970, Applicant agreed to accept permanent authorization for the additional acreage similarly conditioned.
[4] Amendment to reflect change in name (application was erroneously filed in Docket No. G-18272).
[4a] Richardson Oils, Inc., changed its name by charter amendment to Bass Enterprises Production Co.
[5] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[6] Source of gas depleted.
[7] Effective date: Date of this order.
[8] From Sun Oil Co. to Art Skaer, Inc.
[8a] From Art Skaer, Inc., to A. T. Skaer.
[9] Contract between Terminal Facilities, Inc. (now Cities Service), seller and Colorado Interstate, buyer; on file as Cities Service Oil Co. FPC GRS No. 91.
[10] Mesa as successor to Petroleum Exploration, Inc., of Texas is making the succession filing which Petroleum Exploration failed to make.
[10a] From D. S. Marsalis, agent to Petroleum Exploration, Inc., of Texas.
[10b] Erroneously redesignated as FPC GRS No. 8 in temporary certificate issued Apr. 16, 1970.
[11] Deletes acreage assigned from Sinclair Oil & Gas Co. (now Atlantic Richfield Co.) to Fain-Porter Drilling Corp.
[12] Assigns acreage from Austral Oil Co., Inc., and Oil Participations, Inc., to Phillips Petroleum Co.
[12a] Assigns acreage from Louisiana Prospect Co., Inc., to Phillips Petroleum Co.
[13] Letter dated Jan. 31, 1970, filed Feb. 4, 1970, being construed as a petition to terminate the certificate in Docket No. C166-541 and cancel the related rate schedule.
[13a] Deletes all leases from subject Contract No. 6072 with the exception of Lease No. 14738 and states that such lease is the only active lease with a gas well drilled thereon. Applicant sold its interest in Lease No. 14738, which is now covered by Apex Realty and Management Co., Inc., FPC GRS No. 1 and certificate in Docket No. C168-312. Lease No. 14738 was deleted from the subject certificate in Docket No. C166-541 by order issued Nov. 22, 1967, and deleted from the subject rate schedule by letter dated Feb. 8, 1968.
[14] By letter dated Mar. 26, 1970, Applicant indicated willingness to accept a permanent certificate conditioned to a rate of 15 cents per Mcf in lieu of 16 cents per Mcf.
[15] Contract provides for rate of 19.5 cents per Mcf; however, Applicant has stated willingness to accept a permanent certificate at 17 cents per Mcf.
[15a] Joel S. Price adopts and ratifies contract dated May 23, 1969, by and between buyer and Applicant.
[16] Complies with temporary certificate issued April 6, 1970. Applicant states willingness to accept a permanent certificate conditioned as in the temporary certificate.
[17] On file as John A. Egan (Operator) et al., FPC GRS No. 2.
[17a] From John A. Egan et al., to Western Oil and Minerals Corp.
[18] Between Humble Oil & Refining Co., et al., and Coastal States Gas Producing Co.; on file as Humble Oil & Refining Co. FPC GRS No. 113.
[18a] Assigns acreage from Humble to Petroleum Corporation of Texas.
[18b] Assigns one-half interest acquired from Humble from Petroleum Corporation of Texas to Ibex Partnership, covered as "et al." party by Petroleum.
[19] No certificate filing made or necessary; only the related rate filing is being accepted.
[20] Between The Superior Oil Co. and Southern Natural Gas Co.; on file as The Superior Oil Co. (Operator) et al., FPC GRS No. 11.
[20a] Assigns acreage from The Superior Oil Co. to Miss-Tex from a depth of 7,797 feet to 8,013 feet.
[21] Between Texas Gulf Producing Co. and Southern Natural Gas Co.; on file as Atlantic Richfield Co. FPC GRS No. 529.
[21a] Assigns acreage from Atlantic Richfield Co. to Miss-Tex from a depth of 7,899 feet to 8,014 feet.
[22] Between Magnolia Petroleum Co. and Southern Natural Gas Co.; on file as Mobil Oil Corp. FPC GRS No. 138.
[22a] Assigns acreage from Mobil to Miss-Tex to a depth of 8,413 feet excluding the Eutaw-Upper Tuscaloosa "A" Zone.
[23] Currently on file as Phillips Petroleum Co. FPC GSR No. 389.
[23a] From Phillips Petroleum Co. to Perryton Feeders, Inc.

[24] By letter filed Apr. 17, 1970, Applicant agreed to a maximum upward B.t.u. adjustment of 2.2 cents per Mcf (1,147 B.t.u.) and limiting buyer's take-or-pay obligation to a 1 to 7,300 ratio of takes to reserves.
[25] Contract provides for rate of 17.8 cents per Mcf; however, by letter filed Mar. 11, 1970, Applicant agreed to accept a permanent certificate conditioned to 17 cents per Mcf and limiting buyer's take-or-pay obligation to a 1 to 7,300 ratio of takes to reserves.
[26] Jan. 1, 1974, moratorium provided by Opinion No. 546-A.
[27] Contract provides for a rate of 21.25 cents per Mcf; however, Applicant agreed to accept a permanent certificate at 20 cents per Mcf, adjusted for quality as prescribed in Opinion No. 546. By letter filed April 4, 1970, Applicant indicated willingness to accept a permanent certificate limiting buyer's take-or-pay obligation to a 1 to 7,300 ratio of takes to reserves.
[28] Assigns acreage from Austral to Gulf Minerals, Inc.
[29] Assigns acreage from Atlantic Richfield Co. to Gulf Minerals Inc.
[30] Between Roger C. Hanks and the purchaser; also on file as Roger C. Hanks FPC GRS No. 1.
[31] Conveys acreage from Secure Trusts and Roger C. Hanks to T. P. McAdams and T. P. McAdams, Jr.
[32] Between Secure Trusts and the purchaser; also on file as Secure Trusts FPC GRS No. 7.
[33] Adopts terms of contract dated July 25, 1960 between Cricket Oil Co. et al., and buyer.
[34] Currently on file as Cricket Oil Co. (Operator) et al. FPC GRS No. 1.
[35] From Transwestern Production Co. (successor to Cricket Oil Co.) to Applicant.
[36] Sale being rendered without prior Commission authorization.
[37] Contract provides for rates of 27.1038 cents for gas produced from formations down to and including the Benson and 28.108 cents for gas produced from formations below the Benson; however, Applicant has agreed to accept a permanent certificate at the rate of 28 cents for the deeper formations (foregoing rates shown at 60° F.).
[38] Contract on file as Van-Grisso Oil Co. FPC GRS No. 4.
[39] From Van-Grisso Oil Co. to Van Oil Co.
[40] Between H. L. Hawkins et al., and United; on file as Coastal States Gas Producing Co. FPC GRS No. 49.
[41] Transfers Constal's 81.25 percent interest in the subject acreage to Muttontown (acreage limited to below the top of the Hayes Sand; 11,840 feet–11,876 feet.).
[42] Transfers the 6.25 percent interest of Frank S. Kelly, Jr., Deceased, in the subject acreage to Muttontown (acreage limited to below the top of the Hayes Sand; 11,840 feet–11,876 feet.).
[43] Transfers the 12.5 percent interest of H. L. Hawkins and H. L. Hawkins, Jr., in the subject acreage to Muttontown (acreage limited to below the top of the Hayes Sand; 11,840 feet–11,876 feet.)

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

Docket No. ------

(Name of Respondent ----------)

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ------, and has caused this agreement and undertaking to be executed and sealed in its name by a duly authorized officer this ------ day of ---------- 19--.

(Name of Respondent)

By ----------

Attest:

[F.R. Doc. 70-7017; Filed, June 9, 1970; 8:45 a.m.]

[Projects Nos. 2707, 2708]

CONNECTICUT LIGHT AND POWER CO. ET AL.

Notice of Extension of Time

MAY 27, 1970.

Connecticut Light and Power Co., The Hartford Electric Light Co., and Western Massachusetts Electric Co.

On April 30, 1970, the Board of Trustees of Berkshire-Litchfield Environmental Conservancy Council, Inc., filed a request for an extension of time within which to file protests in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including July 8, 1970, within which any person may file protests in the above-designated matter.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-7190; Filed, June 9, 1970; 8:49 a.m.]

[Docket No. E-7539]

IOWA ELECTRIC LIGHT AND POWER CO.

Notice of Application

JUNE 2, 1970.

Take notice that on May 21, 1970, the Iowa Electric Light and Power Co. (Applicant) filed an application with the Federal Power Commission seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of short-term notes in the aggregate principal amount of not over $21 million.

Applicant is incorporated under the laws of the State of Iowa and is authorized to do business in the States of Iowa, Minnesota, Colorado, and Nebraska with its principal business office at Cedar Rapids, Iowa. Applicant is engaged primarily in the generation, transmission and sale at retail of electric energy in 51 counties in the State of Iowa.

The notes to be issued to commercial banks and commercial paper dealers or either of such types of facilities will have a term not in excess of 1 year with a final maturity date of not later than December 31, 1971. Interest on the notes to banks will be the prime rate in effect or the prime rate in effect at the time of the borrowing. The interest rate on commercial paper will be at the rate then in effect on such commercial paper of such quality and term.

The proceeds from the issuance of the notes are to provide funds for the construction, completion, extension and improvement of Applicant's facilities. The estimated construction program for 1970 totals $31.2 million and includes the expenditure of $16.5 million for work on applicant's proposed 550,000 Kw. nuclear generating station on a site near Palo, Iowa.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 22, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-7212; Filed, June 9, 1970; 8:51 a.m.]

[Docket No. CP70-284]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

JUNE 1, 1970.

Take notice that on May 22, 1970, Michigan Wisconsin Pipe Line Co. (applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP70-284 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7 of the regulations thereunder for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing July 13, 1970, and operation of facilities to enable applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system additional supplies of natural gas in areas generally coextensive with said system.

The application states that the total cost of all facilities will not exceed $7 million and no single project will exceed a cost of $1,750,000 for any offshore project and $1 million for any onshore project. The facilities will be financed from cash generated from operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 22, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file

a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-7191; Filed, June 9, 1970; 8:49 a.m.]

[Docket No. CP70-286]

NORTHERN NATURAL GAS CO.

Notice of Application

JUNE 3, 1970.

Take notice that on May 25, 1970, Northern Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP70-286 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the relocation of certain existing natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a 500 horsepower compressor unit at its Tate, Kans., station and approximately 18.6 miles of 8-inch pipeline. Applicant further proposes to relocate a 1,800 horsepower compressor unit from its station near Andrews, Tex., to its station near Hugoton, Kans. Applicant states such facilities are necessary in order to redeliver approximately 34,000 Mcf of exchange gas per day to Kansas-Nebraska Natural Gas Co. near the latter's Deerfield Dehydrator in Kearney County, Kans.

The total estimated cost of the proposed facilities is $1,783,275, which will be financed by cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 26, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-7213; Filed, June 9, 1970; 8:51 a.m.]

[Project No. 2697]

NORTHERN STATES POWER CO.

Notice of Application for License for Unconstructed Project

MAY 28, 1970.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Northern States Power Co. (correspondence to: W. N. Marx, president, Northern States Power Co., 100 North Barstow Street, Eau Claire, Wis.) for unconstructed Project No. 2697, to be known as the Cedar Falls Hydroelectric Project, to be located on Red Cedar River in Cedar Falls in Dunn County, near Menomonie and Eau Claire, Wis., and Minneapolis-St. Paul, Minn.

The proposed project would consist of: (1) A 508-foot long concrete dam consisting of a 55-foot gated spillway, a 252-foot free overflow spillway surmounted by 3½-foot flashboards, a 115-foot powerhouse intake section, and 86 feet of connecting bulkheads; (2) an 1,800-acre reservoir at normal elevation 872.4 feet (USGS Datum); (3) a steel and concrete powerhouse containing three 2,000 kilowatt horizontal turbo-generator units which operate under a normal head of 52 feet; (4) recreational facilities consisting of boat launching points, parking areas, and picnic area; and (5) appurtenant facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 20, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-7214; Filed, June 9, 1970; 8:51 a.m.]

[Docket No. CP70-285]

SOUTHERN NATURAL GAS CO.

Notice of Application

JUNE 1, 1970.

Take notice that on May 22, 1970, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP70-285 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7 of the regulations thereunder for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing August 7, 1970, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system additional supplies of natural gas in areas generally coextensive with said system.

The application states that the total cost of all facilities will not exceed $7 million, with the cost of no offshore project to exceed $1,750,000 and the cost of no onshore project to exceed $1 million. The facilities proposed will be financed from cash on hand or from current operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 22, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to

the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-7192; Filed, June 9, 1970; 8:49 a.m.]

TARIFF COMMISSION

[TEA-W-22]

WORKERS' PETITION FOR DETERMINATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISTANCE

Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the production and maintenance workers of the Rockford Plant, Wood and Brooks Co., Rockford, Ill., the U.S. Tariff Commission, on the 5th day of June 1970, instituted an investigation under section 301(c)(2) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with piano actions produced by the Rockford Plant are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such manufacturing company.

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

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

Issued: June 5, 1970.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[F.R. Doc. 70-7166; Filed, June 9, 1970; 8:47 a.m.]

[TEA-W-23, TEA-W-24, TEA-W-25, and TEA-W-26]

WORKERS' PETITION FOR DETERMINATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISTANCE

Notice of Investigation

On the basis of petitions filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the production and maintenance workers and the salaried employees, respectively, of the Mishawaka Plant, Footwear Division Uniroyal, Inc., Mishawaka, Ind.; and on behalf of the production and maintenance workers of B. F. Goodrich Footwear Plant of Watertown, Mass., and of Servus Rubber Co., Footwear Division, Rock Island, Ill., respectively, the U.S. Tariff Commission, on the 5th day of June 1970, instituted an investigation under 301(c)(2) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with protective footwear of rubber or plastics, or with rubber- or plastic-soled footwear, with fabric uppers of the kinds produced by the aforementioned firms are being imported into the United States in such increased quantities as to cause, or to threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of the aforementioned firms.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation: *Provided*, Such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petitions filed in this case are available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in room 437 of the Customhouse.

Issued: June 5, 1970.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[F.R. Doc. 70-7195; Filed, June 9, 1970; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 9]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 5, 1970.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules–Motor Carriers of Passengers, 1969 (49 CFR 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. 546) (Cancels Deviation No. 469), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed May 26, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Atlanta, Ga., over Interstate Highway 85 to junction Georgia Highway 34, thence over Georgia Highway 34 to Newnan, Ga., with the following access route: From junction Interstate Highway 85 and unnumbered highway (Virginia Avenue), over unnumbered highway (Virginia Avenue) to College Park, Ga., and (2) from La Grange, Ga., over Georgia Highway 219 to junction Interstate Highway 85, thence over Interstate Highway 85 to Montgomery, Ala., with the following access routes: (1) From junction Interstate Highway 85 and Alabama Highway 126 over Alabama Highway 126 to Tuskegee, Ala., and (2) from junction Interstate Highway 85 and Alabama Highway 81 over Alabama Highway 81 to Tuskegee, Ala., 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 Atlanta, Ga., over U.S. Highway 29 via Moreland and La Grange, Ga., and Opelika, Ala., to Tuskegee, Ala., thence over U.S. Highway 80 to Montgomery, Ala., and return over the same route.

No. MC 1515 (Deviation No. 547) (Cancels Deviation No. 541), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed May 27, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction Interstate Highways 80–94 and U.S. Highway 41 in Hammond, Ind., over Interstate Highways 80–94 to junction Interstate Highway 65 in East Gary, Ind., thence over Interstate Highway 65 to junction Indiana Highway 43 (also known as U.S. Highway 421), thence over Indiana Highway 43 to Lafayette, Ind., (2) from Gary, Ind., over city streets to the 15th Avenue Interchange

of Interstate Highway 65, and (3) from the Interchange of Interstate Highway 90 (Indiana Toll Road) and Interstate Highway 65 over Interstate Highway 65 to Interchange with Interstate Highways 80–94, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Lafayette, Ind., over U.S. Highway 52 via Templeton, Ind., to Atkinson, Ind., thence over U.S. Highway 52 to Kentland, Ind., thence over U.S. Highway 41 via Cook and Hammond, Ind., to Chicago, Ill., (2) from junction U.S. Highways 6 and 41 and Indiana Highway 152, over Indiana Highway 152 to junction Interstate Highways 80–94 to junction Interstate Highway 94, thence over Interstate Highway 94 to Chicago, Ill., and (3) from the Indiana-Ohio State line near U.S. Highway 20 over the Indiana-East-West Toll Road (also known as Indiana Turnpike) to the Indiana-Illinois State line at Hammond, Ind., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-7203; Filed, June 9, 1970; 8:50 a.m.]

[Notice 19]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 5, 1970.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 114), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309, filed May 26, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Columbia, Tenn., over U.S. Highway 43 to junction Alabama Highway 17, thence over Alabama Highway 17 to York, Ala., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Columbia, Tenn., over U.S. Highway 31 to Birmingham, Ala., and (2) from Birmingham, Ala., over U.S. Highway 11 to York, Ala., and return over the same routes.

No. MC 10343 (Deviation No. 17), CHURCHILL TRUCK LINES, INC., U.S. Highway 36 West, Post Office Box 250, Chillicothe, Mo. 64601, filed May 28, 1970. Carrier's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Kansas City, Mo., and junction Interstate Highway 70 and U.S. Highway 61, at or near Wentzville, Mo., over Interstate Highway 70, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service route as follows: (1) From Kansas City, Mo., over U.S. Highway 69 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 24, thence over U.S. Highway 24 to Quincy, Ill., (2) from junction U.S. Highways 61 and 36, near Hannibal, Mo., over U.S. Highway 36 to junction U.S. Highway 24, and (3) from Memphis, Mo., over U.S. Highway 136 to junction U.S. Highway 61, thence over U.S. Highway 61 to Wentzville, Mo., thence over U.S. Highway 40 to East St. Louis, Ill., thence over city streets to National Stock Yards, Ill., and return over the same routes.

No. MC 105881 (Deviation No. 2), M. R. & R. TRUCKING COMPANY, 715 North Ferdon Boulevard, Crestview, Fla. 32536, filed May 25, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Atlanta, Ga., over Interstate Highway 85 (using U.S. Highway 29 pending completion of the unfinished portions of Interstate Highway 85) to Montgomery, Ala., thence over Interstate Highway 65 to junction Alabama Highway 21, thence over Alabama Highway 21 to the Alabama-Florida State line, thence over Florida Highway 97 to junction U.S. Highway 29, thence over U.S. Highway 29 to Pensacola, Fla., and (2) from Atlanta, Ga., over Interstate Highway 75 to junction U.S. Highway 90, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Atlanta, Ga., over U.S. Highway 19 to Albany, Ga., thence over Georgia Highway 91 to the Georgia-Florida State line, thence over Florida Highway 2 to Malone, Fla., (2) from Panama City, Fla., over Florida Highway 22 to Wewahitchka, Fla., thence over Florida Highway 71 to the Florida-Alabama State line near Malone, Fla., (3) from Jacksonville, Fla., over U.S. Highway 90 to Pensacola, Fla., (4) from Atlanta, Ga., over U.S. Highway 19 to Albany, Ga., thence over Georgia Highway 91 to junction Georgia Highway 253, thence over Georgia Highway 253 to Bainbridge, Ga., (5) from Bainbridge, Ga., over U.S. Highway 27 to Amsterdam, Ga., (6) from Amsterdam, Ga., over U.S. Highway 27 to Tallahassee, Fla., (7) from Jacksonville, Fla., over U.S. Highway 90 to Cottondale, Fla., and (8) from Greenville, Fla., over U.S. Highway 90 to Lake City, Fla., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-7204; Filed, June 9, 1970; 8:50 a.m.]

[Notice 52]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 5, 1970.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 133589 (Republication), filed March 26, 1969, published in the FEDERAL REGISTER issue of April 24, 1969, and republished this issue. Applicant: BCT, INC., Post Office Box 200, Boise, Idaho 83701. Applicant's representative: Carl Steiner, 39 South La Salle Street, Chicago, Ill. 60603. A corrected report and recommended order of the Hearing Examiner served April 22, 1970 (superseding the previous report and recommended order served Apr. 6, 1970), made effective on May 22, 1970 and served on May 28, 1970, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, in the transportation of (1) *Paper and paper products, corrugated boxes, fiber containers, bags, and cans and parts thereof*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the aforementioned commodities, except commodities in bulk, (1) between St. Louis, Mo., on the one hand, and, on the

other, points in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and Wisconsin; restricted against handling shipments between the plantsite of Inland Container Co. in Fenton, Mo., on the one hand, and, on the other, points in Illinois and Indiana, (2) between Moonachie, N.J., on the one hand, and on the other, points in Alabama, Connecticut, Georgia, Indiana, Maine, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, and Virginia.

(3) Between Sandston, Va., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Georgia, Indiana, New Jersey, New York, and Pennsylvania (except points lying on and south of U.S. Highway 22 from Easton to Harrisburg, on and north of Pennsylvania Highway 230 from Harrisburg, to Lancaster, and on and north of U.S. Highway 30 from Lancaster to Philadelphia), (4) between Elk Grove Village, Hillside, and Addison, Ill., on the one hand, and, on the other, points in Indiana, Michigan, Ohio, and Wisconsin, (5) between Atlanta, Ga., on the one hand, and, on the other, points in Alabama, Florida, North Carolina, and South Carolina, (6) between Allentown, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont, Virginia, and Washington, D.C., (7) between Pittsburgh, Pa., on the one hand, and, on the other, points in Delaware, Maryland, New York, Ohio, Virginia, West Virginia, and Washington, D.C., (8) between Waterbury and Stratford, Conn., on the one hand, and, on the other, points in Massachusetts, Pennsylvania, New Hampshire, New Jersey, New York, and Rhode Island, (9) between Newton, N.C., on the one hand, and, on the other, points in Alabama, Georgia, South Carolina, and Tennessee, (10) between St. Paul, Minn., on the one hand, and, on the other, points in Illinois and Wisconsin, (11) between Marion, on the one hand, and, on the other, points in Indiana, Michigan, and Pennsylvania, (12) between West Memphis, Ark., on the one hand, and, on the other, points in Alabama, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.

(13) Between La Porte, Ind., on the one hand, and, on the other, points in Illinois, Michigan, Ohio, and Wisconsin, (14) between Memphis, Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, and Wisconsin. That operation by applicant as contract carrier by motor vehicle, under a continuing contract with Boise Cascade Corp., of Boise, Idaho, in the transportation of the commodities, from and to the points, as shown hereinabove will be consistent with the public interest and the national transportation policy: *Provided*, That the following conditions precedent are fulfilled prior to the issuance of the permit: (1) Because it is possible that other parties, who have relied upon the notice of the application as previously published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced and (2) an application for approval of the acquisition of control under the provision of section (5)(2)(a) of the Interstate Commerce Act shall be filed by Boise Cascade Corp. and shall be approved and authorized by the Commission.

No. MC 133681 (Republication) filed April 21, 1969, published in the FEDERAL REGISTER issues of May 15, 1969, and October 23, 1969, and republished this issue. Applicant: BIG CHET & SONS TRUCKING, INC., 203 Diamond Street, Brooklyn, N.Y. 11232. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. The modified procedure has been followed in this proceeding and a report and order of the Commission, Review Board No. 3, decided May 15, 1970, and served May 28, 1970, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of toilet preparations, cosmetics, and materials and supplies used in the preparation of toilet preparations and cosmetics, between points in that portion of the New York, N.Y., commercial zone as defined in the fifth supplemental report in *Commercial Zones and Terminals Areas*, 53 M.C.C. 451 within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), on the one hand, and, on the other, points in Bergen, Essex, Hudson, Middlesex, Monmouth, and Union Counties, N.J., under a continuing contract or contracts with B. H. Kruger, Inc., of Brooklyn, N.Y., LCR Manufacturing Division, Lanvin-Charles of the Ritz of Holmdel, N.J., Sacoma Cosmetiques, Inc., of New York, N.Y., and Vitabath Inc., of Ramsey, N.J., will be consistent with the public interest and the national transportation policy. Because it is possible that other person, who have relied upon the notice of the application as published, may have an interest in, and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, an appropriate permit will be issued, subject to the condition that a notice of the authority actually granted herein will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 90794 (Notice of Filing of Petition for Interpretation, Modification, and Reformation of its Certificate), filed May 25, 1970. Petitioner: LIFT VAN TRANSPORT, INC., Staten Island, N.Y. Petitioner's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Petitioner holds a certificate in No. MC 90794, dated September 6, 1968, authorizing the transportation of Lift vans, loaded and unloaded, between points in the New York, N.Y., commercial zone, as defined by the Commission, on the one hand, and, on the other, Philadelphia, Pa., and points in Pennsylvania within 15 miles of the city hall, Philadelphia, and points in that part of Connecticut, New Jersey, and New York within 100 miles of Columbus Circle, New York, N.Y. By the instant petition, petitioner requests that the "Lift van" authority of carrier be modified and reformed to read as follows: General commodities, in containers, between points in the New York, N.Y., commercial zone, as defined by the Commission, on the one hand, and, on the other, Philadelphia, Pa., and points in Pennsylvania within 15 miles of the city hall, Philadelphia, and points in that part of Connecticut, New Jersey, and New York within 100 miles of Columbus Circle, New York, N.Y. 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.

No. MC 114239 and No. MC 114239 (Sub-No. 16) (Notice of Filing of Petition to Increase Number of Shippers Authorized To Be Served), filed May 8, 1970. Petitioner: FARRIS TRUCK LINE, a corporation, Faucett, Mo. Petitioner's representatives: Tom B. Kretsinger and Warren H. Sapp, 450 Professional Building, Kansas City, Mo. 64106. Petitioner holds a permit as a contract carrier from this Commission in MC-114239 issued February 18, 1965, authorizing as here pertinent transportation in interstate or foreign commerce by motor vehicle, over irregular routes, *Agricultural pesticides*, dry, in containers and in bulk (other than in tank vehicles), and agricultural pesticides, liquid, in drums, from St. Joseph, Mo., to points in Arkansas, Iowa, Illinois, Kansas, Minnesota, and Nebraska, with no transportation for compensation on return except as otherwise authorized. *Agricutural pesticides and ingredients thereof*, dry, in containers and in bulk (other than in tank vehicles), and liquid, in containers, from St. Joseph, Mo., to points in Colorado, Indiana, Iowa, Kentucky, Michigan, Montana, North Dakota, New Mexico,

Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming, with no transportation for compensation on return except as otherwise authorized. From points in Arkansas, California, Colorado, Florida, Illinois, Iowa, Michigan, Mississippi, Nevada, New Jersey, New Mexico, Ohio, and Tennessee, to St. Joseph, Mo., with no transportation for compensation on return except as otherwise authorized.

Restriction: The operations authorized under the two commodity descriptions next above are limited to a transportation service to be performed under a continuing contract, or contracts, with Woodbury Chemical Co., of St. Joseph, Mo.: Farris also holds authority in MC–114239 Sub 16, issued February 13, 1968, from this Commission authorizing operations in interstate or foreign commerce as a contract carrier by motor vehicle over irregular routes, "*Agricultural pesticides* and *ingredients therefor*, in containers, from St. Joseph, Mo., to points in Mississippi, Louisiana, Alabama, Georgia, Florida, Arizona, California, and New York, with no transportation for compensation on return except as otherwise authorized. From points in Texas, Louisiana, Alabama, Georgia, Arizona, and Indiana, to St. Joseph, Mo., with no transportation for compensation on return except as otherwise authorized. From the plantsite of Woodbury Chemical Co. at Los Angeles, Calif., to points in Nevada, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, and New York, with no transportation for compensation on return except as otherwise authorized. From Orlando, Fla., to points in Georgia, Alabama, Mississippi, Louisiana, Arkansas, Tennessee, Indiana, Ohio, Kentucky, Texas, Oklahoma, and California, with no transportation for compensation on return except as otherwise authorized. From Denver, Colo., to points in Nebraska, Wyoming, South Dakota, North Dakota, Minnesota, Wisconsin, Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, Missouri, Kansas, and Iowa, with no transportation for compensation on return except as otherwise authorized. From Lubbock, Tex., to points in Arkansas, Oklahoma, Louisiana, Missouri, Tennessee, Mississippi, Alabama, Georgia, Florida, Colorado, Kansas, North Dakota, South Dakota, Wyoming, New Mexico, Montana, Nebraska, and Minnesota, with no transportation for compensation on return except as otherwise authorized."

"Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Woodbury Chemical Co., of St. Joseph, Mo." By the instant petition, petitioner prays an order of this Commission be entered amending its permits in Dockets Nos. MC–114239 and MC–114239 Sub 16 to reflect the change of name of the shipper from Woodbury Chemical Co. to Missouri Chemical Co. and to add the following shippers authorized to be served under the authority involved: (1) Farmland Industries, Inc.; (2) Dow Chemical Co.; (3) Woodbury Industries, Inc.; and (4) Woodbury Chemical Co., a division of Tecnee Corp.; and (5) Missouri Chemical Co., and for such further relief as may be proper. 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.

No. MC 128072 (Notice of Filing of Petition for Waiver of Rule 101(e), for Reconsideration and for Modification and Amendment of Permit), filed May 15, 1970. Petitioner: Custom Beverage Packers, Inc., Aurora, Ohio. Petitioner's representative: Ronald L. Wollett, 88 East Broad Street, Columbus, Ohio 43215. Petitioner operates in interstate commerce as a contract carrier by virtue of authority held in Docket No. MC 128072. The authority granted therein reads as follows: "Irregular routes:" "Empty containers, from Detroit, Mich., to Aurora, Ohio, with no transportation for compensation on return except as otherwise authorized." "Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with the American Can Co. of Detroit, Mich." By the instant petition, petitioner states that the American Can Co. has closed its warehouse at Aurora, Ohio, and has established a warehouse at Berea, Ohio. Petitioner requests that the proceedings in Docket No. MC 128072 be reopened and that the authority granted thereunder be amended to read: "Irregular routes:" "Empty containers, from Detroit, Mich., to Berea, Ohio, with no transportation for compensation on return except as otherwise authorized." "Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the American Can Co. of Detroit, Mich." 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.

No. MC 128217 (Notice of Filing of Petition for Modification of Permit to Add Additional Contracting Shipper), filed May 25, 1970. Petitioner: REINHART MAYER, doing business as MAYER TRUCK LINE, Jamestown, N. Dak. Petitioner's representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102. Petitioner is authorized to conduct operations as a motor contract carrier, transporting, over irregular routes: Iron and steel articles described in Group III of Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, from Broadview, Chicago, and Chicago Heights, Ill., to points in Montana and North Dakota; from Granite City and Sterling, Ill., and Duluth and Minneapolis, Minn., to points in Montana, North Dakota and South Dakota, from Jamestown, N. Dak., to points in Montana and South Dakota, under a continuing contract or contracts with LeFevre Sales, Inc., of Jamestown, N. Dak. By the instant petition, petitioner seeks to add Haybuster Manufacturing, Inc., Jamestown, N. Dak., as an additional 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.

APPLICATIONS FOR CERTIFICATE OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 52752 (Sub-No. 20), filed May 21, 1970. Applicant: WESTERN TRANSPORTATION COMPANY, a corporation, 1300 West 35th Street, Chicago, Ill. 60609. Applicant's representative: Jack Goodman, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except high explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (a) between points in the Illinois counties of Lake, Cook, McHenry, Boone, De Kalb, Kane, Du Page, Kendall, Will, La Salle, and Grundy; that part of Lee and Ogle located on and east of U.S. Highway 51, and that part of Winnebago located on and east of U.S. Highway 51, and on and south of U.S. Highway 20; and (b) between points in the Illinois counties of Lake, Cook, McHenry, Boone, De Kalb, Kane, Du Page, Kendall, Will, La Salle, Grundy; that part of Lee and Ogle located on and east of U.S. Highway 51, and that part of Winnebago located on and east of U.S. Highway 20, on the one hand, and, on the other, points in Illinois; restricted to traffic originating at or destined to points in the aforesaid named counties and portions thereof. NOTE: Applicant states it will join the proposed authority with all its presently held authority in MC 52752 and subs thereunder. Tacking would occur at all points sought in this application presently authorized to applicant on its regular route, and authorized points in Illinois, Indiana, and Iowa would be served. This is a matter directly related to MC–F–10840, published in the FEDERAL REGISTER issue of June 3, 1970. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

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–10847. Authority sought for continuance in control by W. C. KENDRICK AND J. B. KENDRICK, Post Office Box 63, Salem, Ill. 62881, of EAGLE TRUCKING COMPANY, Post Office Box 451, Salem, Ill. 62881, upon issuance to it of a certificate applied for in pending docket No. MC–134417. Applicant's attorney: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Operating rights sought to be controlled: In pending Docket No. MC–134417 covering the transportation of *rock, sand, gravel, and road aggregates*, in bulk, as a *common carrier* over irregular routes, between points in that part of Illinois on and south of U.S. Highway 136, restricted to the transportation of shipments having a prior movement by rail. W. C. KENDRICK nor J. B. KENDRICK holds authority from this Commission. However, they control KENDRICK CARTAGE CO., Post Office Box 63, Salem, Ill. 62881, which is authorized to operate as a *common carrier* in Illinois, Missouri, Arkansas, Iowa, Kansas, Kentucky, Michigan, Minnesota, Nebraska, Ohio, Oklahoma, Tennessee, Wisconsin, South Dakota, Alabama, Texas, Georgia, Florida, Mississippi, Pennsylvania, Indiana, Massachusetts, New York, New Jersey, Maryland, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10848. Authority sought for purchase by INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. 10001, of the operating rights and certain property of SOUTHERN TIER GARMENT CARRIERS, INC., 7 Sherwood Boulevard, Oswego, N.Y., and for acquisition by DOROTHY GIDDINS, JACK LIBERMAN, and DOROTHY GIDDINS, TRUSTEE for ROBERT GIDDINS, BARRY GIDDINS and GAIL HAMMER, all also of 247 West 35th Street, New York, N.Y. 10001, of control of such rights and certain property through the purchase. Applicants' attorney and representative: Herbert Burstein, 30 Church Street, New York, N.Y. 10007, and Remo Allio, 19 Washington Avenue, Endicott, N.Y. Operating rights sought to be transferred: *Wearing apparel*, on hangers, as a *common carrier*, over irregular routes, from certain specified points in New York, to certain specified points in Pennsylvania; *materials and supplies* used in the manufacture of *wearing apparel*, uncrated, from the above destination points to points in the above origin territory, with restriction; *wearing apparel*, on hangers, and *materials and supplies* used in the manufacture thereof when transported in the same vehicle with wearing apparel, between New York, N.Y., and points in Hudson County, N.J., on the one hand, and, on the other, certain specified points in New York; *wearing apparel*, on hangers, and *materials and supplies* used in the manufacture of wearing apparel, between New York, N.Y., and certain specified points in New Jersey, on the one hand, certain specified points in New York, *wearing apparel on hangers*, from Elkland and Athens, Pa., to points in Hudson County, N.J., and points in that part of the New York, N.Y., commercial zone, as defined in the fifth supplemental report in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by section 203(b)(8) of the Interstate Commerce Act (the exempt zone); and *materials and supplies* used in the manufacture of wearing apparel, uncrated, from points in the above-described destination territory, to Elkland and Athens, Pa. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, New York, Maryland, Tennessee, and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10849. Authority sought for purchase by HURLIMAN TRUCKING COMPANY, Post Office Box 17204, Portland, Oreg. 97217, of the operating rights of MARCEL HURLIMAN AND CONSTANCE HURLIMAN, doing business as HURLIMAN TRUCKING, Post Office Box 17204, Portland, Oreg. 97217, and for acquisition by M. P. HURLIMAN, also of Portland, Oreg., of control of such rights through the purchase. Applicants' attorney: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Operating rights sought to be transferred: *Automobile and truck parts and accessories*, as a *contract carrier* over irregular routes, from Chicago and Rockford, Ill.; East Chicago and Nappanee, Ind.; Davenport, Iowa; Baltimore, Md.; Detroit, Grand Rapids, Lansing, Saginaw, and Wyandotte, Mich.; Cleveland and Toledo, Ohio; and Milwaukee, Wis.; to Grants Pass and Portland, Oreg., with restriction; (the following authority was granted pursuant to order of Operating Rights Board, dated Dec. 31, 1969, in No. MC–126859 Sub-3 and is contingent upon approval of this section 5 application), *automobile and truck parts and accessories*, as a *contract carrier* over irregular routes, from Romulus, Mich.; Elkhart and Madison, Ind.; Quincy and Flora, Ill.; Akron and Whitehouse, Ohio; and Dallas, Tex.; to Grants Pass and Portland, Oreg. Vendee is authorized to operate as a *contract carrier* in New York, Arizona, California, Colorado, Idaho, Iowa, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10850. Authority sought for merger into MIDWEST FREIGHT FORWARDING COMPANY, INC., U.S. Highway 36 West, Elwood, Kans. 66024, of the operating rights and property of CATANIA BROTHERS CARTAGE COMPANY, INC., U.S. Highway 36 West, Elwood, Kans. 66024, and for acquisition by CROUCH BROS., INC., and in turn by ARTHUR F. CROUCH, CLEO CROUCH, and ROGER CROUCH, all also of Elwood, Kans. 66024, of control of such rights and property through the transaction. Applicants' attorney: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Operating rights sought to be merged: *General commodities*, excepting, among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier*, over irregular routes, between points in Illinois within a 50-mile radius of 706–08 West Harrison Street, Chicago, Ill., including Chicago. MIDWEST FREIGHT FORWARDING COMPANY, INC., is authorized to operate as a *common carrier* in Connecticut, New York, Pennsylvania, Illinois, Massachusetts, Ohio, and New Jersey. Application has not been filed for temporary authority under section 210a(b). NOTE: MIDWEST FREIGHT FORWARDING COMPANY, INC., controls CATANIA BROTHERS CARTAGE COMPANY, INC., through ownership of capital stock pursuant to authority granted February 21, 1966, in No. MC–F–8969, and consummated March 25, 1966.

No. MC–F–10851. Authority sought for purchase by MID CONTINENT FREIGHT LINES, INC., 2711 North Fairview Avenue, St. Paul, Minn. 55113, of the operating rights of MERCHANTS CARTAGE, INC., 2091 Kasota Avenue, St. Paul, Minn. 55108, and for acquisition by COMMERCIAL SUPPLIERS, INC., and in turn by R. J. BABCOCK, both also of 2711 North Fairview Avenue, St. Paul, Minn. 55113, of control of such rights through the purchase. Applicants' attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between Minneapolis, St. Paul, St. Louis Park, Hopkins, Robbinsdale, Columbia Heights, Golden Valley, Fort Snelling, Brooklyn Center, McCarron's Lake, Richfield, New Brighton, Morningside, Fridley, Edina, Redrock, Browndale, North St. Paul, South St. Paul, West St. Paul, Invergrove Heights (formerly Inver Grove), St. Paul Park, Mendota, State Fair Grounds, Newport, and points in Rose Township, Ramsey County, Minn., between points in Minneapolis, St. Paul, St. Louis Park, Hopkins, Robbinsdale, Columbia Heights, Golden Valley, Fort Snelling, Brooklyn Center, McCarron's Lake, Richfield, New Brighton, Morningside, Fridley, Edina, Redrock, Browndale, North St. Paul, South St. Paul, West St. Paul, Invergrove Heights (formerly Invergrove), St. Paul Park, Mendota, State Fair Grounds, Newport, and those in Rose Township, Ramsey County, Minn., with restriction. Vendee is authorized to operate as a *common carrier* in Indiana, Illinois, Oklahoma, Missouri, Kansas, Wisconsin, Minnesota, and Texas. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10852. Authority sought for merger into BRUCE MOTOR FREIGHT, INC., 3920 Delaware Avenue, Des Moines, Iowa 50313, of the operating rights and property of BRUCE MOTOR

FREIGHT, INC. (IND.), formerly ZIFFRIN TRUCK LINES, INC., 3920 Delaware Avenue, Des Moines, Iowa 50313, and for acquisition by E. W. HARLAN, 3920 Delaware Avenue, Des Moines, Iowa, C. F. ILES, H. E. McKINNEY, both of 3123 Delaware Avenue, Des Moines, Iowa, and R. A. BROWN, SR., Post Office Box S, Bettendorf, Iowa, of control of such rights and property through the transaction. Applicants' attorney: Homer E. Bradshaw, 11th Floor Des Moines Building, Des Moines, Iowa 50309. Operating rights sought to be merged: *General commodities*, except those of unusual value, explosives, inflammable articles, livestock, and commodities in bulk, as a *common carrier*, over regular routes, between Plymouth, Ind., and junction U.S. Highway 31 and Indiana Highway 9, serving all intermediate points and the off-route point of Tipton, Ind., between Chicago, Ill., and Cincinnati, Ohio, serving all intermediate points, and the off-route points of Riverdale, Ill., and Whiting and Gary, Ind., between Indianapolis, Ind., and Cincinnati, Ohio, between Indianapolis, Ind., and Muncie, Ind., serving all intermediate points, between Indianapolis, Ind., and Marshall, Ill., serving all intermediate points, and the off-route point of Greencastle, Ind., between Indianapolis, Ind., and Vincennes, Ind., serving all intermediate points, and the off-route point of Martinsville, Ind., between Indianapolis, Ind., and Fort Wayne, Ind., serving all intermediate points, and the off-route points of Frankton and Elwood, Ind., between Oxford, Ohio, and Cincinnati, Ohio, serving all intermediate points, between Chicago, Ill., and Indianapolis, Ind., between Joliet, Ill., and Plymouth, Ind., between junction U.S. Highway 31 and Indiana Highway 38, northwest of Noblesville, Ind., and junction Indiana Highways 1 and 44, at Connersville, Ind., between Greensville, Ohio, and junction U.S. Highways 40 and 35, east of Richmond, Ind., serving no intermediate points, between Indianapolis, Ind., and Louisville, Ky., serving all intermediate points on portions of U.S. Highways 31, 31W, and 31E authorized, between Seymour, Ind., and junction U.S. Highways 31 and 31A, north of Columbus, Ind., between Seymour, Ind., and junction U.S. Highways 50 and 31, east of Seymour, serving all intermediate points; over numerous alternate routes for operating convenience only;

General commodities, except household goods as defined by the Commission, commodities in bulk, and those exceeding ordinary equipment and loading facilities, between Chicago, Ill., and Milwaukee, Wis., serving all intermediate points, and points in the Chicago, Ill., commercial zone, as defined by the Commission; *general commodities*, between Versailles, Ind., and junction U.S. Highways 50 and 31, between junction U.S. Highway 52 and Indiana Highway 28, and junction Indiana Highways 28 and 9, between Peru, Ind., and Marion, Ind., between New Castle, Ind., and Muncie, Ind., serving no intermediate points; *general commodities*, except those of unusual value, classes A and B explosives, inflammable articles, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, between junction Indiana Highways 28 and 9, near Alexandria, Ind., and Richmond, Ind., between Franklin, Ind., and Shelbyville, Ind., serving no intermediate points; *general commodities*, except livestock, classes A and B explosives, inflammable articles, commodities in bulk, and those of unusual value, between Chicago, Ill., and junction U.S. Highways 41 and 6 and Indiana Highway 152, serving all intermediate points on the Calumet-Tri-State Expressway;

Iron and steel articles, over irregular routes, from the plantsite of Jones & Laughlin Steel Corp., located in Putnam County, Ill., to points in Indiana and Kentucky, with restriction; and *materials, equipment, and supplies* used in the manufacture and processing of iron and steel articles, from points in Indiana and Kentucky, to the plantsite of Jones & Laughlin Steel Corp., located at Putnam County, Ill., with restriction. BRUCE MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Minnesota, Iowa, Missouri, Kansas, Illinois, Wisconsin, and Indiana. Application has not been filed for temporary authority under section 210a(b). NOTE: BRUCE MOTOR FREIGHT, INC., controls BRUCE MOTOR FREIGHT INC. (IND.) (formerly ZIFFRIN TRUCK LINES, INC.), through ownership of capital stock pursuant to order, by Review Board No. 5, in Docket No. MC-F-9868, granted February 8, 1968, and consummated March 27, 1968.

No. MC-F-10853. Authority sought for purchase by GAMACHE TRUCKING CO., INC., Bates Street, Fall River, Mass. 02722, of the operating rights and property of SOUTHEAST TRANSFER, INC., 425 Field Street, Fall River, Mass. 02720, and for acquisition by NORMAN T. GAMACHE, SR., Tickle Lane, North Westport, Mass. 02765, of control of such rights and property through the purchase. Applicants' attorney: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-98773 Sub-1, covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Massachusetts, Rhode Island, Connecticut, New Jersey, New York, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10854. Authority sought for purchase by B. F. WALKER, INC., 650 17th Street, Denver, Colo. 80202, of a portion of the operating rights of M & H TRUCKING, INC., Post Office Box 1995, Farmington, N. Mex. 87401, and for acquisition by NOBLE AFFILIATES, INC., Lincoln Center, Ardmore, Okla. 73401, of control of such rights through the purchase. Applicants' attorneys: Richard P. Kissinger, Post Office Box 1148, Austin, Tex. 78767, and B. J. Baggett, Post Office Box 447, Farmington, N. Mex. 87401. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts and the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and *heavy or bulky articles* that require the use of special equipment, as a *common carrier*, over irregular routes, between points in San Juan, Rio Arriba, and McKinley Counties, N. Mex., Dolores, San Miguel, Montezuma, San Juan, La Plata, and Archuleta Counties, Colo., Navajo, and Apache Counties, Ariz., and San Juan County, Utah. Vendee is authorized to operate as a *common carrier* in Texas, Louisiana, Oklahoma, New Mexico, Kansas, Colorado, Wyoming, Utah, Montana, Arizona, North Dakota, South Dakota, Arkansas, Nevada, Nebraska, and Mississippi. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 70-7205; Filed, June 9, 1970; 8:51 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JUNE 5, 1970.

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 § 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. 2395, filed April 29, 1970. Applicant: CURRY MOTOR FREIGHT LINES, INC., 700 Northeast Third Street, Amarillo, Tex. 79105. Applicant's representative: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. 79101. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, over U.S. Highway 87 from Mason, Tex., to Eden, Tex., serving all intermediate points, including

Brady, Tex., and the right to serve Lamesa, Tex. Both intrastate and interstate authority sought.

HEARING: Approximately 30 days after publication in the FEDERAL REGISTER. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Railroad Commission of Texas, Transportation Division, Capitol Station, Post Office Drawer EE, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

State Docket No. Amended 2627 filed May 25, 1970. Applicant: CENTRAL FREIGHT LINES INC., 303 South 12th Street, Waco, Tex. Applicant's representative: Phillip Robinson, The 904 Lavaca Building, Austin, Tex. 78701. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities;* (a) between Bonham, Tex., and Greenville, Tex., as follows: From Bonham, Tex., over U.S. Highway 82 to Paris, Tex., thence over Texas Highways 19 and 154, via Sulphur Springs, Tex., to their junctions with Interstate Highway 30, thence over Interstate Highway 30 to its junctions with Texas Highway 24 and U.S. Highway 69, thence over Texas Highway 24 and U.S. Highway 69 to Greenville, Tex., and return over the same route, serving all intermediate points; (b) between junction of Interstate 30 and Texas Highway 154 near Sulphur Springs, Tex., and junction of Interstate Highway 20 and U.S. Highway 69, near Lindale, Tex., as follows: From junction of Interstate Highway 30 and Texas Highway 154 over Texas Highway 154 to Quitman, Tex., thence over Texas Highway 37 to Mineola, Tex., thence over U.S. Highway 69 to junction of Interstate Highway 20 and U.S. Highway 69, and return over the same route, serving all intermediate points; (c) between Dallas, Tex., and Marshall, Longview, and Tyler, Tex., as follows: From Dallas, Tex., over Interstate Highway 20 to Marshall, Tex., from Marshall, Tex., over U.S. Highway 80 to Longview, Tex., and from junction Interstate Highway 20 and U.S. Highway 69 over U.S. Highway 69 to Tyler, Tex., thence over U.S. Highway 271 to junction U.S. Highway 271 and Interstate Highway 20, and return over the same routes, serving all intermediate points and the off-route point of Canton, Tex.; (d) between Tyler, Tex., and Beaumont, Tex., as follows: From Tyler, Tex., over U.S. Highway 69 to Beaumont, Tex., and return over the same route, serving all intermediate points; (e) between Marshall, Tex., and Beaumont, Tex., as follows: From Marshall, Tex., over U.S. Highway 59 to Tenaha, Tex., thence from Tenaha over U.S. Highway 96, via Center, San Augustine, and Jasper, Tex., to Beaumont, and return over the same route, serving all intermediate points;

(f) Between Houston, Tex., and Longview, Tex., as follows: From Houston, Tex., over U.S. Highway 59 to Nacogdoches, Tex., thence over U.S. Highway 259 to Longview, Tex., and return over the same route, serving all intermediate points and the off-route point of Kilgore; (g) between Bryan, Tex., and Caldwell, Tex., as follows: From Bryan, Tex., over Texas Highway 21 to Caldwell, Tex., and return over the same route, serving all intermediate points; (h) between Bryan, Tex., and San Augustine, Tex., as follows: From Bryan, Tex., over Texas Highway 21 to Alto, Tex., thence over Texas Highway 21 to Nacogdoches, Tex., and thence over Texas Highway 21 to San Augustine, Tex., and return over the same route, serving no intermediate points except Alto and Nacogdoches, Tex., and serving the termini and Alto and Nacogdoches, Tex., for the purpose of performing a joinder of said proposed routes with other routes; (i) between Corsicana, Tex., and Tyler, Tex., as follows: From Corsicana, Tex., over Texas Highway 31 to Tyler, Tex., and return over the same route, serving no intermediate points; and (j) between Dallas, Tex., and Jacksonville, Tex., as follows. From Dallas, Tex., over U.S. Highway 175 to Jacksonville, Tex., and return over the same route, serving no intermediate points. NOTE: Applicant proposes to tack and coordinate the proposed additional services with all services now authorized in intrastate commerce under certificates Nos. 2627, 2054, 4337, and 4336 and with all services now authorized in interstate and foreign commerce under authorities granted in docket No. MC-30867 and all subs thereunder. Applicant seeks no duplicate authority. Buth intrastate and interstate authority sought.

HEARING: Approximately 30 days after publication in the FEDERAL REGISTER. The exact date, time, and place or places will be determined at a later date; this information will be available from the Director, Transportation Division.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to Railroad Commission of Texas, Capitol Station, Post Office Drawer EE, Austin, Tex. 78711.

State Docket No. Case Mt-7425 filed May 5, 1970. Applicant: CUYUGA SERVICE, INC., Post Office Box 74, South Lansing, N.Y. 14882. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *salt,* in bulk and bags, from the towns of Lansing, Coxsackie, and Milo, the villages of Delanson and Warwick, and the city of Schenectady to all points in the State. NOTE: Applicant also seeks conversion of its Permit No. 7425 into a certificate. Said permit authorizes the transportation of rock-salt under contract with two named shippers from each of the origin points to all points in the State excluding named counties. Both intrastate and interstate authority sought.

HEARING: To be hereafter fixed. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the New York State Public Service Commission, 44 Holland Avenue, Albany, N.Y. 12208, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-7202; Filed, June 9, 1970; 8:50 a.m.]

[Notice 92]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 5, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 C.F.R. Part 340), 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 13569 (Sub-No. 23 TA), filed May 28, 1970. Applicant: THE LAKE SHORE MOTOR FREIGHT COMPANY, 1200 South State Street, Girard, Ohio 44420. Applicant's representative: Howard J. O'Malley, Jr. (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles,* between Campbell, Struthers, Warren, and Youngstown, Ohio, on the one hand, and, on the other, Indiana Harbor, Ind. (East Chicago, Ind.), for 120 days. NOTE: Applicant will tack with existing authority if permitted. Supporting shipper: The Youngstown Sheet and Tube Co., Youngstown, Ohio 44501. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 27817 (Sub-No. 26 TA), filed May 28, 1970. Applicant: H. C. GABLER, INC., Rural Delivery No. 3, Post Office Box 220, Chambersburg, Pa. 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier,* by motor

vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs*, not coldpack or frozen, from the plantsite of Duffy-Mott Co., Inc., at or near Aspers, Pa., to points in Pennsylvania, restricted to traffic having a prior or subsequent movement by rail, for 150 days. Supporting shipper: Duffy-Mott Co., Inc., 370 Lexington Avenue, New York, N.Y. 10017. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, Pa. 17108.

No. MC 36918 (Sub-No. 2 TA), filed May 28, 1970. Applicant: BECKER'S MOTOR TRANSPORTATION, INC., a corporation, 528 North Michigan Avenue, Kenilworth, N.J. 07033. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, under 1-gallon capacity, moving on automated roller-bed trailers, from Salem, N.J., to Brooklyn, N.Y., for 150 days. Supporting shipper: Anchor Hocking Corp., Lancaster, Ohio 43130. Send protests to: District Supervisor Walter J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 56244 (Sub-No. 25 TA), filed May 28, 1970. Applicant: KUHN TRANSPORTATION COMPANY, INC., Route No. 2, Box 71, Gardners, Pa. 17324. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs*, not coldpack nor frozen, from the plantsite of Duffy-Mott Co., Inc., at or near Aspers, Pa., to points in Pennsylvania, restricted to traffic having a prior or subsequent movement by rail, for 150 days. Supporting shipper: Duffy-Mott Co., Inc., 370 Lexington Avenue, New York, N.Y. 10017. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, Post Office Box 869, 228 Walnut Street, Harrisburg, Pa. 17108.

No. MC 114290 (Sub-No. 44 TA), filed May 28, 1970. Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth Avenue, Portland, Oreg. 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, 1200 Fifth Avenue, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Seattle, Wash., to points on the United States-Canada international boundary line at or near Blaine, Wash., for 180 days. Supporting shipper: MacDonalds Consolidated, Ltd., 840 Canby Street, Vancouver, British Columbia, Canada. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 115212 (Sub-No. 19 TA), filed May 25, 1970. Applicant: H.M.H. MOTOR SERVICE, Route 130, Cranbury, N.J. 08512. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, and in connection therewith, *supplies and equipment*, used in connection with the sale thereof, from Secaucus, N.J., to points in Indiana, Illinois, Iowa, Kentucky, Missouri, Ohio, West Virginia, and Wisconsin. *Returned shipments* of the above commodities in the opposite direction, for 180 days. Supporting shipper: Holly Stores, Inc., 550 West 59th Street, New York, N.Y. 10019. Send protests to: District Supervisor Robert S. H. Vance, Interstate Comerce Commission, Bureau of Operations, 970 Broad Street, Newark, N.J. 07102.

No. MC 126432 (Sub-No. 5 TA), filed May 26, 1970. Applicant: LLOYD WILSON PORSBORG, doing business as PORSBORG TRUCK LINE, 114 32d Street North, Apartment No. 3, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (and *empty containers on return trips*), from Glendive, Mont., to Plentywood, Glasgow, and Lewistown, Mont., and from Lewistown, Mont., to Glasgow, Mont., for 180 days. NOTE: Applicant intends to tack with present authority at Glendive and Lewistown, Mont., in MC 126432 and MC 126432 Sub 3, respectively. Supporting shippers: Johnson-Nicholson Co., Corp., Lewistown, Mont. 59457; Glasgow Distributors, Post Office Box 146, Glasgow, Mont. 59230; Sinclair Produce Distributing, Inc., Post Office Box 787, Glasgow, Mont. 59230; Tri-County Distributors, Post Office Box 45, Plentywood, Mont. 59254. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 129071 (Sub-No. 9 TA), filed May 25, 1970. Applicant: WHITEHALL TRANSPORT, INC., Post Office Box 387, Whitehall, Wis. 54773. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Whey*, powdered and/or dried milk solids, not to exceed 35 percent corn flour and/or other ingredients, from New York, N.Y., Elizabeth and Newark, N.J., and Charleston, S.C., to Red Wing, Minn., and Hager City and Watertown, Wis., for 180 days. Supporting shipper: M. E. Franks, Inc., 375 Park Avenue, New York, N.Y. 10022. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 134182 (Sub-No. 1 TA), filed May 25, 1970. Applicant: ALL-STAR TRANSPORTATION, a division of MILK PRODUCERS MARKETING COMPANY, Second and West Turnpike Road, Post Office Box 505, Lawrence, Kans. 65340. Applicant's representatives: Tom B. Kretsinger and Warren H. Sapp, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Hillsboro and Rossville, Ill.; Elwood, Geneva, and Portland, Ind.; Benton Harbor, Hartford, and Jackson, Mich.; Biglerville, Pa.; Clyman, Eagle River, Gillett, Lomira, New Richmond, and Sister Bay, Wis.; to Kansas City, Kans. *Dog food—canned and dry*, from Bushnell, Ill., to Kansas City, Kans., for 150 days. Supporting shipper: Associated Wholesale Grocers, Inc., 1601 Fairfax Trafficway, Kansas City, Kans. 66114. Send protests to: Thomas P. O'Hara, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Federal Building, Topeka, Kans. 66603.

No. MC 134636 TA, filed May 26, 1970. Applicant: PALLMAN ENTERPRISES, INC., Summit Lake Road, S. Abington Township, Lackawanna County, Pa. 18411. Applicant's representative: William D. Morgan, 310–320 Scranton Electric Building, 507 Linden Street, Scranton, Pa. 18503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from the plantsite of International Salt Co. at Watkins Glen, N.Y.; and *salt and pepper*, from the plantsite of International Salt Co. at Retsof, N.Y., to points in Bradford, Clinton, Columbia, Lackawanna, Luzerne, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, and Wyoming Counties, Pa., for 180 days. Supporting shipper: International Salt Co., Clarks Summit, Pa. Send protests to: Paul J. Kenwothy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 134647 TA, filed May 28, 1970. Applicant: MILDRED MAZZA, doing business as SHEPHERD TRANSPORTATION CO., 615 Avenue L, Brooklyn, N.Y. 11230. Applicant's representative: William Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Home furnishing, furniture, and giftwares*, for account of Ireb Import Export and affiliates: from points in the New York, N.Y., harbor as defined by the Commission, to Westbury, N.Y., and New Castle, N.Y., restricted to shipments having an immediate prior movement by water, for 150 days. Supporting shipper: Ireb Import Export, c/o J. E. Bernard & Co., Inc., 30 Church Street, New York, N.Y. 10007. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

MOTOR CARRIER OF PASSENGERS

No. MC 134361 (Sub-No. 1 TA), filed June 1, 1970. Applicant: WILDERNESS BOUND, LTD., in care of Richard Mandell, 215 Adam Street, Brooklyn, N.Y. 11201. Applicant's representative: Sidney Leshin, 501 Madison Avenue, New

York, N.Y. 10022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, from New York, N.Y., to points in California, Oregon, and Washington, and return as follows: New Jersey, Pennsylvania, Ohio, Indiana, Illinois, Iowa, Kansas, Colorado, Utah, Nevada, California, Oregon, Washington, Idaho, Montana, Wyoming, and South Dakota (for itinerant stop-offs), for 180 days. Supporting shippers: Phyllis Greenlug, 725 Stanley Avenue, Brooklyn, N.Y. 11207; Kenneth H. Bothwell (Principal), Haviland Road, Hyde Park, N.Y. 12538; Marlene Gordon, Mrs. Charles Gordon, Crum Elbor Road, Hyde Park, New York, N.Y. 12538; Michelos T. Argin, 780 Riverside Drive, New York 32, N.Y. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-7206; Filed, June 9, 1970; 8:51 a.m.]

[Notice 546]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 5, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72027. By order of June 2, 1970, the Motor Carrier Board, on reconsideration, approved the transfer to Southeast Transportation Co., a corporation, Tulsa, Okla., of the operating rights in certificates Nos. MC-123393 (Sub-No. 10), MC-123393 (Sub-No. 25), MC-123393 (Sub-No. 26), and MC-123393 (Sub-No. 35) issued May 7, 1962, October 2, 1964, April 28, 1964, and June 25, 1965, respectively, to Bilyeu Refrigerated Transport Corp., Marshall, Mo., authorizing the transportation of green unfinished cheese, from points in Iowa to Neosho, Joplin, Springfield, and Carthage, Mo.; fresh meats and food products (except canned goods), from points in Nebraska to Springfield, Mo., the site of the plant of M.F.A. Packing Division at or near Macon, Mo., and points in Jasper, Newton, and Lawrence Counties, Mo. (except fresh meats from Fremont, Nebr., to Springfield, Mo.); petroleum products, in containers, from Bradford, Pa., to specified points in Missouri, and meats, meat products, and articles distributed by meat packinghouses, food products (except vegetable oil products and fats and oils, in bulk, in tank vehicles), and agricultural commodities, when moving in mixed loads with the commodities described above, between Springfield, Mo., and the plantsites of Missouri Farmers Association at Macon, Carthage, El Dorado Springs, Cabool, Lebanon, Monett, and Neosho, Mo., on the one hand, and, on the other, points in Kentucky and Tennessee (except Memphis, Tenn.). Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106, attorney for applicants.

No. MC-FC-72124. By order of May 12, 1970, the Motor Carrier Board approved the transfer to Quadrel Bros. Trucking Co., Inc., Rahway, N.J., of the operating rights in certificate No. MC-119760 issued November 28, 1961, to Storch Trucking Co., Inc., Jersey City, N.J., authorizing the transportation, over irregular routes, of paper and paperboard, articles manufactured therefrom, and materials, including waste paper, mill supplies, and machinery and equipment used in the manufacture of such products, between Ridgefield Park and Bogota, N.J., and New York and Piermont, N.Y., on the one hand, and, on the other, Bound Brook, New Brunswick, and Perth Amboy, N.J., and South Norwalk, Conn., and points in Dutchess, Nassau, Orange, Rockland, and Westchester Counties, N.Y., and Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., and points in that part of Middlesex County, N.J., north of the Raritan River; chemicals and fertilizers, and materials used in the manufacture thereof, crude rubber, and gums between New York, N.Y., Bound Brook, N.J., Greenwich, Conn., and points in Dutchess, Nassau, Orange, Rockland, and Westchester Counties, N.Y., points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., and points in that part of Middlesex County, N.J., north of the Raritan River, and between New York, N.Y., and points in Dutchess, Nassau, Orange, Rockland, and Westchester Counties, N.Y., on the one hand, and, on the other, Whippany, N.J.; chemicals and materials and supplies used in connection with the manufacture thereof, between Marcus Hook and Philadelphia, Pa., and Claymont, Del., on the one hand, and, on the other, Greenwich, Conn., and the New York and New Jersey points specified above; gypsum, gypsum blocks, planks and plaster from Linden, N.J., to points in specified areas in New York, Pennsylvania, and Connecticut; and tallow and greases from Port Jervis, Kingston, and Poughkeepsie, N.Y., and Matamoris, Pa., to Jersey City, N.J. Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036, attorney for applicants.

No. MC-FC-72170. By order of June 1, 1970, the Motor Carrier Board approved the transfer to Hazel Kersting and Benton Lowry, a partnership, doing business as Kersting & Lowry Trucking Service, Martinsburg, Mo., of the operating rights in certificates Nos. MC-90847 and MC-90847 (Sub-No. 1) issued June 7, 1960, and July 18, 1961, respectively, to W. M. Kersting, Martinsburg, Mo., authorizing the transportation of coal, from Belleville, Ill., to Auxvasse, Mo., serving intermediate and off-route points in Audrain, Boone, and Callaway Counties, Mo., except Mexico and Fulton, Mo., within 15 miles of Auxvasse, for delivery only, and mines within 5 miles of Belleville for pickup only, over regular routes as follows: From Belleville over Illinois Highway 13 to East St. Louis, Ill., thence over U.S. Highway 40 to St. Louis, Mo., thence over Alternate U.S. Highway 40 to junction Bypass U.S. Highway 40, thence over Bypass U.S. Highway 40 to junction U.S. Highway 40, thence over U.S. Highway 40 to Kingdon City, Mo., and thence over U.S. Highway 54 to Auxvasse, and return over the same route; washing machines, coffins, and stoves, from St. Louis, Mo., to Auxvasse, Mo., serving no intermediate points, over the above-specified route to Auxvasse, and return; livestock and hay, from Auxvasse, Mo., to East St. Louis, Ill., serving intermediate and off-route points, except Mexico and Fulton, Mo., in Audrian, Boone, and Callaway Counties, Mo., within 15 miles of Auxvasse, over the above-specified route to East St. Louis; and wire fence and fence materials, shingles, livestock, feed, and fertilizer, from East St. Louis, Ill., to Auxvasse, Mo., serving intermediate and off-route points, except Mexico and Fulton, Mo., in Audrain, Boone, and Callaway Counties, Mo., within 15 miles of Auxvasse, over the above-specified route to Auxvasse; and dry fertilizer, from East St. Louis, Ill., to points in Lincoln, Montgomery, Audrain, and Boone Counties, Mo. Herman W. Huber, 101 East High Street, Jefferson City, Mo. 65101, attorney for applicants.

No. MC-FC-72173. By order of June 1, 1970, the Motor Carrier Board approved the transfer to Leo H. Cole, doing business as Cole's Trucking, Brighton, Mass., of that portion of the operating rights in certificate No. MC-134081 issued April 6, 1970, to X-Line, Inc., Akron, Ohio, authorizing the transportation, over irregular routes, of prefabricated buildings, knocked down or in sections, and fixtures and equipment to be installed therein, from Nashua, N.H., to points in Maine, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey. A. David Millner, 744 Broad Street, Newark, N.J. 07102, attorney for transferor. Frederick O'Sullivan, 372 Granite Avenue, Milton, Mass. 02186, attorney for transferee.

No. MC-FC-72174. By order of June 4, 1970, the Motor Carrier Board approved the transfer to Hebenofa Truck Line, Inc., Murfreesboro, N.C., of the operating rights in Certificate No. MC-23473, issued October 23, 1967, to

Raymond David Meiggs, Murfreesboro, N.C., authorizing the transportation of cotton, from points in Northampton County, N.C., to Danville and Norfolk, Va.; fruit and vegetable packages, from points in Northampton County, N.C., to points in Maryland and Delaware; agricultural commodities, and livestock, from Woodland, N.C., and points in North Carolina within 75 miles of Woodland, to Franklin, Suffolk, Norfolk, Petersburg, Richmond, and Danville, Va., Washington, D.C., and Baltimore, Md.; caskets, from Woodland, N.C., to points in Virginia, West Virginia, Maryland, and the District of Columbia; from Woodland, N.C., and points within 10 miles of Woodland, to points in Delaware, New Jersey, Ohio, Connecticut, Massachusetts, New York, and Pennsylvania; and empty casket containers, from points in Delaware, New Jersey, Ohio, Connecticut, Massachusetts, New York, and Pennsylvania, to Woodland, N.C., and points within 10 miles of Woodland. Joseph J. Flythe, Post Office Box 371, Ahoskie, N.C. 27910, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-7207; Filed, June 9, 1970; 8:51 a.m.]

[No. MC-C-6849]

KROGER CO.

Filing of Petition for Declaratory Order Regarding Limits of Commercial Zones

JUNE 5, 1970.

Notice of filing of petition for declaratory order interpreting the application of section 203(b)(8) of the Interstate Commerce Act with respect to access over private roads to private facilities bordering streets or highways set forth as limits of commercial zones, filed May 6, 1970.

Petitioner: THE KROGER CO., 1014 Vine Street, Cincinnati, Ohio 45201.

Petitioner's representative: Thomas F. McGrath (same address as above).

Petitioner has purchased land adjacent to and bordering on the existing specifically defined Cincinnati, Ohio, commercial zone. It seeks clarification of the application of section 203(b)(8) of the Interstate Commerce Act with respect to the access to and from this property, of regulated motor carriers entering and leaving such property through a private entranceway on the north side of Mulhauser Road (the existing northern boundary of the Cincinnati, Ohio, commercial zone). By the instant petition, it is requested that the Commission declare that access to the entranceway on the north side of Mulhauser Road is, in fact, within the partial exemption of section 203(b)(8) of the Act; to wit: a point within the Cincinnati, Ohio, commercial zone as defined at 106 M.C.C. 267, 270–272 (49 CFR 1048.7).

No oral hearing is contemplated at this time, but any person (including petitioner) wishing to make representations in favor of, or against, the entry of the order requested, may do so by submission of written data, views, or arguments. An original and six copies of such data, views, or arguments shall be filed with the Commission on or before July 13, 1970. Each such statement should include a statement of position, and a copy thereof should be served upon petitioner's representative.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-7208; Filed, June 9, 1970; 8:51 a.m.]

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FEDERAL REGISTER

VOLUME 35 • NUMBER 112

Wednesday, June 10, 1970 • Washington, D.C.

PART II

Department of Health, Education, and Welfare

Social and Rehabilitation Service

•

Financial Assistance to Individuals

Institutional Services in Intermediate Care Facilities

Title 45—PUBLIC WELFARE

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

PART 234—FINANCIAL ASSISTANCE TO INDIVIDUALS

Institutional Services in Intermediate Care Facilities

Final regulations governing assistance in the form of institutional services in intermediate care facilities were published in the FEDERAL REGISTER on June 24, 1969 (34 F.R. 9782).

Section 234.130 is revised to incorporate the following changes:

(1) The requirement for a full-time staff member has been changed to permit placing of program responsibility on a staff member who devotes sufficient time to these activities. (§ 234.130(a)(3)(i))

(2) The requirement for evaluation by a physician and social worker has been modified to clarify that such evaluations are to be made in relation to authorization of benefits. (§ 234.130(a)(3)(ii))

(3) The requirement for evaluations immediately prior to authorization has been deleted. The quarterly reevaluation requirement has been changed to semiannual. (§ 234.130(a)(3)(iii))

(4) The requirement for a regular periodic review now specifies that such reviews must be made at least annually. (§ 234.130(a)(4))

(5) The requirement that the State plan describe the services to be made available has been revoked. (§ 234.130(a)(5))

(6) The requirement for inclusion of State licensing and enforcement procedure documents as part of the State plan has been deleted. Such documents must be available to the Department of Health, Education, and Welfare upon request. (§ 234.130(a)(6))

(7) The definition of institutional services no longer includes a federally required range or level of care and services. (§ 234.130(d)(1))

(8) The range or level of care and services is no longer federally prescribed, but is set forth as a recommended minimum. (§ 234.130(d)(4))

As revised, § 234.130 reads as follows:

§ 234.130 Assistance in the form of institutional services in intermediate care facilities.

(a) *State plan requirements.* If a State plan under title I, X, XIV, or XVI of the Social Security Act includes benefits in the form of institutional services in intermediate care facilities, it must:

(1) Provide that such benefits will be provided only to individuals who:

(i) Are entitled (or would, if not receiving institutional services in intermediate care facilities, be entitled) to receive assistance, under the State plan, in the form of money payments; and

(ii) Because of their physical or mental condition (or both) require living accommodations and care which, as a practical matter, can be made available to them only through institutional facilities; and

(iii) Do not have such an illness, disease, injury, or other condition as to require the degree of care and treatment which a hospital or skilled nursing home (as that term is employed in title XIX) is designed to provide.

(2) Provide that, in determining financial eligibility for benefits in the form of institutional services in intermediate care facilities, available income will be applied, first for personal and incidental needs including clothing, and that any remaining income will be applied to the costs of care in the intermediate care facility.

(3) Provide methods of administration that include:

(i) Placing of responsibility, within the State agency, with one or more staff members with sufficient staff time exclusive of other duties to direct and guide the agency's activities with respect to services in intermediate care facilities, including arrangements for consultation and working relationships with the State standard-setting authority and State agencies responsible for mental health and for mental retardation;

(ii) In relation to authorization of benefits, provisions for evaluation by a physician of the individual's physical and mental condition and the kinds and amounts of care he requires; evaluation by the agency worker of the resources available in the home, family and community; and participation by the recipient in determining where he is to receive care, except that in the case of services being provided in a Christian Science Sanatorium, certification by a qualified Christian Science practitioner that the individual meets the requirements specified in subparagraph (1) (ii) and (iii) of this paragraph may be substituted for the evaluation by a physician;

(iii) Provisions for redetermination at least semiannually that the individual is properly a recipient of intermediate care.

(4) Provide for regular, periodic review and reevaluation no less often than annually (by or on behalf of the State agency administering the plan and in addition to the activities described in subparagraph (3) of this paragraph) of recipients in intermediate care facilities to determine whether their current physical and mental conditions are such as to indicate continued placement in the intermediate care facility, whether the services actually rendered are adequate and responsive to the conditions and needs identified, and whether a change to other living arrangements, or other institutional facilities (including skilled nursing homes) is indicated. Such reviews must be followed by appropriate action on the part of the State agency administering the plan. They must be conducted by or under the supervision of a physician with participation by a registered professional nurse and other appropriate medical and social service personnel not employed by or having a financial interest in the facility, except that, in the case of recipients who have elected care in a Christian Science sanatorium, review by a physician or other medical personnel is not required.

(5) Provide that all services with respect to social and related problems which the agency makes available to applicants and recipients of assistance under the plan will be equally available to all applicants for and recipients of benefits in the form of institutional services in intermediate care facilities.

(6) Specify the types of facilities, however described, that will qualify under the State plan for participation as intermediate care facilities, and provide for availability to the Department of Health, Education, and Welfare, upon request of (i) copies of the State's requirements for licensing of such facilities, (ii) any requirements imposed by the State in addition to licensing and to definition of intermediate care facilities; and (iii) a description of the manner in which such requirements are applied and enforced including copies of agreements or contracts, if any, with the licensing authority for this purpose.

(7) Provide for and describe methods of determining amounts of vendor payments to intermediate care facilities which systematically relate amounts of the payment to the kinds, levels, and quantities of services provided to the recipients by the institutions and to the cost of providing such services.

(b) *Other requirements.* Except when inconsistent with purposes of section 1121 of the Act or contrary to any provision therein, any modification, pursuant thereto, of an approved State plan shall be subject to the same conditions, limitations, rights, and obligations as obtained with respect to such approved State plan. Included specifically among such conditions and limitations are the provisions of titles I, X, XIV, and XVI relating to payments to or care in behalf of any individual who is an inmate of a public institution (except as a patient in a medical institution).

(c) *Federal financial participation.* Beginning with the effective date of approval of amendments to the State plan pursuant to section 1121 of the Act, Federal financial participation is available, under this section of the Act, in vendor payments for institutional services provided to individuals who are eligible under the respective State plan and who are residents in intermediate care facilities. The rate of participation is the same as for money payments under the respective title or, if the State so elects, at the rate of the Federal medical assistance percentage as defined in section 1905(b) of the Act.

(d) *Definition of terms.* For purposes of section 1121 of the Social Security Act, the following definitions apply:

(1) *Institutional services.* The term, "institutional services", means those items and services provided by or under

the auspices of the institution which contribute to the health, comfort, and well-being of the residents thereof; except that the term, "institutional services," does not include allowances for clothing and incidental expenses for which money payments to recipients are made under the plan, nor does it include medical care, in a form identifiable as such and separable from the routine services of the facility, for which vendor payments may be made under a State plan approved under title XIX.

(2) *Distinct part of an institution.* A "distinct part" of an institution is defined as a part which meets the definition of an intermediate care facility and the following conditions:

(i) *Identifiable unit.* The "distinct part" of the institution is an entire unit such as an entire ward or contiguous wards, wing, floor, or building. It consists of all beds and related facilities in the unit and houses all residents, except as hereafter provided, for whom payment is being made for intermediate care. It is clearly identified and is approved, in writing, by the agency applying the definition of intermediate care facility herein.

(ii) *Staff.* Appropriate personnel are assigned and work regularly in the unit. Immediate supervision of staff is provided in the unit at all time by qualified personnel.

(iii) *Shared facilities and services.* The distinct part may share such central services and facilities as management services, building maintenance and laundry, with other units.

(iv) *Transfers between distinct parts.* In a facility having distinct parts devoted to skilled nursing home care and intermediate care, which facility has been determined by the appropriate State agency to be organized and staffed to provide services according to individual needs throughout the institution, nothing herein shall be construed to require transfer of an individual within the institution when in the opinion of the individual's physician such transfer might be harmful to the physical or mental health of the individual.

(3) *Intermediate care facility.* An intermediate care facility is an institution or a distinct part thereof which

(i) Is licensed, under State law to provide the residents thereof, on a regular basis, the range or level of care and services as defined in subparagraph (4) of this paragraph, which is suitable to the needs of individuals who

(*a*) Because of their physical or mental limitations or both, require living accommodations and care which, as a practical matter, can be made available to them only through institutional facilities, and

(*b*) Do not have such an illness, disease, injury, or other condition as to require the degree of care and treatment which a hospital or skilled nursing home (as that term is employed in title XIX) is designed to provide;

(ii) Does not provide the degree of care required to be provided by a skilled nursing home furnishing services under a State plan approved under title XIX;

(iii) Meets such standards of safety and sanitation as are applicable to nursing homes under State law; and

(iv) Regularly provides a level of care and service beyond board and room.

The term "intermediate care facility" also includes a Christian Science sanatorium operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Mass.

(4) *Range or level of care and services.* The range or level of care and services suitable to the needs of individuals described in subparagraph (3)(i) of this paragraph is to be defined by the State agency. The following items are recommended as a minimum.

(i) *Admission, transfer, and discharge of residents.* The admission, transfer, and discharge of residents of the facility are conducted in accordance with written policies of the institution that include at least the following provisions.

(*a*) Only those persons are accepted into the facility whose needs can be met within the accommodations and services the facility provides;

(*b*) As changes occur in their physical or mental condition, necessitating service or care not regularly provided by the facility, residents are transferred promptly to hospitals, skilled nursing homes, or other appropriate facilities;

(*c*) The resident, his next of kin, and the responsible agency if any, are consulted in advance of the discharge of any resident, and casework services or other means are utilized to assure that adequate arrangements exist for meeting his needs through other resources.

(ii) *Personal care and protective services.* The types and amounts of protection and personal service needed by each resident of the facility are a matter of record and are known to all staff members having personal contact with the resident. At least the following services are provided.

(*a*) There is, at all times, a responsible staff member actively on duty in the facility, and immediately accessible to all residents, to whom residents can report injuries, symptoms of illness, or emergencies, and who is immediately responsible for assuring that appropriate action is taken promptly.

(*b*) Assistance is provided, as needed by individual residents, with routine activities of daily living including such services as help in bathing, dressing, grooming, and management of personal affairs such as shopping.

(*c*) Continuous supervision is provided for residents whose mental condition is such that their personal safety requires such supervision.

(iii) *Social services.* Services to assist residents in dealing with social and related problems are available to all residents through one or more caseworkers on the staff of the facility; and/or, in the case of recipients of assistance, through caseworkers on the staff of the assistance agency; or through other arrangements.

(iv) *Activities.* Activities are regularly available for all residents, including social and recreational activities involving active participation by the residents, entertainment of appropriate frequency and character, and opportunities for participation in community activities as possible and appropriate.

(v) *Food service.* At least three meals a day, constituting a nutritionally adequate diet, are served in one or more dining areas separate from sleeping quarters, and tray service is provided for residents temporarily unable to leave their rooms.

(vi) *Special diets.* If the facility accepts or retains individuals in need of medically prescribed special diets, the meanus for such diets are planned by a professionally qualified dietitian, or are reviewed and approved by the attending physician, and the facility provides supervision of the preparation and serving of the meals and their acceptance by the resident.

(vii) *Health services.* Whether provided by the facility or from other sources, at least the following services are available to all residents:

(*a*) Immediate supervision of the facility's health services by a registered professional nurse or a licensed practical nurse employed full-time in the facility and on duty during the day shift except that, where the State recognizes and describes two or more distinct levels of institutions as intermediate care facilities such personnel are not required in any level that serves only individuals who have been determined by their physicians not to be in need of such supervision and whose need for such supervision is reviewed as indicated, and at least quarterly;

(*b*) Continuing supervision by a physician who sees the resident as needed and, in no case, less often than quarterly;

(*c*) Under direction by the resident's physician and (where applicable in accordance with (*a*) of this subdivision), general supervision by the nurse in charge of the facility's health services, guidance, and assistance for each resident in carrying out his personal health program to assure that preventive measures, treatments, and medications prescribed by the physician are properly carried out and recorded;

(*d*) Arrangements for services of a physician in the event of an emergency when the resident's own physician cannot be reached;

(*e*) In the presence of minor illness and for temporary periods, bedside care under direction of the resident's physician including nursing service provided by, or supervised by, a registered professional nurse or a licensed practical nurse;

(*f*) An individual health record for each resident including;

(*1*) The name, address, and telephone number of his physician;

(2) A record of the physician's findings and recommendations in the preadmission evaluation of the individual's condition and in subsequent reevaluations and all orders and recommendations of the physician for care of the resident;

(3) All symptoms and other indications of illness or injury brought to the attention of the staff by the resident, or from other sources, including the date, time, and action taken regarding each.

(viii) *Living accommodations.* Space and furnishings provide each resident clean, comfortable, and reasonably private living accommodations with no more than four residents occupying a room, with individual storage facilities for clothing and personal articles, and with lounge, recreation and dining areas provided apart from sleeping quarters.

(ix) *Administration and management.* The direction and management of the facility are such as to assure that the services required by the residents are so organized and administered that they are, in fact, available to the residents on a regular basis and that this is accomplished efficiently and with consideration for the objective of providing necessary care within a homelike atmosphere. Staff are employed by the facility sufficient in number and competence, as determined by the appropriate State agency, to meet the requirements of the residents.

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

Effective date. The regulations in this section are effective on the date of their publication in the FEDERAL REGISTER.

Dated: January 19, 1970.

MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: May 28, 1970.

JOHN G. VENEMAN,
Acting Secretary.

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